

**HOUSE BILL NO. 366**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVES COGHILL, James, Dyson**

**Introduced: 1/30/02**

**Referred: Health, Education and Social Services, Finance**

**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(h) is amended to read:

4 (h) This section does not apply to the minimum **housing and food services**  
5 **per diem** [DAILY REIMBURSEMENT RATE] specified by law under AS 47.24.017  
6 or AS 47.25.195(e) for assisted living homes.

7 \* **Sec. 2.** AS 47.24.017(d) is amended 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 **must include**  
11 **at least [IS] \$60 per diem for housing and food services plus an additional amount**  
12 **for other services provided to the vulnerable adult under an agreement with the**  
13 **department.** The department may, under its regulations, provide for a **per diem**  
14 [DAILY] rate **for housing and food services that is** higher than \$60 if the **type of**  
15 **housing or food services** [ADDITIONAL CARE] provided to the vulnerable adult in

1 the assisted living home justifies the additional reimbursement. In this subsection,  
2 "assisted living home" means an assisted living home licensed under AS 47.33.

3 \* **Sec. 3.** AS 47.24.017(d) is amended to read:

4 (d) If the protective services under this section include the placement of a  
5 vulnerable adult in an assisted living home at the state's expense, the minimum daily  
6 reimbursement rate to the assisted living home for the vulnerable adult must include at  
7 least \$70 [\$60] per diem for housing and food services plus an additional amount for  
8 other services provided to the vulnerable adult under an agreement with the  
9 department. The department may, under its regulations, provide for a per diem rate for  
10 housing and food services that is higher than \$70 [\$60] if the type of housing or food  
11 services 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. 4.** AS 47.25.195(d) is amended to read:

15 (d) Notwithstanding (a) - (c) of this section, the department may enter into  
16 agreements with a facility to provide services at a payment rate lower than the rate  
17 established in accordance with (b) of this section, except that the department may not  
18 enter into an agreement with an assisted living home to provide services at a daily  
19 reimbursement rate **that includes less** [LOWER] than \$60 **per diem for housing and**  
20 **food services plus an additional amount for other services provided.**

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

22 (d) Notwithstanding (a) - (c) of this section, the department may enter into  
23 agreements with a facility to provide services at a payment rate lower than the rate  
24 established in accordance with (b) of this section, except that the department may not  
25 enter into an agreement with an assisted living home to provide services at a daily  
26 reimbursement rate that includes less than \$70 [\$60] per diem for housing and food  
27 services plus an additional amount for other services provided.

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

29 (e) Notwithstanding other provisions of this section and the provisions of  
30 AS 47.07, if the assistance provided to a needy person under AS 47.25.120 -  
31 47.25.300 includes the initiation or continuation of placement of the person in an

1 assisted living home at the state's expense, the department's minimum daily  
 2 reimbursement rate to the assisted living home for the person **must include at least**  
 3 **[IS] \$60 per diem for housing and food services plus an additional amount for**  
 4 **other services provided under an agreement with the department.** This minimum  
 5 **per diem for housing and food services** [RATE] is not subject to reduction under (c)  
 6 of this section. The department may, under its regulations and under the procedures of  
 7 AS 47.07.070 - 47.07.075, provide for a **per diem** [DAILY] rate higher than \$60 **for**  
 8 **housing and food services** if the **type of housing or food services** [CARE] provided  
 9 to the needy person in the assisted living home justifies the higher reimbursement. A  
 10 **per diem for housing and food services that is** [DAILY RATE] higher than \$60 for  
 11 assisted living homes may be reduced under (c) of this section, but not below \$60.

12 \* **Sec. 7.** AS 47.25.195(e) is amended to read:

13 (e) Notwithstanding other provisions of this section and the provisions of  
 14 AS 47.07, if the assistance provided to a needy person under AS 47.25.120 -  
 15 47.25.300 includes the initiation or continuation of placement of the person in an  
 16 assisted living home at the state's expense, the department's minimum daily  
 17 reimbursement rate to the assisted living home for the person must include at least **\$70**  
 18 **[\$60]** per diem for housing and food services plus an additional amount for other  
 19 services provided under an agreement with the department. This minimum per diem  
 20 for housing and food services is not subject to reduction under (c) of this section. The  
 21 department may, under its regulations and under the procedures of AS 47.07.070 -  
 22 47.07.075, provide for a per diem rate higher than **\$70** **[\$60]** for housing and food  
 23 services if the type of housing or food services provided to the needy person in the  
 24 assisted living home justifies the higher reimbursement. A per diem for housing and  
 25 food services that is higher than **\$70** **[\$60]** for assisted living homes may be reduced  
 26 under (c) of this section, but not below **\$70** **[\$60]**.

27 \* **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to  
 28 read:

29 APPLICABILITY. (a) The minimum per diem for housing and food services set  
 30 under AS 47.24.017(d), as amended in sec. 2 of this Act, and AS 47.25.195(e), as amended in  
 31 sec. 6 of this Act, applies to housing and food services provided on or after the effective date

1 of secs. 2 and 6 of this Act and is not dependent on the adoption of regulations by any state  
2 agency.

3 (b) The minimum per diem for housing and food services set under AS 47.24.017(d),  
4 as amended in sec. 3 of this Act, and AS 47.25.195(e), as amended in sec. 7 of this Act,.  
5 applies to housing and food services provided on or after July 1, 2002, and is not dependent  
6 on the adoption of regulations by any state agency.

7 \* **Sec. 9.** Except as provided in sec. 10 of this Act, this Act takes effect immediately under  
8 AS 01.10.070(c).

9 \* **Sec. 10.** Sections 3, 5, and 7 of the Act take effect July 1, 2002.