

SENATE BILL NO. 98

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 3/3/21

Referred: Health and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to medical assistance for recipients of adult foster care services;**
2 **establishing an adult foster care home license and procedures; and providing for the**
3 **transition of individuals from foster care to adult foster care homes."**

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

5 *** Section 1.** AS 47.07 is amended by adding new sections to read:

6 **Sec. 47.07.047. Declaration of policy.** It is the policy of the state and the
7 purpose of AS 47.07.048 to support individuals who are or were in the custody of the
8 state under AS 47.10, residing in a licensed foster care home, and eligible for home
9 and community-based waiver services by providing the means for an individual to
10 remain in the same home and with the same families when they are released from state
11 custody after turning 18 years of age. The department shall make reasonable efforts to
12 implement adult foster care services in a streamlined manner for the benefit of both
13 the individual being released from state custody and that individual's foster family.

14 **Sec. 47.07.048. Adult foster care services.** (a) The department shall make a

1 reasonable effort to assist a foster parent who holds a license to operate a foster home
 2 under AS 47.32 with the process to transition from a foster home license to an adult
 3 foster care home license in order to maintain the placement of and services provided to
 4 a minor who is eligible for home and community-based waiver services under
 5 AS 47.07.045 and who is being released from state custody after turning 18 years of
 6 age.

7 (b) The department shall pay for adult foster care services at a daily rate set by
 8 the department in regulation if

9 (1) the individual receiving adult foster care services is eligible for
 10 medical assistance under AS 47.07.020;

11 (2) the individual's support plan is approved for adult foster care
 12 services; and

13 (3) the person providing adult foster care services under this section
 14 receives a license to operate an adult foster care home under AS 47.32.

15 (c) Notwithstanding other limitations of Medicaid coverage under
 16 AS 47.07.020, an individual may receive habilitative and rehabilitative care in
 17 addition to adult foster care services.

18 (d) The department shall adopt regulations to implement this section,
 19 including regulations that

20 (1) set a daily rate for adult foster care services under (b) of this
 21 section;

22 (2) provide standards for long-term care support for an individual
 23 receiving adult foster care services;

24 (3) create standards for operating an adult foster care home;

25 (4) create a procedure to transition a minor in a licensed foster care
 26 home to a licensed adult foster care home.

27 (e) In this section, "adult foster care home" has the meaning given in
 28 AS 47.32.900.

29 * **Sec. 2.** AS 47.32.010(b) is amended to read:

30 (b) This chapter and regulations adopted under this chapter apply to the
 31 following entities:

- (1) ambulatory surgical centers;
- (2) assisted living homes;
- (3) child care facilities;
- (4) child placement agencies;
- (5) foster homes;
- (6) freestanding birth centers;
- (7) home health agencies;
- (8) hospices, or agencies providing hospice services or operating hospice programs;
- (9) hospitals;
- (10) intermediate care facilities for individuals with an intellectual disability or related condition;
- (11) maternity homes;
- (12) nursing facilities;
- (13) residential child care facilities;
- (14) residential psychiatric treatment centers;
- (15) runaway shelters;
- (16) rural health clinics;
- (17) crisis stabilization center;
- (18) adult foster care homes.**

* **Sec. 3.** AS 47.32 is amended by adding a new section to read:

Sec. 47.32.033. Adult foster care home license; variance. (a) The department may license a person to operate an adult foster home for a minor when the minor turns 18 years of age if the person

(1) holds a license under this chapter to operate a foster home at the time of application;

(2) is providing care for a minor who is or who, at the time of turning 18 years of age, was

(A) in the custody of the state;

(B) residing in the person's licensed foster care home; and

(C) receiving home and community-based waiver services

1 under AS 47.07.045.

2 (b) The department shall streamline the application and licensing paperwork
3 necessary for a person to be approved as an adult foster care home.

4 (c) The department shall approve a variance of the applicable building code
5 requirements for licensure of an adult foster care home to the extent permitted by
6 federal law if an applicant does not meet the requirements at the time of inspection and

7 (1) the home design and construction is consistent with homes located
8 in the community; and

9 (2) the home is otherwise a safe environment for the individual
10 receiving care.

11 * **Sec. 4.** AS 47.32.900 is amended by adding a new paragraph to read:

12 (23) "adult foster care home" means a residence in which the adult
13 head of household provides 24-hour care on a continuing basis to not more than two
14 adults for compensation or reimbursement for approved services provided to an
15 individual eligible under AS 47.07.048 unless the provider has received a variance
16 from the department to serve more than two adults or children; in this paragraph,
17 "care" means to provide or oversee for the physical, mental, and social needs of an
18 individual.

19 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
20 read:

21 **WAIVERS.** The Department of Health and Social Services shall submit for approval
22 by the United States Department of Health and Human Services an amendment to the state
23 plan, the 1915(c) waivers, or a 1115 demonstration waiver to allow eligible individuals to
24 receive adult foster care services, including, if approved as not being a duplicative service,
25 allowing other long-term care services under 42 U.S.C. 1396 - 1396p (Title XIX, Social
26 Security Act) while receiving adult foster care services under this Act. In this section, "adult
27 foster care home" has the meaning given in AS 47.32.900, as amended by sec. 4 of this Act.

28 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
29 read:

30 **REVISOR'S INSTRUCTION.** (a) If this Act and an executive order submitted by the
31 governor to the Thirty-Second State Legislature in the First Regular Session reorganizing the

1 Department of Health and Social Services both become law, the revisor of statutes is
2 requested to give effect to both the provisions of this Act and the executive order by changing
3 the "Department of Health and Social Services" to the "Department of Health."

4 (b) If this Act and an Act amending the term "crisis stabilization center" to read
5 "subacute mental health facility" both become law, the revisor of statutes is requested to give
6 effect to both Acts.