

ALASKA STATE LEGISLATURE
SENATE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE

April 28, 2022

1:36 p.m.

MEMBERS PRESENT

Senator David Wilson, Chair
Senator Shelley Hughes, Vice Chair
Senator Lora Reinbold

MEMBERS ABSENT

Senator Mia Costello
Senator Tom Begich

COMMITTEE CALENDAR

SENATE BILL NO. 183

"An Act relating to home and community-based services; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 183

SHORT TITLE: HOME AND COMMUNITY-BASED SERVICES

SPONSOR(S): SENATOR(S) GRAY-JACKSON

02/08/22	(S)	READ THE FIRST TIME - REFERRALS
02/08/22	(S)	HSS, FIN
04/26/22	(S)	HSS AT 1:30 PM BUTROVICH 205
04/26/22	(S)	Heard & Held
04/26/22	(S)	MINUTE(HSS)
04/28/22	(S)	HSS AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

JASMIN MARTIN, Staff
Senator David Wilson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Reviewed the explanation of changes from version B to version I of SB 183.

JOHN LEE, Director
Division of Senior and Disability Services
Department of Health and Social Services (DHSS)
Anchorage, Alaska

POSITION STATEMENT: Responded to questions on SB 183.

SENATOR GRAY-JACKSON
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 183.

ACTION NARRATIVE

[1:36:32 PM](#)

CHAIR DAVID WILSON called the Senate Health and Social Services Standing Committee meeting to order at 1:36 p.m. Present at the call to order were Senators Reinbold, Hughes and Chair Wilson.

SB 183-HOME AND COMMUNITY-BASED SERVICES

[1:36:53 PM](#)

CHAIR WILSON announced the consideration of SENATE BILL NO. 183 "An Act relating to home and community-based services; and providing for an effective date."

CHAIR WILSON solicited a motion to adopt the work draft committee substitute (CS) for SB 183.

[1:37:09 PM](#)

SENATOR HUGHES moved to adopt the Health and Social Services CS for SB 183, work order 32-LS1346\I, as the working document.

[1:37:20 PM](#)

CHAIR WILSON objected for purposes of discussion.

[1:37:30 PM](#)

At ease.

[1:38:17 PM](#)

CHAIR WILSON reconvened the meeting.

[1:38:36 PM](#)

JASMIN MARTIN, Staff, Senator David Wilson, Alaska State Legislature, Juneau, Alaska, stated that the CS mirrors the companion bill for this legislation, HB 292. She paraphrased the explanation of changes from version B to version I that read as follows:

Version 32-LS1346/I (Senate Health and Social Services)

Throughout:

Changes references from Department of Health and Social Services to Department of Health.

Section 2:

Page 1, line 14

Removed "reduce payment for services." Payment for services is determined through a rate-setting process, if this language remained in the bill, the Department of Health & Social Services would have needed to do an individual assessment for anyone on a waiver if the rates changed in a given year. Assessments for reductions in level of services will still need to occur.

Page 2, line 22

Replaced language so the assessment process for reduced services only applied to personal care services instead of all home and community-based waiver services. Personal care services were the services most frequently referred to in testimony. This change narrows the scope of the bill and reduces implementation costs while still helping the population in need.

Page 2, line 29

Removes "live independently" and goes back to the original statutory language of "materially improved" as the threshold for reducing or terminating services. This means that to reduce or terminate services, an individual needs to have "materially improved" since their last assessment.

Page 3, line 25

Removes language changing the definition for an "independent qualified health care professional." The definition is now what it originally was in statute.

Section 5:

Page 4, line 14 Inserts a new section requiring the [Department of Health] to produce a report that includes:

- An assessment of the payment rates for home and community-based services that address the adequacy of those rates to meet relevant workforce needs
 - The number of individuals receiving services, the number of individuals eligible for services, the average amount of time spent on a waitlist, and the average amount of service hours a recipient receives annually, monthly, weekly
 - An assessments and recommendations to enhance the delivery of relevant services to eligible individuals
- Additional sections were renumbered accordingly.

[1:39:50 PM](#)

SENATOR HUGHES asked why the phrase in Section 2, "reduce payment for services" was removed.

[1:40:01 PM](#)

MS. MARTIN said it matches the House version of the bill. She offered her belief that this was one of the many questions that will require some follow up.

CHAIR WILSON advised that once HB 292 comes to the Senate, the committee will hear a presentation that will answer many of the questions. He asked Mr. Lee if he wished to comment on the reason for removing the phrase.

[1:40:47 PM](#)

JOHN LEE, Director, Division of Senior and Disability Services, Department of Health and Social Services (DHSS), Anchorage, Alaska, stated that the change was made in negotiation with the sponsor of the companion bill, HB 292. As originally drafted, both SB 182 and HB 292 required the department to put the approximately 8,000 individuals it serves through an assessment process that envisions a rate reduction. These bills are not about rate setting; they're about services that are provided to individuals and the phrase was deleted to reflect that difference.

[1:42:07 PM](#)

SENATOR REINBOLD asked who requested the changes and why, if the changes affect the indeterminate fiscal note, and if the sponsor supports the changes.

[1:42:30 PM](#)

CHAIR WILSON said the changes were to align SB 183 with HB 292. As Mr. Lee indicated, the other body identified certain changes

that would improve the bill. He asked the sponsor if she wished to speak to her support for these changes.

1:43:09 PM

SENATOR GRAY-JACKSON, Alaska State Legislature, Juneau, Alaska, sponsor of SB 183, stated support for the changes to align SB 183 with HB 292.

CHAIR WILSON mentioned an earlier conversation from department representatives about the work being done to clarify some items in the fiscal note. Nevertheless, it was indeterminant at this time.

SENATOR HUGHES offered her understanding that a primary request was to narrow the scope of services provided by home and community based waivers to just personal care services. She asked for an explanation of what services this change would exclude.

SENATOR GRAY-JACKSON deferred the question to Mr. Lee.

1:44:56 PM

MR. LEE limited his comments to Medicaid funded services. He related that the Personal Care Services Program (PCS) provides services for such things as activities of daily living. The Community First Choice Program is similar PCS, but for individuals who meet institutional level of care needs. Home and Community-Based Waiver services are the third group of services the department provides. He said these are all a bit different but they all provide what's called home and community based services. He clarified that home and community based waiver services (1915(c) Medicaid waiver) are a subset of the home and community based services.

1:46:19 PM

SENATOR HUGHES commented on the explanation and asked for some examples of home and community based services that are not personal care services.

1:47:13 PM

MR. LEE explained that the home and community waiver services (1915(c) Medicaid waiver) are for individuals who meet institutional level of care needs. Personal care services are for lower level of needs. Personal care services are typically in home services, but it's not mandatory; examples include help with bathing, eating, toileting, and chores. Examples of home and community based waiver services include: residential

services in a group home; supportive employment services for on-the-job activities; and "day-hab" services such as taking an individual to a movie, bookstore, or other location where the individual is able to interact with the broader community.

SENATOR REINBOLD urged the chair to schedule a hearing on SB 191. [Chair Wilson concluded the business on SB 183 and then advised that the schedule for next week was being developed.]

[1:49:26 PM](#)

CHAIR WILSON removed his objection; he found no further objection and the CS for SB 183, version I, was adopted.

[SB 183 was held in committee.]

[1:49:52 PM](#)

There being no further business to come before the committee, Chair Wilson adjourned the Senate Health and Social Services Standing Committee meeting at 1:49 p.m.