



March 26, 2021

Commissioner Adam Crum
Alaska Department of Health and Social Services
3601 C. Street
Anchorage, AK. 99503 Sent via email to adam.crum@alaska.gov

Dear Commissioner Crum,

On behalf of the Mat-Su Health Foundation and its Board of Directors, I am writing to express support for Senate Bill 89 and House Bill 103 to bring Alaska law into compliance with federal changes related to “house rules” in assisted living homes.

The Mat-Su Health Foundation has five focus areas in which we prioritize our work. Healthy Aging is the name of one of those focus areas and it was among the earliest priorities of the foundation. Mat-Su has the fastest growing older adult population in the state, increasing by 64.6 percent between 2010 and 2017, compared to a 43.9 percent increase for the state of Alaska. By 2030, more than one in five Mat-Su residents, nearly 27,500 people, will be age 60 and older, and our number of residents over the age of 85 years will increase by 188 percent to 1,864. These residents are among the most vulnerable and often require more intense services.

Current Alaska law allows assisted living homes to establish house rules that address residents’ rights to having visitors. While the state law says the house rules may not be “unreasonably” restrictive, the federal regulation is more explicit, stating that individuals on waivers and in such settings must be “able to have visitors of their choosing at any time.” The Mat-Su Health Foundation supports this change because it will ensure that a basic human right is afforded to residents of any assisted living home in Alaska that establishes house rules. Alaskans in these settings deserve living in conditions as close as possible to what they would have in their own homes.

In addition, ongoing financial participation in Alaska’s waiver programs by the federal government is reliant on services being provided in compliant settings. Without change to Alaska law, the long-term stability of Medicaid waivers for home and community-based services is at risk, and therefore the individuals in assisted living are at risk as well.

The Mat-Su Health Foundation will be actively advocating for passage Senate Bill 93 and House Bill 103 so that our most vulnerable and treasured citizens can receive the care they deserve.

Sincerely,

President and Chief Executive Officer

Cc: John Lee, Director, Division of Senior and Disabilities Services



The Honorable David Wilson
Chairman
Senate Health and Social Services Committee
Via Email: Senate.Health.And.Social.Services@akleg.gov

Re: SB 89 Regarding Assisted Living Homes: House Rules

Dear Chairman Wilson,

Please accept this letter in support of Senate Bill 89 on behalf of All Ways Caring. All Ways Caring is a Medicaid-funded service provider operating Assisted Living Facilities (ALFs) in Homer, Soldotna and Wasilla. Our organization provides services to individuals who qualify for Medicaid and who opt to receive these services in a home and community-based setting. In addition to Assisted Living, All Ways Caring provides in-home personal care supports through Medicaid Home and Community Based Services (HCBS) Waiver programs and the Community First Choice program. In total, All Ways Caring serves nearly five hundred individuals and employs more than six hundred direct care workers and administrative staff across the state.

All Ways Caring supports the intent of SB 89 to bring ALF House Rules, and the operations of Assisted Living Homes generally, in line with the federal Home and Community Based Settings (HCBS) Rule. This works to ensure that Medicaid-funded HCBS programs offer people with disabilities the opportunity to live, work and receive services in integrated, community settings. If passed, this bill moves the state of Alaska one step closer to full implementation of the HCBS Settings Rule by codifying HCBS Settings compliance standards for ALF providers.

Senior and Disabilities Services (SDS) has been working with providers to bring ALF care settings across the state into compliance with the HCBS Settings Rule for some time. At All Ways Caring, we operate our ALF settings in alignment with the HCBS Settings Rule and will continue to do so moving forward.

I may be reached at the contact information below if you have any additional questions or comments. Thank you for the opportunity to comment.

Sincerely,

Phil Schwarz
State Director – Alaska
1400 W Benson Blvd Ste 200
Anchorage, AK 99503
913-213-8234 cell
Phil.Schwarz@allwayscaring.com

cc: Members of the Senate Health and Social Services Committee



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

Health and Social Services

ALASKA COMMISSION ON AGING

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March 8, 2021

Commissioner Adam Crum
Department of Health and Social Services
3601 C Street, Suite 902
Anchorage, Alaska 99503

Subject: ACoA Letter of Support, HB103/SB89

Dear Commissioner Crum,

The Alaska Commission on Aging is pleased to offer support for HB103/SB89 which will bring Alaska law into compliance with recent Centers of Medicare and Medicaid Services changes related to home and community-based services provided in assisted living homes.

