

HOUSE BILL NO. 348

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/23/98

Referred: Health, Education and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to medical assistance for certain disabled persons; relating to
2 personal care services for recipients of medical assistance; and providing for an
3 effective date."

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

5 * **Section 1.** AS 47.07.020(b) is amended by adding a new paragraph to read:

6 (12) disabled persons as described in 42
7 U.S.C. 1396a(a)(10)(A)(ii)(XIII) (Title XIX, Social Security Act, Medical Assistance).

8 * **Sec. 2.** AS 47.07.035 is amended to read:

9 **Sec. 47.07.035. Priority of medical assistance.** If the department finds that
10 the cost of medical assistance for all persons eligible under this chapter will exceed
11 the amount allocated in the state budget for that assistance for the fiscal year, the
12 department shall eliminate coverage for optional medical services and optionally
13 eligible groups of individuals in the following order:

14 (1) midwife services;

- 1 (2) clinical social workers' services;
- 2 (3) psychologists' services;
- 3 (4) chiropractic services;
- 4 (5) advanced nurse practitioner services;
- 5 (6) adult dental services;
- 6 (7) emergency hospital services;
- 7 (8) treatment of speech, hearing, and language disorders;
- 8 (9) optometrists' services and eyeglasses;
- 9 (10) occupational therapy;
- 10 (11) mammography screening;
- 11 (12) prosthetic devices;
- 12 (13) medical supplies and equipment;
- 13 (14) targeted case management services;
- 14 (15) rehabilitative services for substance abusers and emotionally
- 15 disturbed or chronically mentally ill adults;
- 16 (16) clinic services;
- 17 (17) physical therapy;
- 18 (18) personal care services in a recipient's home;
- 19 (19) prescribed drugs;
- 20 (20) hospice care;
- 21 (21) long-term care noninstitutional services;
- 22 (22) inpatient psychiatric facility services;
- 23 (23) intermediate care facility services for the mentally retarded;
- 24 (24) intermediate care facility services;
- 25 (25) individuals described in AS 47.07.020(b)(11);
- 26 (26) individuals under age 21 who are not eligible for benefits under
- 27 the federal program designated as the successor to the aid to families with dependent
- 28 children program because they are not deprived of one or more of their natural or
- 29 adoptive parents;
- 30 (27) skilled nursing facility services for persons under age 21;
- 31 (28) **disabled individuals as described in 42 U.S.C.**

1 **1396a(a)(10)(A)(ii)(XIII) (Title XIX, Social Security Act, Medical Assistance);**

2 **(29)** aged, blind, and disabled individuals who, because they do not
 3 meet the income requirements, do not receive supplemental security income under Title
 4 XVI of the Social Security Act, but who are eligible, or would be eligible if they were
 5 not in a skilled nursing facility or intermediate care facility, to receive an optional state
 6 supplementary payment;

7 **(30)**[(29)] individuals in a hospital, skilled nursing facility, or
 8 intermediate care facility whose income while in the facility does not exceed 300
 9 percent of the supplemental security income benefit rate under Title XVI of the Social
 10 Security Act, but who, because of income, are not eligible for the optional state
 11 supplementary payment;

12 **(31)**[(30)] individuals under age 21 under supervision of the department
 13 for whom maintenance is being paid in whole or in part from public money and who
 14 are in foster homes or private child-care institutions;

15 **(32)**[(31)] individuals under age 21 who the department has determined
 16 cannot be placed for adoption without medical assistance because of a special need for
 17 medical or rehabilitative care and who the department has determined are hard-to-place
 18 children eligible for subsidy under AS 25.23.190 - 25.23.220.

19 * **Sec. 3.** AS 47.07.900(15) is amended to read:

20 (15) "personal care services in a recipient's home" means services
 21 **authorized under a service plan in accordance with applicable federal and state**
 22 **law** [PRESCRIBED BY A PHYSICIAN IN ACCORDANCE WITH THE
 23 RECIPIENT'S PLAN OF TREATMENT AND PROVIDED BY AN INDIVIDUAL
 24 WHO IS

25 (A) QUALIFIED TO PROVIDE THE SERVICES;

26 (B) SUPERVISED BY A REGISTERED NURSE; AND

27 (C) NOT A MEMBER OF THE RECIPIENT'S FAMILY];

28 * **Sec. 4.** This Act takes effect January 1, 1999.