



LAWS OF ALASKA

2023

Source

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Chapter No.

AN ACT

Relating to the sharing of confidential health information between the Department of Health and the Department of Family and Community Services; relating to home- and community-based services under the medical assistance program; relating to medical assistance for recipients of Medicaid waivers; establishing a host care home license and procedures; providing for the transition of individuals from foster care to host home care settings; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1

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1 Relating to the sharing of confidential health information between the Department of Health
2 and the Department of Family and Community Services; relating to home- and community-
3 based services under the medical assistance program; relating to medical assistance for
4 recipients of Medicaid waivers; establishing a host care home license and procedures;
5 providing for the transition of individuals from foster care to host home care settings; and
6 providing for an effective date.

7

8 * **Section 1.** AS 47.05 is amended by adding a new section to read:

9 **Sec. 47.05.115. Access to identifiable health information.** Notwithstanding a
10 contrary provision of law, the Department of Health and the Department of Family
11 and Community Services shall share identifiable health information, regardless of the
12 confidential nature of the information, between and within the departments as
13 necessary to enable administration or operation of the sending or receiving

1 department. Information shared in accordance with this section shall be acquired,
2 used, disclosed, and stored in a confidential manner that safeguards the security of the
3 information in a physically, administratively, and technologically secure environment.
4 In this section, "identifiable health information" has the meaning given in
5 AS 18.15.395.

6 * **Sec. 2.** AS 47.07.045 is amended by adding a new subsection to read:

7 (e) Unless prohibited by federal law, the state shall allow a legally responsible
8 person to provide personal care services under this section to a recipient of medical
9 assistance under the 1915(k) state plan option under 42 U.S.C. 1396n.

10 * **Sec. 3.** AS 47.07 is amended by adding a new section to read:

11 **Sec. 47.07.048. Host home care services.** (a) The department shall pay for
12 host home care services for an individual at a daily rate set by the department in
13 regulation if

14 (1) the individual is enrolled in and receiving medical assistance under
15 AS 47.07.020;

16 (2) the individual is at least 18 years of age;

17 (3) the individual is enrolled in home and community-based waiver
18 services under AS 47.07.045;

19 (4) the individual's support plan is approved for host home care
20 services; and

21 (5) the person providing the services to the individual holds a host care
22 home license issued under AS 47.32.

23 (b) Notwithstanding the limitations of Medicaid coverage under
24 AS 47.07.020, an individual may receive habilitative and rehabilitative care in
25 addition to host home care services.

26 (c) The department shall adopt regulations to implement this section,
27 including regulations that

28 (1) set a daily rate for host home care services to be paid under this
29 section;

30 (2) establish standards for caring for an individual receiving host home
31 care services in the home care setting;

- 1 (3) establish standards for operating a host care home;
2 (4) establish a procedure for transitioning an individual from a licensed
3 foster care home to a licensed host care home; and
4 (5) establish a simple and efficient process to allow a foster parent who
5 holds a foster home license issued under AS 47.32 to transition from the foster home
6 license to a host care home license under AS 47.32.033 for the purpose of maintaining
7 the placement of and services provided to an individual who is
8 (A) transitioning out of foster care;
9 (B) enrolled in home and community-based waiver services
10 under AS 47.07.045; and
11 (C) 18 years of age or older.

12 * **Sec. 4.** AS 47.32.010(b) is amended to read:

13 (b) The following entities are subject to this chapter and regulations adopted
14 under this chapter by the Department of Health:

- 15 (1) ambulatory surgical centers;
16 (2) assisted living homes;
17 (3) child care facilities;
18 (4) freestanding birth centers;
19 (5) home health agencies;
20 (6) hospices, or agencies providing hospice services or operating
21 hospice programs;
22 (7) hospitals;
23 (8) intermediate care facilities for individuals with an intellectual
24 disability or related condition;
25 (9) maternity homes;
26 (10) nursing facilities;
27 (11) residential child care facilities;
28 (12) residential psychiatric treatment centers;
29 (13) rural health clinics;
30 (14) subacute mental health facilities;
31 **(15) host care homes.**

1 * **Sec. 5.** AS 47.32 is amended by adding a new section to read:

2 **Sec. 47.32.033. Host care home license.** (a) The Department of Health may
3 issue a license to a person under this section and regulations adopted under this section
4 to operate a host care home to provide 24-hour oversight and care on a continuing
5 basis for up to two individuals if each individual is

6 (1) 18 years of age or older; and

7 (2) enrolled in Medicaid home and community-based waiver services
8 under AS 47.07.045.

9 (b) A host care home shall provide care to an individual under this section in
10 accordance with the approved services established in the individual's plan of care,
11 which must identify the specific physical, mental, and social care needs of the
12 individual.

13 (c) The Department of Health may establish standards in regulation that
14 authorize care for up to three individuals based on unusual circumstances, including
15 historical or familial connections of the individuals receiving services.

16 * **Sec. 6.** AS 47.32.900(2) is amended to read:

17 (2) "assisted living home"

18 (A) means a residential facility that serves three or more adults
19 who are not related to the owner by blood or marriage, or that receives state or
20 federal payment for services regardless of the number of adults served; the
21 **Department of Health** [DEPARTMENT] shall consider a facility to be an
22 assisted living home if the facility

23 (i) provides housing and food services to its residents;

24 (ii) offers to provide or obtain for its residents
25 assistance with activities of daily living;

26 (iii) offers personal assistance as defined in
27 AS 47.33.990; or

28 (iv) provides or offers any combination of these
29 services;

30 (B) does not include

31 (i) a correctional facility;

- 1 (ii) an emergency shelter;
2 (iii) a program licensed under AS 47.10.310 for
3 runaway minors;
4 (iv) a type of entity listed in AS 47.32.010(b)(6) - (10),
5 (15), or (c)(2) [AS 47.32.010(b)(6) - (10) OR (c)(2)];

6 * **Sec. 7.** AS 47.32.900 is amended by adding a new paragraph to read:

7 (21) "host care home" means a home in which the adult head of
8 household resides and provides 24-hour care on a continuing basis under a license
9 issued under AS 47.32.033 for an individual eligible under AS 47.07.048.

10 * **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 MEDICAID STATE PLAN. The Department of Health shall submit as necessary for
13 approval by the United States Department of Health and Human Services amendments to the
14 state plan under AS 47.07.040, a section 1915(c) waiver, or a section 1115 demonstration
15 waiver under 42 U.S.C. 1396 - 1396p (Social Security Act) to allow enrolled individuals to
16 receive host home care services under AS 47.07.048, enacted by sec. 3 of this Act, including,
17 if approved as not being a duplicative service, allowing other long-term care services under 42
18 U.S.C. 1396 - 1396p (Title XIX, Social Security Act) while receiving host home care services
19 under AS 47.07.048(c), enacted by sec. 3 of this Act.

20 * **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to
21 read:

22 CONDITIONAL EFFECT; NOTIFICATION. (a) Section 3 of this Act takes effect
23 only if, and to the extent that, before July 1, 2027, the United States Department of Health and
24 Human Services approves amendments submitted under sec. 8 of this Act.

25 (b) The commissioner of health shall notify the revisor of statutes in writing within 30
26 days after the United States Department of Health and Human Services approves amendments
27 to the state plan.

28 * **Sec. 10.** If AS 47.07.048, enacted by sec. 3 of this Act, or a portion of AS 47.07.048,
29 enacted by sec. 3 of this Act, takes effect, it takes effect on the day after the date the revisor of
30 statutes receives notice from the commissioner of health under sec. 9(b) of this Act.