

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: 4/15/22

Referred: Rules

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

A BILL

FOR AN ACT ENTITLED

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

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

6 *** Section 1.** AS 25.23.020(a) is amended to read:

7 (a) The following persons may adopt:

8 (1) a husband and wife together;

9 (2) an unmarried adult;

10 (3) the unmarried father or mother of the person to be adopted;

11 (4) a married person without the other spouse joining as a petitioner, if

12 the person to be adopted is not the other spouse, and if

13 (A) the other spouse is a parent of the person to be adopted and

14 consents to the adoption;

1 (B) the petitioner and the other spouse are legally separated;

2 **(C) the person to be adopted is an adult and the other**
 3 **spouse consents to the adoption;** or

4 **(D)** [(C)] the failure of the other spouse to join in the petition or
 5 to agree to the adoption is excused by the court by reason of prolonged
 6 unexplained absence, unavailability, incapacity, or circumstances constituting
 7 an unreasonable withholding of consent.

8 * **Sec. 2.** AS 47.07 is amended by adding a new section to read:

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

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

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

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

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

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

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

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

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

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

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

31 (4) establish a procedure for transitioning an individual from a licensed

1 foster care home to a licensed adult home care home; and

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

8 * **Sec. 3.** AS 47.32.010(b), as repealed and reenacted by sec. 79 of Executive Order 121, is
9 amended to read:

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

- 12 (1) ambulatory surgical centers;
13 (2) assisted living homes;
14 (3) child care facilities;
15 (4) freestanding birth centers;
16 (5) home health agencies;
17 (6) hospices, or agencies providing hospice services or operating
18 hospice programs;
19 (7) hospitals;
20 (8) intermediate care facilities for individuals with an intellectual
21 disability or related condition;
22 (9) maternity homes;
23 (10) nursing facilities;
24 (11) residential child care facilities;
25 (12) residential psychiatric treatment centers;
26 (13) rural health clinics;
27 (14) crisis stabilization centers;
28 **(15) adult home care homes.**

29 * **Sec. 4.** AS 47.32 is amended by adding a new section to read:

30 **Sec. 47.32.033. Adult home care home license.** (a) The department may issue
31 a license to a person to operate an adult home care home to provide 24-hour care on a

1 continuing basis in that person's residence for an individual who is

2 (1) 18 years of age or older;

3 (2) enrolled in medical assistance under AS 47.07.020 and home and
4 community-based waiver services under AS 47.07.045.

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

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

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

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

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

19 **MEDICAID STATE PLAN.** The Department of Health shall submit as necessary for
20 approval by the United States Department of Health and Human Services amendments to the
21 state plan under AS 47.07.040, a section 1915(c) waiver, or a section 1115 demonstration
22 waiver under 42 U.S.C. 1396 - 1396p (Social Security Act) to allow enrolled individuals to
23 receive adult home care services under AS 47.07.048, enacted by sec. 2 of this Act, including,
24 if approved as not being a duplicative service, allowing other long-term care services under 42
25 U.S.C. 1396 - 1396p (Title XIX, Social Security Act) while receiving adult home care
26 services under AS 47.07.048(c), enacted by sec. 2 of this Act.

27 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
28 read:

29 **CONDITIONAL EFFECT; NOTIFICATION.** (a) Section 2 of this Act takes effect
30 only if, and to the extent that, before July 1 2027, the United States Department of Health and
31 Human Services approves amendments submitted according to sec. 5 of this Act.

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

4 * **Sec. 7.** If AS 47.07.048, enacted by sec. 2 of this Act, or a portion of AS 47.07.048,
5 enacted by sec. 2 of this Act, takes effect, it takes effect on the day after the date the revisor of
6 statutes receives notice from the commissioner of health under sec. 6(b) of this Act.

7 * **Sec. 8.** Except as provided in sec. 7 of this Act, this Act takes effect July 1, 2022.