



LAWS OF ALASKA

2000

Source

HCS CSSB 73(FIN)

Chapter No.

83

AN ACT

Relating to assisted living homes; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: May 24, 2000

Actual Effective Date: Sections 3, 8, and 12 take effect July 1, 2001; sections 4, 9, and 13 take effect July 1, 2002; remainder of Act takes effect September 1, 2000

AN ACT

1 Relating to assisted living homes; and providing for an effective date.

2

3 * **Section 1.** AS 47.07.070 is amended by adding a new subsection to read:

4 (h) This section does not apply to the minimum daily reimbursement rate
5 specified by law under AS 47.24.017 or AS 47.25.195(f) for assisted living homes.

6 * **Sec. 2.** AS 47.24.017 is amended by adding a new subsection to read:

7 (d) If the protective services under this section include the placement of a
8 vulnerable adult in an assisted living home at the state's expense, the minimum daily
9 reimbursement rate to the assisted living home for the vulnerable adult is \$50. The
10 department may, under its regulations, provide for a daily rate higher than \$50 if the
11 additional care provided to the vulnerable adult in the assisted living home justifies the
12 additional reimbursement. In this subsection, "assisted living home" means an assisted
13 living home licensed under AS 47.33.

14 * **Sec. 3.** AS 47.24.017(d) is repealed and reenacted to read:

15 (d) If the protective services under this section include the placement of a

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1 vulnerable adult in an assisted living home at the state's expense, the minimum daily
2 reimbursement rate to the assisted living home for the vulnerable adult is \$60. The
3 department may, under its regulations, provide for a daily rate higher than \$60 if the
4 additional care provided to the vulnerable adult in the assisted living home justifies the
5 additional reimbursement. In this subsection, "assisted living home" means an assisted
6 living home licensed under AS 47.33.

7 * Sec. 4. AS 47.24.017(d) is repealed and reenacted to read:

8 (d) If the protective services under this section include the placement of a
9 vulnerable adult in an assisted living home at the state's expense, the minimum daily
10 reimbursement rate to the assisted living home for the vulnerable adult is \$70. The
11 department may, under its regulations, provide for a daily rate higher than \$70 if the
12 additional care provided to the vulnerable adult in the assisted living home justifies the
13 additional reimbursement. In this subsection, "assisted living home" means an assisted
14 living home licensed under AS 47.33.

15 * Sec. 5. AS 47.25.195(b) is amended to read:

16 (b) Except as provided in (f) of this section, a [A] health facility receiving
17 a payment under this chapter is subject to the requirements of AS 47.07.070 -
18 47.07.075.

19 * Sec. 6. AS 47.25.195(c) is amended to read:

20 (c) Except as provided in (f) of this section, if [IF] insufficient money is
21 appropriated to fund medical assistance under AS 47.25.120 - 47.25.300 when taking
22 into consideration projected use and the health facility payment rates established in
23 accordance with (b) of this section, the department may, by regulation, establish at any
24 time in the fiscal year a prospective pro rata reduction of the facilities' established
25 payment rates that will be paid by the department for services provided by facilities
26 under AS 47.25.120 - 47.25.300.

27 * Sec. 7. AS 47.25.195(d) is amended to read:

28 (d) Notwithstanding (a) - (c) of this section, the department may enter into
29 agreements with a facility to provide services at a payment rate lower than the rate
30 established in accordance with (b) of this section, except that the department may
31 not enter into an agreement with an assisted living home to provide services at a

1 daily reimbursement rate lower than \$50.

2 * Sec. 8. AS 47.25.195(d) is repealed and reenacted to read:

3 (d) Notwithstanding (a) - (c) of this section, the department may enter into
4 agreements with a facility to provide services at a payment rate lower than the rate
5 established in accordance with (b) of this section, except that the department may not
6 enter into an agreement with an assisted living home to provide services at a daily
7 reimbursement rate lower than \$60.

8 * Sec. 9. AS 47.25.195(d) is repealed and reenacted to read:

9 (d) Notwithstanding (a) - (c) of this section, the department may enter into
10 agreements with a facility to provide services at a payment rate lower than the rate
11 established in accordance with (b) of this section, except that the department may not
12 enter into an agreement with an assisted living home to provide services at a daily
13 reimbursement rate lower than \$70.

