

CS FOR HOUSE BILL NO. 459(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 3/11/98
Referred: Finance

Sponsor(s): HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

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 relating to the
3 priorities established for the medical assistance program."

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 U.S.C.
7 1396a(a)(10)(A)(ii)(XIII), who are in families whose income is less than 250 percent
8 of the official poverty line applicable to a family of that size according to the federal
9 Office of Management and Budget, and who, but for earnings in excess of the limit
10 established under 42 U.S.C. 1396d(q)(2)(B), would be considered to be individuals
11 with respect to whom a supplemental security income is being paid under 42 U.S.C.
12 1381 - 1383c; a person eligible for assistance under this paragraph who is not eligible
13 under another provision of this section shall pay a premium or other cost-sharing
14 charges according to a sliding fee scale that is based on income as established by the

1 department in regulations.

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

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

- 8 (1) midwife services;
- 9 (2) clinical social workers' services;
- 10 (3) psychologists' services;
- 11 (4) chiropractic services;
- 12 (5) advanced nurse practitioner services;
- 13 (6) adult dental services;
- 14 (7) emergency hospital services;
- 15 (8) treatment of speech, hearing, and language disorders;
- 16 (9) optometrists' services and eyeglasses;
- 17 (10) occupational therapy;
- 18 (11) mammography screening;
- 19 (12) prosthetic devices;
- 20 (13) medical supplies and equipment;
- 21 (14) targeted case management services;
- 22 (15) rehabilitative services for substance abusers and emotionally
23 disturbed or chronically mentally ill adults;
- 24 (16) clinic services;
- 25 (17) physical therapy;
- 26 (18) personal care services in a recipient's home;
- 27 (19) prescribed drugs;
- 28 (20) hospice care;
- 29 (21) long-term care noninstitutional services;
- 30 (22) inpatient psychiatric facility services;
- 31 (23) intermediate care facility services for the mentally retarded;

- 1 (24) intermediate care facility services;
- 2 (25) individuals described in AS 47.07.020(b)(11);
- 3 (26) individuals under age 21 who are not eligible for benefits under
4 the federal program designated as the successor to the aid to families with dependent
5 children program because they are not deprived of one or more of their natural or
6 adoptive parents;
- 7 (27) skilled nursing facility services for persons under age 21;
- 8 (28) aged, blind, and disabled individuals who, because they do not
9 meet the income requirements, do not receive supplemental security income under Title
10 XVI of the Social Security Act, but who are eligible, or would be eligible if they were
11 not in a skilled nursing facility or intermediate care facility, to receive an optional state
12 supplementary payment;
- 13 (29) individuals in a hospital, skilled nursing facility, or intermediate
14 care facility whose income while in the facility does not exceed 300 percent of the
15 supplemental security income benefit rate under Title XVI of the Social Security Act,
16 but who, because of income, are not eligible for the optional state supplementary
17 payment;
- 18 (30) individuals under age 21 under supervision of the department for
19 whom maintenance is being paid in whole or in part from public money and who are
20 in foster homes or private child-care institutions;
- 21 (31) individuals under age 21 who the department has determined
22 cannot be placed for adoption without medical assistance because of a special need for
23 medical or rehabilitative care and who the department has determined are hard-to-place
24 children eligible for subsidy under AS 25.23.190 - 25.23.220;
- 25 **(32) individuals who are eligible under AS 47.07.020(b)(12).**

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

27 (15) "personal care services in a recipient's home" means services
28 **authorized under a service plan** [PRESCRIBED BY A PHYSICIAN] in accordance
29 with **applicable federal and state law** [THE RECIPIENT'S PLAN OF TREATMENT
30 AND PROVIDED BY AN INDIVIDUAL WHO IS

31 (A) QUALIFIED TO PROVIDE THE SERVICES;

1 (B) SUPERVISED BY A REGISTERED NURSE; AND
2 (C) NOT A MEMBER OF THE RECIPIENT'S FAMILY];

3 * **Sec. 4.** TRANSITIONAL PROVISION. Notwithstanding AS 47.07.020(b)(12), added
4 by sec. 1 of this Act, an individual described in that provision is eligible for medical
5 assistance under AS 47.07 without the payment of a premium or other cost-sharing charges
6 until the effective date of regulations adopted by the Department of Health and Social Services
7 that set the premium or other cost-sharing charges.

8 * **Sec. 5.** REGULATIONS. The Department of Health and Social Services shall adopt
9 regulations establishing the sliding fee scale for premiums or other cost-sharing charges
10 described in this Act by July 1, 1999.