

HOUSE BILL NO. 360

IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE PRAX

Introduced: 2/20/24

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing the Home Care Employment Standards Advisory Board; and**
2 **providing for an effective date."**

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

4 *** Section 1.** AS 44.29 is amended by adding new sections to read:

5 **Article 10. Home Care Employment Standards Advisory Board.**

6 **Sec. 44.29.900. Home Care Employment Standards Advisory Board.** The
7 Home Care Employment Standards Advisory Board is established in the department.

8 **Sec. 44.29.905. Composition of the board.** The board consists of

9 (1) the commissioner of health or the commissioner's designee, who
10 shall serve as the chair and is a nonvoting member, except in the case of a tie;

11 (2) 10 voting members as follows:

12 (A) the commissioner of labor and workforce development or
13 the commissioner's designee;

14 (B) the following nine members appointed by the

1 commissioner of health after providing public notice of a vacancy and
2 soliciting applications for an appointment under this subparagraph:

3 (i) three members who represent personal care agencies,
4 including at least one agency that provided at least 800,000 units of
5 personal care services during the previous calendar year, one agency
6 that provides chore and respite services, and one agency that provides
7 service in at least one geographic area where the department has
8 adjusted payment rates to reflect regional differences in the cost of
9 doing business by greater than 10 percent;

10 (ii) three members, each of whom is a personal care
11 assistant enrolled with the department or a labor representative of
12 personal care assistants representing at least 300 personal care
13 assistants enrolled with the department; at least one of the members
14 appointed under this sub-subparagraph must also provide chore respite
15 services or represent a personal care assistant who provides chore
16 respite services; a member appointed under this sub-subparagraph may
17 not be a representative of an organization or association that advocates
18 for the interest of personal care agencies;

19 (iii) one member who represents the Alaska
20 Commission on Aging or another organization that represents seniors
21 in the state;

22 (iv) one member who represents the Governor's Council
23 on Disabilities and Special Education established under AS 44.29.600
24 or another organization that represents people with disabilities in the
25 state; and

26 (v) one member who receives, or represents persons
27 who receive, personal care services.

28 **Sec. 44.29.910. Term of office, vacancies, removal.** (a) The members of the
29 board appointed under AS 44.29.905(2)(B) serve two-year terms and may be
30 reappointed.

31 (b) A member of the board appointed under AS 44.29.905(2)(B) serves at the

1 pleasure of the commissioner, except that a member shall be removed if the member
2 no longer meets the qualifications of the seat for which the member was appointed.

3 (c) A vacancy on the board under AS 44.29.905(2)(B) shall be filled within
4 six months. An appointment to fill a vacancy on the board is for the remainder of the
5 unexpired term.

6 **Sec. 44.29.915. Meetings.** The board shall meet at the call of the chair. The
7 board shall meet at least three times each year and shall hold additional meetings as
8 often as necessary to accomplish the duties of the board. At each meeting, the board
9 shall provide time for public testimony.

10 **Sec. 44.29.920. Quorum.** A majority of the voting members of the board
11 constitutes a quorum for the transaction of business, and a majority of a quorum
12 present at a meeting is sufficient to approve a recommendation of the board.

13 **Sec. 44.29.925. Compensation.** Members of the board receive no
14 compensation for services on the board but are entitled to per diem and travel
15 expenses authorized for boards and commissions under AS 39.20.180.

16 **Sec. 44.29.930. Powers and duties of the board.** (a) The board shall

17 (1) advise and consult with the department on the medical assistance
18 program payment rates for personal care services, hourly respite services, and chore
19 services;

20 (2) investigate matters related to the wages, working conditions, and
21 workforce adequacy of workers providing personal care services, hourly respite
22 services, and chore services in the state, including

23 (A) the adequacy of wages, benefits, and other compensation to
24 ensure the provision of quality services and sufficient levels of recruitment and
25 retention;

26 (B) the path to achieving a living wage;

27 (C) the sufficiency of levels of recruitment for and retention of
28 workers, particularly in an area that is not on a road system;

29 (D) the sufficiency of service levels of and the effect of service
30 level reductions on personal care services, hourly respite services, and chore
31 services, as the services pertain to wages and working conditions;

1 (E) the adequacy and enforcement of training requirements;

2 (F) the effect of workforce shortages on service recipients and
3 on family members and friends of service recipients providing unpaid care;

4 (G) the economic effect of achieving a living wage for workers
5 and reducing levels of unpaid care;

6 (H) the adequacy of payment practices and policies related to
7 the payment rates of personal care agencies for the provision of personal care
8 services, hourly respite services, and chore services; and

9 (I) the effect of the state's long-term care system on wages and
10 working conditions;

11 (3) based on the results of the board's investigation under (2) of this
12 subsection, include written recommendations in the biennial report required under
13 AS 44.29.935 regarding

14 (A) rates and service levels of personal care services, hourly
15 respite services, and chore services to ensure the provision of quality service,
16 adequate recruitment, and improved retention of workers;

17 (B) safe and healthy working conditions for workers providing
18 personal care services, hourly respite services, and chore services;

19 (C) reducing any barrier to recruiting for and retaining workers
20 providing personal care services, hourly respite services, and chore services
21 throughout the state, particularly in an area that is not on a road system; and

22 (D) reducing the level of unpaid care in the state and systemic
23 overreliance on family members and friends of service recipients who provide
24 unpaid care.

