

SENATE BILL NO. 178

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE SENATE HEALTH AND SOCIAL SERVICES COMMITTEE

Introduced: 4/22/25

Referred: Health and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to early intervention services for certain children; relating to optional**
2 **services under the medical assistance program; and providing for an effective date."**

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

4 * **Section 1.** AS 47.07.030(b) is amended to read:

5 (b) In addition to the mandatory services specified in (a) of this section and the
6 services provided under (d) of this section, the department may offer only the
7 following optional services: case management services for traumatic or acquired brain
8 injury; case management and nutrition services for pregnant women; personal care
9 services in a recipient's home; emergency hospital services; long-term care
10 noninstitutional services; medical supplies and equipment; advanced practice
11 registered nurse services; clinic services; rehabilitative services for children eligible
12 for services under AS 47.07.063, substance abusers, and emotionally disturbed or
13 chronically mentally ill adults; targeted case management services; inpatient
14 psychiatric facility services for individuals 65 years of age or older and individuals

under 21 years of age; psychologists' services; clinical social workers' services; marital and family therapy services; professional counseling services; midwife services; prescribed drugs; physical therapy; occupational therapy; chiropractic services; low-dose mammography screening, as defined in AS 21.42.375(e); hospice care; treatment of speech, hearing, and language disorders; adult dental and dental hygiene services; prosthetic devices and eyeglasses; optometrists' services; intermediate care facility services, including intermediate care facility services for persons with intellectual and developmental disabilities; skilled nursing facility services for individuals under 21 years of age; **early intervention services for children eligible under AS 47.20.080;** and reasonable transportation to and from the point of medical care.

* **Sec. 2.** AS 47.20.060 is amended to read:

Sec. 47.20.060. Purpose. It is the purpose of AS 47.20.060 - 47.20.290 to

(1) subject to the availability of funding, provide quality learning and related early intervention family support services to eligible children under the age of three who have developmental delays or disabilities [AND, ON A DISCRETIONARY BASIS, TO THOSE CHILDREN UNDER THE AGE OF THREE WHO ARE AT RISK OF DEVELOPMENTAL DELAYS OR DISABILITIES];

(2) bring together and make optimal use of all available federal, state, local, and private resources for the benefit of children under the age of three with developmental delays or disabilities and their families;

(3) expand and improve existing learning and early intervention services and to provide and arrange for comprehensive services through local agencies and statewide support programs.

* **Sec. 3.** AS 47.20.070(c) is amended to read:

(c) In connection with the system established under (a) of this section, the department shall

(1) develop a state plan that identifies the best methods of providing services to children under the age of three with developmental delays or disabilities and their families and report to the governor on the extent to which that plan is being implemented in the state;

(2) develop and implement an educational program concerning the

1 nature and effects of developmental delays and disabilities;

2 (3) serve as a clearinghouse for educational materials and information
3 about developmental delays and disabilities;

4 (4) organize and encourage training programs for persons who provide
5 services to children under the age of three with developmental delays and disabilities
6 and their families;

7 (5) [ESTABLISH A TRAINING PROGRAM FOR
8 PARAPROFESSIONALS WHO PROVIDE SERVICES TO CHILDREN UNDER
9 THE AGE OF THREE WITH DEVELOPMENTAL DELAYS AND DISABILITIES
10 AND THEIR FAMILIES;

11 (6)] cooperate with other public and private agencies and individuals to
12 facilitate the transition of children served in the early intervention system to the formal
13 education system;

14 (6) [(7)] identify and use all public and private resources available to
15 the state;

16 (7) [AND (8)] monitor and evaluate the services provided to ensure the
17 demonstrable effectiveness of the services and compliance with state and federal law
18 and department policy regarding the provision of early intervention services; **and**

19 **(8) at least every five years, in consultation with medical**
20 **professionals and the state entity that satisfies the requirement for a state**
21 **interagency coordinating council as provided under 20 U.S.C. 1441, review the**
22 **conditions that qualify as a disability under AS 47.20.060 - 47.20.290 and, as**
23 **appropriate, make recommendations to the legislature on updating those**
24 **conditions.**

25 * **Sec. 4.** AS 47.20.080(a) is amended to read:

26 (a) A child and the child's family are eligible for [CORE] early intervention
27 services [AND ADDITIONAL EARLY INTERVENTION SERVICES] under
28 AS 47.20.060 - 47.20.290 if the child is under the age of three and

29 [(1)] experiencing developmental delay or disability [; OR

30 (2) AT RISK OF EXPERIENCING DEVELOPMENTAL DELAY
31 OR DISABILITY IF EARLY INTERVENTION SERVICES ARE NOT

1 PROVIDED].

2 * **Sec. 5.** AS 47.20.100 is amended to read:

3 **Sec. 47.20.100. Individualized family service plan.** The individualized
4 family service plan developed under AS 47.20.090(b)(2) shall be based on the
5 evaluation conducted under AS 47.20.090(b)(1) and must include [, SUBJECT TO
6 AS 47.20.080(b),]

