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3/21/20

SENATE CS FOR CS FOR HOUSE BILL NO. 96(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES FIELDS, Josephson, Tuck, Ortiz, Drummond, Shaw, Spohnholz, Story,
Foster, Hannan, LeDoux

SENATORS Kawasaki, Wielechowski, Olson, Begich, Gray-Jackson, Kiehl, Giessel

A BILL**FOR AN ACT ENTITLED**

"An Act relating to Alaska Pioneers' Home and Alaska Veterans' Home payments,
rates, and services; and providing for an effective date."

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

* **Section 1.** AS 47.55.010(e) is amended to read:

(e) The department may engage in activities directed to increase revenue from
a home. These activities may include the use [LEASE] of excess bed or floor space,
up to 50 percent of the total floor space in a home, or lease of space or buildings that
are not in use or are underutilized.

* **Sec. 2.** AS 47.55.020(a) is amended to read:

(a) Every person residing in the state who is 60 [65] years of age or older, has
been a resident of the state continuously for more than one year immediately
preceding application for admission, and is in need of residence at a home because of
physical disability or other reason, is eligible for admission to the Alaska Pioneers'
Home or the Alaska Veterans' Home under conditions prescribed in regulations. The
spouse of a person who is eligible for admission under other provisions of this

subsection is also eligible for admission to a home under conditions prescribed by the department if the spouse is 60 [65] years of age or older and has been a resident of the state continuously for more than one year immediately preceding application for admission.

* **Sec. 3.** AS 47.55.020(b) is amended to read:

(b) Every person admitted to a home who receives income from any source in excess of \$200 a month shall be required by the department to pay the excess to the department immediately upon receipt of the money in payment, or part payment, of the cost of the person's care. However, the department may not require in any month the payment of an amount greater than the monthly or daily rates [RATE] set under AS 47.55.030(f) plus charges under AS 47.55.030(b) except to satisfy indebtedness incurred under AS 47.55.070. The department may not evict a person from a home if the income and assets of the person are insufficient to pay the monthly or daily rates [RATE] set under AS 47.55.030(f) plus charges under AS 47.55.030(b) and the person is otherwise in compliance with requirements under this chapter.

* **Sec. 4.** AS 47.55.020(d) is amended to read:

(d) Notwithstanding AS 47.55.070 and (b) of this section, a resident of a home whose income, assets, and other resources are insufficient to pay the monthly or daily rates [RATE] set under AS 47.55.030(f) plus charges under AS 47.55.030(b), and who does not have private insurance to cover the cost of care, qualifies for payment assistance if the resident is otherwise in compliance with requirements under this chapter. The amount of payment assistance equals the amount needed, when added to other income and assets of the resident, to pay the monthly or daily rates [RATE] set under AS 47.55.030(f) plus charges under AS 47.55.030(b). Payment assistance received by a home resident is a debt to the state. In determining the amount of payment assistance for which a home resident qualifies, the following income, assets, and other resources of the resident shall be disregarded:

- (1) income from any source in an amount up to \$200 a month as established by the department by regulation;
- (2) the following assets received under 43 U.S.C. 1601 et seq. (Alaska Native Claims Settlement Act):

(A) cash dividends and other income equal to at least \$2,000 as established by the department by regulation;

(B) stock;

(C) noncash dividends from stock; and

(D) land;

(3) a permanent fund dividend issued under AS 43.23;

(4) compensation to volunteers under the federal retired and senior volunteers (42 U.S.C. 5001), foster grandparents (42 U.S.C. 5011), and senior companion (42 U.S.C. 5013) programs made in accordance with 42 U.S.C. 5044(f);

(5) federal World War II restitution payments made under 50 U.S.C. App. 1989b-4 and c-5;

(6) payments under AS 18.67 (Violent Crimes Compensation Board);

(7) an amount, determined by the department by regulation, that is sufficient for burial expenses of the resident, the resident's spouse, and dependents of the resident;

(8) real property being used as the primary residence of the resident's spouse or a dependent of the resident;

(9) other real or personal property equal to at least a total value of up to \$10,000 as established by the department by regulation;

(10) federal payments that are excluded by law from income for federal assistance purposes.

* **Sec. 5.** AS 47.55.030(a) is amended to read:

(a) A person eligible for admission under AS 47.55.020 may, on application, be admitted to the Alaska Pioneers' Home or the Alaska Veterans' Home upon the person's agreement to pay to the state the applicable [EACH MONTH AN] amount specified in (f) of this section plus charges under (b) of this section [THE DEPARTMENT CONSIDERS SUFFICIENT TO COMPENSATE THE STATE FOR THE COST OF CARE AND SUPPORT OF THE PERSON AT THE HOME]. When this agreement is entered into, the department may require security for the payments.

* **Sec. 6.** AS 47.55.030(b) is repealed and reenacted to read:

(b) The department may charge a home resident reasonable fees to cover the

cost of supplies, medication, equipment, and services provided to the home resident that are not included in the monthly or daily rates specified in (f) of this section.

* **Sec. 7.** AS 47.55.030 is amended by adding new subsections to read:

(f) Except as provided in (b) and (g) of this section, the department may charge a home resident a monthly or daily rate of not more than

(1) \$2,976 a month for the provision of level I care;

(2) \$5,396 a month for the provision of level II care;

(3) \$7,814 a month for the provision of level III care;

(4) \$9,333 a month for the provision of level IV care;

(5) a monthly rate the department considers sufficient to compensate the state for the cost of care and support of the person at the home for the provision of level V care;

(6) \$200 a day for services provided in a home to a recipient who requires the provision of housing, meals, emergency assistance, medication administration, health-related services, recreation, and extensive assistance with activities of daily living for up to eight hours a day between 6:00 a.m. and 6:00 p.m., including meals scheduled during the period the recipient is receiving the services;

(7) \$322 a day for room and board provided in a home to a recipient who requires the provision of housing, meals, emergency assistance, medication administration, health-related services, recreation, and extensive assistance with activities of daily living for 24 hours a day for up to 14 consecutive days.

(g) Not later than 90 days after social security benefits are increased under 42 U.S.C. 415(i) of the Social Security Act, the department shall adjust the monthly and daily rates in (f) of this section by a percentage equal to the percentage increase in the cost-of-living adjustment provided for the social security benefits. The department may not make any other changes to the rates in (f) of this section.

(h) The department shall by regulation define and establish criteria for each level of care in (f)(1) - (5) of this section.

* **Sec. 8.** AS 47.55.070 is amended to read:

Sec. 47.55.070. Indebtedness of home resident to state. The following expenses incurred for an Alaska Pioneers' Home or Alaska Veterans' Home resident

under this chapter and not recoverable from a collateral source are a debt of the resident to the state and may be recovered during the life of the resident:

(1) costs of standard or nursing care provided in the home each month to the resident not exceeding the rates and charges [RATE] established [BY THE DEPARTMENT] under AS 47.55.030, with credit given for any amounts paid by or collected from the resident;

(2) allowances paid under AS 47.55.020(c);

(3) arrearages in fees for television and telephone services provided in the home; and

(4) costs of prescription medicine.

* **Sec. 9.** AS 47.55.030(c) and 47.55.030(d) are repealed.

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

TRANSITION: REGULATIONS. The Department of Health and Social Services shall adopt regulations necessary to implement this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the effective date of the law implemented by the regulation.

* **Sec. 11.** Section 10 of this Act takes effect immediately under AS 01.10.070(c).

* **Sec. 12.** Except as provided in sec. 11 of this Act, this Act takes effect July 1, 2020.