

**SENATE BILL NO. 73**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY SENATORS MILLER, Ellis, Wilken

Introduced: 2/12/99

Referred: Health, Education and Social Services

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to assisted living homes; and providing for an effective date."

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

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 \$70. The  
10 department may, under its regulations, provide for a daily rate higher than \$70 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 47.25.195(b) is amended to read:

15 (b) Except as provided in (f) of this section, a [A] health facility receiving

1 a payment under this chapter is subject to the requirements of AS 47.07.070 -  
2 47.07.075.

3 \* **Sec. 4.** AS 47.25.195(c) is amended to read:

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

11 \* **Sec. 5.** AS 47.25.195(d) is amended to read:

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

17 \* **Sec. 6.** AS 47.25.195(e) is amended to read:

18 (e) For purposes of this section,

19 (1) **"assisted living home" means an assisted living home licensed**  
20 **under AS 47.33;**

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

25 \* **Sec. 7.** AS 47.25.195 is amended by adding a new subsection to read:

26 (f) Notwithstanding other provisions of this section and the provisions of  
27 AS 47.07, if the assistance provided to a needy person under AS 47.25.120 - 47.25.300  
28 includes the initiation or continuation of placement of the person in an assisted living  
29 home at the state's expense, the department's minimum daily reimbursement rate to  
30 the assisted living home for the person is \$70. This minimum rate is not subject to  
31 reduction under (c) of this section. The department may, under its regulations and

1 under the procedures of AS 47.07.070 - 47.07.075, provide for a daily rate higher than  
2 \$70 if the care provided to the needy person in the assisted living home justifies the  
3 higher reimbursement. A daily rate higher than \$70 for assisted living homes may be  
4 reduced under (c) of this section, but not below \$70.

5 \* **Sec. 8.** APPLICABILITY. The minimum daily reimbursement rate set under  
6 AS 47.24.017(d), enacted by sec. 2 of this Act, and AS 47.25.195(f), enacted by sec. 7 of this  
7 Act, applies to services provided on or after July 1, 1999, and is not dependent on the  
8 adoption of regulations by the Department of Health and Social Services.

9 \* **Sec. 9.** This Act takes effect July 1, 1999.