25 (b) In conducting an investigation under (a)(2) of this section, the board may
26 administer oaths, issue subpoenas, compel the attendance of a witness and the
27 production of information and testimony, and call on a state agency to give full
28 cooperation to the board by collecting and furnishing requested information and
29 testimony at a board meeting. A state agency that receives a reasonable request for
30 information or testimony from the board under this subsection shall comply with the
31 request as soon as is reasonably practicable and, when the board requests direct

1 testimony for a board meeting, the head of the agency or their designee shall appear at
2 the meeting and provide testimony.

3 **Sec. 44.29.935. Biennial report.** (a) The board shall biennially submit a
4 written report, including key findings and recommendations, to the commissioner of
5 health, the legislative committees having jurisdiction over health and social services,
6 and the chief clerk of the house of representatives and the senate secretary and notify
7 the legislature that the report is available. The commissioner shall make the report and
8 all materials presented before the board available to the public on the department's
9 Internet website.

10 (b) Upon receiving the biennial report, the commissioner shall review the
11 board's findings and recommendations. The commissioner may

12 (1) accept or reject a recommendation; and

13 (2) require the board to conduct new or further investigations and
14 develop new recommendations.

15 (c) If the commissioner accepts a recommendation in the biennial report, the
16 department shall adopt regulations necessary to implement the recommendation. If the
17 commissioner rejects a recommendation in the biennial report, the commissioner shall
18 provide a written explanation of the commissioner's decision to all board members and
19 the legislative committees having jurisdiction over health and social services. If the
20 reason for rejection includes budgetary constraints, the commissioner shall work with
21 the Office of the Governor and the legislature to develop a budget proposal that would
22 allow the commissioner to accept the recommendation.

23 **Sec. 44.29.940. Publication of reports.** On July 1 of each year, the department
24 shall publish on the department's publicly available Internet website an annual report
25 containing the weighted average of and median hourly wages, by agency, for workers
26 providing personal care services, hourly respite services, and chore services.

27 **Sec. 44.29.945. Definitions.** In AS 44.29.900 - 44.29.945,

28 (1) "board" means the Home Care Employment Standards Advisory
29 Board;

30 (2) "chore services" means chore services provided under a section
31 1915(k) option under 42 U.S.C. 1396n;

- 1 (3) "commissioner" means the commissioner of health;
- 2 (4) "department" means the Department of Health;
- 3 (5) "hourly respite services" means hourly respite and hourly respite
- 4 family services provided under a waiver in accordance with 42 U.S.C. 1396 - 1396p
- 5 (Title XIX, Social Security Act);
- 6 (6) "personal care agency" means an agency certified by the
- 7 department as a provider of personal care services;
- 8 (7) "personal care assistant" means an individual who is
- 9 (A) employed as a personal care assistant in either a consumer-
- 10 directed or agency-based program;
- 11 (B) associated with a personal care agency; and
- 12 (C) individually enrolled with the department;
- 13 (8) "personal care services" means personal care services provided
- 14 under a section 1915(k) option under 42 U.S.C. 1396n, under AS 47.07.030, or under
- 15 a waiver in accordance with 42 U.S.C. 1396 - 1396p (Title XIX, Social Security Act).

16 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to

17 read:

18 APPOINTMENTS, FIRST MEETING, AND PRELIMINARY REPORT. (a) The first

19 meeting of the Home Care Employment Standards Advisory Board established under

20 AS 44.29.900, added by sec. 1 of this Act, must take place on or before October 1, 2024.

21 (b) The commissioner of health shall appoint all board members under

22 AS 44.29.905(2)(B), added by sec. 1 of this Act, before the board's first meeting.

23 (c) The commissioner of health or the commissioner's designee and the commissioner

24 of labor and workforce development or the commissioner's designee shall conduct a

25 preliminary investigation into the wages, working conditions, and adequacy of the Medicaid

26 workforce providing personal care services, hourly respite services, and chore services in the

27 state and present the results of the preliminary investigation to the board at the board's first

28 meeting.

29 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to

30 read:

31 PRELIMINARY INTERNET WEBSITE PUBLICATION. Notwithstanding

1 AS 44.29.940, added by sec. 1 of this Act, the Department of Health shall make the first
2 publication of the reports required by AS 44.29.940, added by sec. 1 of this Act, on the
3 department's Internet website not later than July 1, 2025.

4 * **Sec. 4.** This Act takes effect July 1, 2024.