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CS FOR SENATE BILL NO. 98(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

**Offered:
Referred:**

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

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

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

6 * **Section 1.** AS 47.07 is amended by adding a new section to read:

7 **Sec. 47.07.048. Adult home care services.** (a) The department shall pay for
8 adult home care services for an individual at a daily rate set by the department in
9 regulation if

10 (1) the individual is enrolled in and receiving medical assistance under
11 AS 47.07.020;

12 (2) the individual is at least 18 years of age;

13 (3) the individual is enrolled in home and community-based waiver
14 services under AS 47.07.045;

(4) the individual's support plan is approved for adult home care services; and

(5) the person providing the services to the individual holds an adult home care home license issued under AS 47.32.

(b) Notwithstanding the limitations of Medicaid coverage under AS 47.07.020, an individual may receive habilitative and rehabilitative care in addition to adult home care services.

(c) The department shall adopt regulations to implement this section, including regulations that

(1) set a daily rate for adult home care services to be paid under (b) of this section;

(2) establish standards for long-term care support for an individual receiving adult home care services;

(3) establish standards for operating an adult home care home;

(4) establish a procedure for transitioning an individual from a licensed foster care home to a licensed adult home care home; and

(5) establish a simple and efficient process to allow a foster parent who holds a foster home license issued under AS 47.32 to transition from the foster home license to an adult home care home license under AS 47.32.033 for the purpose of maintaining the placement of and services provided to an individual who is enrolled in home and community-based waiver services under AS 47.07.045 and who is 18 years of age or older.

* **Sec. 2.** AS 47.32.010(b), as repealed and reenacted by sec. 79 of Executive Order 121, is amended to read:

(b) The following entities are subject to this chapter and regulations adopted under this chapter by the Department of Health:

(1) ambulatory surgical centers;

(2) assisted living homes;

(3) child care facilities;

(4) freestanding birth centers;

(5) home health agencies;

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

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

14 **Sec. 47.32.033. Adult home care home license.** (a) The department may issue
15 a license to a person to operate an adult home care home to provide 24-hour care on a
16 continuing basis in that person's residence for an individual who is

- 17 (1) 18 years of age or older;
18 (2) enrolled in medical assistance under AS 47.07.020 and home and
19 community-based waiver services under AS 47.07.045.

20 (b) An adult home care home may provide 24-hour care on a continuing basis
21 to not more than two individuals, or, if the home has received specific authorization
22 from the department to serve more than two individuals, to the number of individuals
23 specifically authorized, for compensation or reimbursement for approved services
24 provided to the individuals under AS 47.07.048. In this subsection, "care" means to
25 provide for or oversee the physical, mental, and social needs of an individual.

26 (c) The department shall streamline the application and licensing paperwork
27 necessary for a person to be approved as an adult home care home.

28 (d) If an adult home care home does not meet applicable building code
29 requirements at the time of inspection, the department shall inform the applicant how
30 to obtain a variance. The department shall honor a variance obtained by the applicant.

31 (e) In this section, "department" means the Department of Health.

1 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

3 MEDICAID STATE PLAN. The Department of Health shall submit as necessary for
4 approval by the United States Department of Health and Human Services amendments to the
5 state plan under AS 47.07.040, a section 1915(c) waiver, or a section 1115 demonstration
6 waiver under 42 U.S.C. 1396 - 1396p (Social Security Act) to allow enrolled individuals to
7 receive adult home care services under AS 47.07.048, enacted by sec. 1 of this Act, including,
8 if approved as not being a duplicative service, allowing other long-term care services under 42
9 U.S.C. 1396 - 1396p (Title XIX, Social Security Act) while receiving adult home care
10 services under AS 47.07.048(c), enacted by sec. 1 of this Act.

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

13 CONDITIONAL EFFECT; NOTIFICATION. (a) Section 1 of this Act takes effect
14 only if, and to the extent that, before July 1 2027, the United States Department of Health and
15 Human Services approves amendments submitted according to sec. 4 of this Act.

16 (b) The commissioner of health shall notify the revisor of statutes in writing within 30
17 days after the United States Department of Health and Human Services approves amendments
18 to the state plan.

19 * **Sec. 6.** If AS 47.07.048, enacted by sec. 1 of this Act, or a portion of AS 47.07.048,
20 enacted by sec. 1 of this Act, takes effect, it takes effect on the day after the date the revisor of
21 statutes receives notice from the commissioner of health under sec. 5(b) of this Act.

22 * **Sec. 7.** Except as provided in sec. 6 of this Act, this Act takes effect July 1, 2022.