14 * Sec. 10. AS 47.25.195(e) is amended to read:

15 (e) For purposes of this section,

16 (1) "assisted living home" means an assisted living home licensed
17 under AS 47.33;

18 (2) "health facility" includes a hospital, skilled nursing facility,
19 intermediate care facility, intermediate care facility for the mentally retarded,
20 rehabilitation facility, inpatient psychiatric facility, home health agency, rural health
21 clinic, and outpatient surgical clinic.

22 * Sec. 11. AS 47.25.195 is amended by adding a new subsection to read:

23 (f) Notwithstanding other provisions of this section and the provisions of
24 AS 47.07, if the assistance provided to a needy person under AS 47.25.120 - 47.25.300
25 includes the initiation or continuation of placement of the person in an assisted living
26 home at the state's expense, the department's minimum daily reimbursement rate to the
27 assisted living home for the person is \$50. This minimum rate is not subject to
28 reduction under (c) of this section. The department may, under its regulations and
29 under the procedures of AS 47.07.070 - 47.07.075, provide for a daily rate higher than
30 \$50 if the care provided to the needy person in the assisted living home justifies the
31 higher reimbursement. A daily rate higher than \$50 for assisted living homes may be

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1 reduced under (c) of this section, but not below \$50.

2 * Sec. 12. AS 47.25.195(f) is repealed and reenacted to read:

3 (f) Notwithstanding other provisions of this section and the provisions of
4 AS 47.07, if the assistance provided to a needy person under AS 47.25.120 - 47.25.300
5 includes the initiation or continuation of placement of the person in an assisted living
6 home at the state's expense, the department's minimum daily reimbursement rate to the
7 assisted living home for the person is \$60. This minimum rate is not subject to
8 reduction under (c) of this section. The department may, under its regulations and
9 under the procedures of AS 47.07.070 - 47.07.075, provide for a daily rate higher than
10 \$60 if the care provided to the needy person in the assisted living home justifies the
11 higher reimbursement. A daily rate higher than \$60 for assisted living homes may be
12 reduced under (c) of this section, but not below \$60.

13 * Sec. 13. AS 47.25.195(f) is repealed and reenacted to read:

14 (f) Notwithstanding other provisions of this section and the provisions of
15 AS 47.07, if the assistance provided to a needy person under AS 47.25.120 - 47.25.300
16 includes the initiation or continuation of placement of the person in an assisted living
17 home at the state's expense, the department's minimum daily reimbursement rate to the
18 assisted living home for the person is \$70. This minimum rate is not subject to
19 reduction under (c) of this section. The department may, under its regulations and
20 under the procedures of AS 47.07.070 - 47.07.075, provide for a daily rate higher than
21 \$70 if the care provided to the needy person in the assisted living home justifies the
22 higher reimbursement. A daily rate higher than \$70 for assisted living homes may be
23 reduced under (c) of this section, but not below \$70.

24 * Sec. 14. The uncodified law of the State of Alaska is amended by adding a new section
25 to read:

26 APPLICABILITY. (a) The minimum daily reimbursement rate set under
27 AS 47.24.017(d), enacted by sec. 2 of this Act, and AS 47.25.195(f), enacted by sec. 11 of
28 this Act, applies to services provided on or after September 1, 2000, and is not dependent on
29 the adoption of regulations by the Department of Health and Social Services.

30 (b) The minimum daily reimbursement rate set under AS 47.24.017(d), as amended
31 by sec. 3 of this Act, and AS 47.25.195(f), as amended by sec. 12 of this Act, applies to

1 services provided on or after July 1, 2001, and is not dependent on the adoption of regulations
2 by the Department of Health and Social Services.

3 (c) The minimum daily reimbursement rate set under AS 47.24.017(d), as amended
4 by sec. 4 of this Act, and AS 47.25.195(f), as amended by sec. 13 of this Act, applies to
5 services provided on or after July 1, 2002, and is not dependent on the adoption of regulations
6 by the Department of Health and Social Services.

7 * **Sec. 15.** Except as provided in secs. 16 and 17 of this Act, this Act takes effect
8 September 1, 2000.

9 * **Sec. 16.** Sections 3, 8, and 12 of this Act take effect July 1, 2001.

10 * **Sec. 17.** Sections 4, 9, and 13 of this Act take effect July 1, 2002.