

## **SB 89 Assisted Living Homes; House Rules ONE PAGE SUMMARY**

### **Why is this bill needed?**

- Alaska’s statutes are not in compliance with federal regulations that require home and community-based services providers to give people who are on waivers the same access to the community as people who are not on waivers. (Here, “waivers” refer to the federal Medicaid programs that allow people who otherwise would be in an institution to receive services in a non-institutional setting, such as an assisted living home.)
- For example: state law allows that an assisted living home may establish house rules that address residents’ rights to having visitors. While state statute says the rules may not be unusually restrictive, the federal regulation is more explicit, stating that individuals on waivers and in such settings “are able to have visitors of their choosing at any time.” *The point is to ensure that individuals on waivers in community settings are living under conditions as close as possible to those they’d have in their own homes.*
- Although Alaska received initial approval from the feds for its plan to bring its settings into compliance, the approval was contingent on the state revising its statute to reflect this federal requirement.
- Ongoing financial participation in the state’s waiver programs by the federal government is reliant on services being provided in compliant settings. Without this amendment to statute the state’s participation in Medicaid home and community-based waiver services is jeopardized.

### **What does this bill do to address this need?**

- This proposal is a simple insertion of language into the Assisted Living Homes Statutes, AS 47.33, that will bring the state into compliance with the Centers for Medicare and Medicaid Services (CMS) home and community-based settings requirements, protecting Alaska’s federal share of Medicaid payments for home and community-based waiver services.
- The bill would ensure recipients of residential waiver services will be able to live under conditions that are as much like a person’s home as possible.

### **Who will be impacted by this bill?**

- Alaska’s approximately 700 assisted living homes would be required to abide by the conditions defined in the bill. The new statutory language would afford all residents living in an assisted living home the same rights, regardless of whether the home accepts Medicaid as a payment source. The vast majority of homes (about 650) are already in compliance with the conditions set forth in this legislation because they have been certified to operate home and community-based waiver services under these conditions.

### **Is there a timeline requiring compliance?**

- All states are required to comply with the CMS rule on settings criteria by March 2023. (The original deadline was 2019, which was extended to 2022, and recently to 2023 due to the COVID pandemic.)

### **What is the fiscal impact of the proposal?**

- Zero.

**Prepared by the Department of Health and Social Services. Please contact Tony Newman at the Division of Senior and Disabilities Services for further information at 465-5481 or [anthony.newman@alaska.gov](mailto:anthony.newman@alaska.gov).**