

STATE OF ALASKA

THE LEGISLATURE

1986

Source

Legislative
Resolve No.

CSHJR 58 (HESS)

29



Urging the United States Department of Health and Human Services to ease the restrictions on the granting of Medicaid 1915(c) waivers.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS Congress enacted the Medicaid waiver for home and community-based services (42 U.S.C. 1396n(c)), known as the 1915(c) waiver, in sec. 2176 of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35) to contain rapidly increasing medical costs by offering payment for services within the community to maintain certain patients, including the elderly, the developmentally disabled, and the mentally ill, outside of high-cost institutions; and

WHEREAS the 1915(c) waiver allows each state the flexibility necessary to determine the types of alternative services to be offered, the groups to be covered, and the geographical areas of the state to be included; and

WHEREAS although the groups usually covered by the 1915(c) waiver, including the elderly, use institutional services extensively, they are also the groups who would benefit the most if Medicaid permitted them to utilize noninstitutional services; and

WHEREAS the states have recognized the benefits of the 1915(c) waiver by dramatically increasing waiver applications from 69 requests in 39 states in 1983, to 138 requests in 47 states in 1984; and

WHEREAS the states have found it increasingly difficult to obtain 1915(c) waivers because the new federal regulations covering the waivers are extremely stringent and have been strictly construed by the United States Department of Health and Human Services;

BE IT RESOLVED by the Alaska State Legislature that the

United States Department of Health and Human Services is requested to ease the restrictions against granting the 1915(c) waivers by amending the regulations covering the 1915(c) waiver and the official interpretations of the regulations to promote, rather than to restrict, the beneficial purposes of sec. 2176 of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

COPIES of this resolution shall be sent to the Honorable Dr. Otis Bowen, Secretary of the U.S. Department of Health and Human Services; to the Honorable Lowell P. Weicker, Jr., Chairman of the Subcommittee on Labor, Health and Human Services, U.S. Senate Committee on Appropriations; to the Honorable Fortney H. Stark, Chairman of the Subcommittee on Health, U.S. House of Representatives Committee on Ways and Means; to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and to the primary committee that deals with matters of health in each legislative house of each state of the United States other than Alaska.