

SENATE BILL NO. 155

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

BY SENATOR MCGUIRE

Introduced: 3/18/09

Referred: Health and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to medical assistance payment rates for cognitive disabilities; and**
2 **providing for an effective date."**

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

4 *** Section 1.** AS 47.07 is amended by adding a new section tor read:

5 **Sec. 47.07.047. Level of care determinations for cognitive disabilities.** (a)

6 The department shall establish in regulation a system for setting medical assistance
7 reimbursement rates based on the functional level of care needed by an eligible
8 recipient with a diagnosed cognitive disability, regardless of the recipient's need for
9 medical or personal care support. The system must address eligible recipients' needs
10 for appropriate assessment, rehabilitation, case management, ongoing support and
11 respite or companion services, regardless of whether the services are provided in a
12 health care facility or under a home and community-based waiver granted under
13 AS 47.07.045.

14 (b) The system established under this section must include an initial eligibility

1 determination and plan of care by a qualified professional that considers the recipient's
2 need for cognitive cuing, external physical assistance, and assistance with activities of
3 daily living. The eligibility determination made under this subsection is independent
4 of the level of care determination made by a facility in which the recipient may be
5 placed.

6 (c) In this section, "diagnosed cognitive disability" means a brain injury,
7 Alzheimer's disease or related dementia, or other brain condition resulting in a
8 significant impairment of independent functioning that necessitates supervision or the
9 provision of health care services to meet basic needs, as determined by a physician
10 licensed in the state.

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

13 TRANSITION: REGULATIONS. The Department of Health and Social Services may
14 proceed to adopt regulations necessary to implement AS 47.07.047, added by sec. 1 of this
15 Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not
16 before the effective date of sec. 1 of this Act.

17 * **Sec. 3.** Section 2 of this Act takes effect immediately under AS 01.10.070(c).

18 * **Sec. 4.** Except as provided in sec. 3 of this Act, this Act takes effect July 1, 2010.