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AMENDMENT # 2

Offered by: Rep. Cissna

TO: CSSB 125 (JUD) 24-GS1016L

Page 41, Line 21

Insert a new section to read :

The uncodified laws of the state of Alaska are amended to read:

MEDICAL ASSISTANCE WAIVER APPROVAL; LEGISLATIVE INTENT.

- (a) The Department of Health and Social Services shall proceed immediately to seek federal approval to amend the home and community based waiver program for the state under Medicaid to add adult companion services for older Alaskans and for adults with physical disabilities as a reimbursable service either as a separate service or as a service that may be combined with other waivers, including respite or chore services or personal attendant services. The services may be combined only if the combination results in greater efficiency in administering the program and is more beneficial to the recipient of waiver services.
- (b) It is the intent of the legislature to restore nonmedical care, supervision, and socialization provided through companion services to functionally impaired adults who are eligible for home and community based waivers for older Alaskans and for adults with physical disabilities. Companion services were formerly provided as part of respite service before the amendments to 7 AAC 43.1040. Effective May 15, 2004, the Department of Health and Social Services was prohibited from paying for respite services that allow a primary caregiver of an eligible recipient to work under 7 AAC 43.049(d)(4)(A) or that are provided during sleeping or nighttime hours. Adult companion services shall be available under this Act, subject to other federal and state limits, as part of the recipient's approved plan of care to allow a primary caregiver to work, to allow a primary caregiver to sleep during normal nighttime hours when the recipient of care cannot be safely left unsupervised during the caregiver's sleep hours, and to allow supervision or monitoring of the recipient who is not otherwise safe while sleeping. The department shall enact regulations that are necessary to implement the legislative intent under this section.
- (c) In this section, "adult companion services" means nonmedical care, supervision, or socialization, provided to a functionally impaired adult in accordance with a therapeutic goal in the recipient's plan of care under the home and community based waiver program; for purposes of this subsection, "therapeutic goal" means a goal that has the effect of delaying or avoiding placement of the recipient in a more restrictive environment, including an assisted living home or a nursing home, and that supports the vital needs for the primary caregiver of the recipient.