7 (1) provisions for case management services to implement the plan,
8 including the name of the case manager from the profession most immediately
9 relevant to the child's or family's needs who will be responsible for the implementation
10 of the plan and coordination with other agencies and persons;

11 (2) a statement of the child's present levels of physical development,
12 cognitive development, language and speech development, psychosocial development,
13 and self-help skills, based on appropriate objective criteria;

14 (3) a description of the family's concerns, priorities, and resources as
15 they relate to the future enhancement of the child's development;

16 (4) a description of the specific early intervention services that will
17 help meet the unique needs of the child and the family, including the frequency,
18 intensity, and method with which the services should be delivered;

19 (5) the projected dates for initiation of services and the anticipated
20 duration of the services;

21 (6) an outline of the major outcomes expected to be achieved for the
22 child and the family along with the criteria, procedures, and timelines that will be used
23 to determine the degree to which progress toward achieving the outcomes are being
24 made and whether modifications or revisions of the outcomes or services are
25 necessary; and

26 (7) a statement of the steps that will be taken to support the transition
27 of the child and the family to the use of services available under other appropriate
28 programs, including programs for children who are three years of age or older.

29 * **Sec. 6.** AS 47.20.290(4) is amended to read:

30 (4) "developmentally delayed" means

31 **(A) for services not provided under 20 U.S.C. 1431 - 1445**

1 **(Individuals with Disabilities in Education Act), as amended,** functioning at
 2 least 15 percent below a chronological or corrected age or **the equivalent** [1.5]
 3 standard **deviation** [DEVIATIONS] below age appropriate norms in one or
 4 more of the following areas: cognitive development, gross motor development,
 5 sensory development, speech or language development, or psychosocial
 6 development, including self-help skills and behavior, as measured and verified
 7 by appropriate diagnostic instruments and procedures or through systematic
 8 observation of functional abilities in a daily routine by two professionals and a
 9 parent, developmental history, and appropriate assessment procedures; **or**

10 **(B) for services provided under 20 U.S.C. 1431 - 1445**
 11 **(Individuals with Disabilities in Education Act), as amended, functioning**
 12 **at least 25 percent below a chronological or corrected age or the**
 13 **equivalent standard deviation below age appropriate norms in one of the**
 14 **areas listed in (A) of this paragraph, or at least 20 percent below a**
 15 **chronological or corrected age or the equivalent standard deviation below**
 16 **age appropriate norms in two or more of the areas listed in (A) of this**
 17 **paragraph;**

18 * **Sec. 7.** AS 47.20.290(6) is repealed and reenacted to read:

19 (6) "early intervention services" means the following services designed
 20 to help meet the developmental needs of a child under the age of three who is
 21 developmentally delayed or disabled:

- 22 (A) assistive technology devices and services;
- 23 (B) early identification, screening, and assessment;
- 24 (C) family training, counseling, and home visits;
- 25 (D) health services for the child that are necessary to enable the
- 26 child to benefit from the other services described in this paragraph;
- 27 (E) medical services only for diagnostic or evaluation purposes;
- 28 (F) occupational therapy;
- 29 (G) physical therapy;
- 30 (H) psychological services;
- 31 (I) service coordination services;

(J) sign language and cued language services;

(K) special instruction (developmental therapy);

(L) speech-language pathology and audiology services;

(M) social work services;

(N) transportation and related costs that are necessary to enable the child and the child's family to receive a service described in this paragraph;

(O) vision services; and

(P) other services identified by the department in regulation.

* **Sec. 8.** AS 47.20.080(b), 47.20.290(1), and 47.20.290(2) are repealed.

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

REPORT TO THE LEGISLATURE. By July 1, 2029, the Department of Health shall submit a report to the senate secretary and chief clerk of the house of representatives and notify the legislature that the report is available. The report must include the number of children in the state who need early intervention services, the number of children in the state being provided early intervention services, the types of early intervention services provided in the state, the cost of early intervention services provided in the state, the amount of federal funding received by the state for early intervention services, and recommendations for any additional statutory changes that may be needed to improve and expand early intervention services to eligible children under the age of three who have developmental delays or disabilities.

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

MEDICAID STATE PLAN FEDERAL APPROVAL. To the extent necessary to implement this Act, the Department of Health shall amend and submit for federal approval the state plan for medical assistance coverage consistent with AS 47.07.030(b), as amended by sec. 1 of this Act.

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

CONDITIONAL EFFECT. (a) Section 1 of this Act takes effect only if, on or before July 1, 2026, the United States Department of Health and Human Services

1 (1) approves the amendments to the state plan for medical assistance coverage
2 under AS 47.07.030; or

3 (2) determines that approval of the amendments to the state plan for medical
4 assistance coverage under AS 47.07.030 is not necessary.

5 (b) The commissioner of health shall notify the revisor of statutes in writing within 30
6 days after the United States Department of Health and Human Services approves the
7 amendments to the state plan or determines that approval is not necessary under this section.

8 * **Sec. 12.** If sec. 1 of this Act takes effect, it takes effect July 1, 2026.

9 * **Sec. 13.** Except as provided in sec. 12 of this Act, this Act takes effect July 1, 2026.