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HB096 Sectional Analysis Ver. T 4.28.25 (34-LS0297/T)

"An Act establishing the Home Care Employment Standards Advisory Board; relating to payment for personal care services; and providing for an effective date."

Section 1 amends AS 44.29 by adding new sections to it and various aspects of the Home Care Employment Standards Advisory Board. Thus,

Sec. 44.29.900. Home Care Employment Standards Advisory Board. This section is added to establish the advisory board on Home Care Employment Standards in Alaska.

Sec. 44.29.905. Composition of the board. This section elaborates on the composition of the board which will consist of a chair, 6 voting, and 4 non-voting members. The section clarifies how many members should be sought from each represented group or institution. The members will be appointed by the Commissioner of Health after solicitation of applications. Thus,

- Commissioner of Health or commissioner's designee (non-voting unless in the event of a tie)
- Commissioner of Labor and workforce development (or the commissioner's designee) (non-voting)
- Two members representing covered providers, (with variance in terms of size, services provided and geographical location) (voting)
- Two members who represent direct care workers (voting)
- One member who is an enrollee or representative of enrollees receiving covered services (voting)
- One member who represents the office of rate receive (voting)
- A representative of the Alaska Commission on Aging or another organization that represents seniors in the state (non-voting)
- A representative of the Governor's Council on Disabilities and Special Education another organization that represents people with disabilities in the state (non-voting)

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*Sec. 44.29.910. **Term of office, vacancies, removal.*** This section explains how the members of the board appointed in AS 44.29.905(3) will serve and establishes how long they shall serve, options for reappointment and how vacancies will be filled.

*Sec. 44.29.915. **Meetings.*** The section establishes the duty of the chair to call for meetings of the board with regularity and as needed. It also establishes that the board should meet at least three times each year and hold additional meetings as often as necessary to accomplish its duties. At every meeting, the Board will provide space for public testimony.

*Sec. 44.29.920. **Quorum.*** The section clarifies that a majority of the members of the Board constitute a quorum in a meeting of the board for it to transact its official business and to approve any recommendations of the Board.

*Sec. 44.29.925. **Compensation.*** This section refers to established rules under AS 39.20.180 to guide compensation of members of the board through per diem and expenses reimbursement. Other than that, members of the Board will not receive compensation.

*Sec. 44.29.930. **Powers and duties.*** This section establishes the duties and powers of the board which include advising and consulting the department on medical assistance program payment rates for covered services and payment rate adequacy for covered services, as well as investigating employment issues and concerns including wages, working conditions and workforce development and making recommendations. This section also describes state compliance with information requests and testimony, and ensures the board will have access to data needed to fulfill its responsibilities.

*Sec. 44.29.935 **Biennial report.*** The section requires the board to submit a written report biennially to the Commissioner. The Commissioner is mandated to review with the aim of accepting or rejecting findings and recommendations and to give guidance and way forward depending on circumstances.

*Sec. 44.29.940. **Publication of reports.*** This section mandates the publication of the reports on July 1 each year and the reports must be publicly accessible. The section also elaborates on what shall be included in the published reports.

*Sec. 44.29.945. **Definitions.*** This section specifies the definitions of all the terms used in the sections above i.e. AS 44.29.900 - 44.29.945 including those that relate to Section 1915(c) of the Social Security Act (42 U.S.C. § 1396n(c))

Section 2 amends AS 47.07.045 by adding new subsections that require an agency providing personal care services to pay as compensation and benefits to employees providing personal care services at least 70 percent of total annual funding received by the agency for the purposes of providing personal care services, increasing to 80 percent by July 1, 2030, unless the agency receives a hardship exemption from the department. This section also requires the department to

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establish procedures and objective criteria for granting a hardship exemption, and sets alternative minimum requirements for an agency that qualifies for such an exemption.

Section 3 amends the uncodified law of the State of Alaska by adding a new section establishing when the board should be appointed, that the first meeting should be held on or before October 1, 2026.

Section 4 amends the uncodified law of the State of Alaska by adding a new section instructing the Department of Health to amend the state plan under AS 47.07.045 and submit for approval to the United States Department of Health and Human Services, to the extent necessary.

Section 5 amends the uncodified law of the State of Alaska by adding a new section that makes this Act conditional on the United States Department of Health and Human Services approving amendments submitted in accordance with section 5, or determines that approval is not necessary.

Section 6 sets the day after the date on which the United States Department of Health and Human Services approves amendments to the state plan or determines that approval is not necessary under section 6 of this act, as the date section 2 of this Act takes effect.

Section 7 sets July 1, 2025 as the date the Act takes effect, except as provided in section 7.