

HOUSE BILL NO. 303

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE WILSON

Introduced: 5/5/05

Referred: Health, Education and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act expanding reimbursable waiver services under Medicaid waivers for older**
2 **Alaskans and adults with physical disabilities to include adult companion services; and**
3 **relating to legislative intent concerning eligibility and coverage for personal care**
4 **attendant services."**

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

6 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
7 to read:

8 LEGISLATIVE INTENT. (a) It is the intent of the legislature that the Department of
9 Health and Social Services implement regulation changes to 7 AAC 43.750 - 795 to control
10 and reduce costs of the personal care attendant program by:

11 (1) clearly defining recipient eligibility in the "purpose and scope" section
12 where, absent personal care attendant assistance, an individual would require hospitalization
13 or nursing home care;

14 (2) clearly defining recipient eligibility in the "purpose and scope" section

1 where, absence of personal attendant care assistance would result in the individual's loss of
2 employment;

3 (3) deleting "stand-by" assistance as an allowable personal care attendant task;

4 (4) clearly stating that instrumental activities of daily living are not allowable
5 unless specifically related to an approved task for an activity of daily living need;

6 (5) adopting an objective client assessment tool that results in a reliable and
7 consistent care plan to be used by personal care attendant providers, personal care attendant
8 agencies, and the department;

9 (6) requiring physical certification of an individual's condition as stated in the
10 personal care attendant assessment to confirm need for services;

11 (7) requiring that if more than one personal care attendant services recipient
12 resides in the same home, only one personal care attendant is allowed for both recipients;

13 (8) tightening enrollment criteria for all providers to require specific training
14 and experience;

15 (9) requiring Medicaid certification for personal care attendant provider
16 agencies;

17 (10) requiring that the owner or manager of a personal care attendant agency
18 meet a specified minimum level of education and administrative or business experience in a
19 related field;

20 (11) clearly stating that an individual's assessment function will be conducted
21 by department staff or the department's designee;

22 (12) requiring prior authorization by department staff or the department's
23 designee for all personal care attendant services;

24 (13) including a new regulation that prevents the individual solicitation of
25 clients by personal care attendant agencies and provides consequences for those actions;

26 (14) reviewing consumer-directed services to determine processes or
27 procedures to improve program effectiveness.

28 (b) It is the intent of the legislature to restore nonmedical care, supervision, and
29 socialization provided through companion services to functionally impaired adults who are
30 eligible for home and community based waivers for older Alaskans and for adults with
31 physical disabilities. Companion services were formerly provided as part of respite services

1 before the amendments to 7 AAC 43.1040. Effective May 15, 2004, the Department of
2 Health and Social Services was prohibited from paying for respite services that allow a
3 primary caregiver of an eligible recipient to work under 7 AAC 43.049(d)(4)(A) or that are
4 provided during sleeping or nighttime hours. Adult companion services should be made
5 available, subject to other federal and state limits, as part of the recipient's approved plan of
6 care to allow a primary caregiver to work, to allow a primary caregiver to sleep during normal
7 nighttime hours when the recipient of care cannot be safely left unsupervised during the
8 caregiver's sleep hours, and to allow supervision or monitoring of a recipient who is not
9 otherwise safe while sleeping.

10 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 **MEDICAL ASSISTANCE WAIVER APPROVAL.** (a) The Department of Health
13 and Social Services shall proceed immediately to seek federal approval to amend the home
14 and community based waiver program under AS 47.07.030(c) to add adult companion
15 services for older Alaskans and for adults with physical disabilities as a reimbursable service
16 either as a separate service or as a service that may be combined with other waivers, including
17 respite or chore services or personal attendant services. The adult companion services may be
18 offered only if the services result in greater efficiency in administering the program and are
19 more beneficial to the recipient of waiver services.

20 (b) If federal approval to implement (a) of this section is obtained, the department
21 shall adopt regulations that are necessary to implement this section.

22 (c) In this section, "adult companion services" means nonmedical care, supervision, or
23 socialization provided to a functionally impaired adult in accordance with a therapeutic goal
24 in the recipient's plan of care under the home and community based waiver program; for
25 purposes of this subsection, "therapeutic goal" means a goal that has the effect of delaying or
26 avoiding placement of the recipient in a more restrictive environment, including an assisted
27 living home or a nursing home, and that supports the vital needs for the primary caregiver of
28 the recipient.