This bill was developed to ensure home and community-based services providers give people who are on Medicaid Waivers the same access to the community as people who are receiving care through a different payor source. Current state law says assisted living home (or house) rules may not be "unreasonably" restrictive. However, federal regulations that govern Medicaid Waivers in such settings are more specific, stating residents must be "able to have visitors of their choosing at any time." The bill inserts language in the assisted living home licensing homes statute to ensure this human right is afforded to residents in any assisted living home in Alaska that establishes house rules. This will ensure that Alaskans in these settings are living in conditions as close as possible to those they would have in their own homes, a value strongly supported by Alaska's seniors.

If adopted, this statute would ensure house rules for assisted living homes would explicitly require consistency with federal regulation, with respect to allowing visitors of their choosing at any time. Seniors wish to maintain freedom and independence as they age, and adoption of this statute will ensure their rights are protected.

Sincerely,

A handwritten signature in cursive script that reads "Lisa Morley".

Lisa Morley
Alaska Commission on Aging
Executive Director

Sincerely,

A handwritten signature in cursive script that reads "Gordon Glaser".

Gordon Glaser
Alaska Commission on Aging
Board Chair

March 24, 2021

Commissioner Adam Crum
Department of Health and Social Services
3601 C Street, Suite 902
Anchorage, AK 99503

Dear Commissioner Crum,

I am writing this letter to show my support for House Bill 103 and Senate Bill 89 which are designed to bring our state statutes in line with the federal regulations for Assisted Living.

In 2003, I started to manage a small Assisted Living home in Palmer. I continued to do so and expanded my management to a total of four facilities in the Mat-Su Valley that I have successfully managed for the past 19 years. My experience with Assisted Living in Alaska is extensive. We live in a state with many special circumstances and needs because of how our communities are so different. I know that this is why our current state statutes are written the way they are. They offer a level of flexibility for the facility so that they can operate in different areas of the state.

The only problem with these current statutes is they can be confusing and sometimes unfair to the residents that live in them. Federal regulations that have come out in the past five years have changed how we run these facilities. When I first started the focus was on the management of the business. The facility management could control what a resident could do, when they could do it, and make decisions for the person that would sometimes be more beneficial for the facility.

The federal regulations changed this by making it very clear that the facility needs to adjust to the choice and desire of the resident that lives in the home. They outline that what a person chooses is the most important thing, and that it's the responsibility of the facility to adjust the business practice to ensure that this happens. These regulations have made it more difficult to manage the Assisted Living homes, but speaking as someone that manages them, it can be done through creative thinking and problem solving.

Overall, the federal regulations have shown me that when the resident has the choice to live in the way they choose, they are happier and feel more in control of their life. I know that House Bill 103 and Senate Bill 89 are designed to bring our state statutes in line with these federal regulations and I fully support this as an Alaskan with parents that need Assisted Living and as a 19-year provider of these services. It's only fair that the people that need assisted living know they are still in control of their lives even if they need help with some aspects of it.

A majority of the facilities in the state currently follow the federal guidelines but I know that by reading House Bill 103 and Senate Bill 89 that this also requires that all facilities follow them moving forward. This is important because it can be confusing for one facility to do things one way and a different facility to do it another way. The key is that every Alaskan that needs these services be treated the same, no matter which facility they live in.

Assisted Living licensing is difficult and sometimes confusing. I will always support any state law changes that make the licensing statutes clearer and that do not change from the federal regulations. When this happens, it puts a difficult burden on the state licensing professionals to make judgements and determinations that can sometimes put them at odds with the providers. Changing state statutes to align with federal expectations will make it more clear for the licensing professionals to communicate expectations with all providers moving forward.

Commissioner Crum, I hope that this letter helps move these important parts of legislation forward. I am willing to clarify any of this at any time to you, your office or any of our state representatives that would need my help. Long term care is very difficult, it is volatile and expensive. House Bill 103 and Senate Bill 89 help make providing long term care in Alaska clearer and provides better services for Alaskans.

Sincerely,

Nathan Dahl
Administrator
Colony Assisted Living Homes