

**SENATE BILL NO. 106**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY SENATORS GIESSEL, Gray-Jackson, Tobin, Dunbar, Claman

Introduced: 3/17/23

Referred: Health and Social Services

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to home- and community-based services under the medical assistance**  
2 **program; and providing for an effective date."**

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

4 \* **Section 1.** AS 47.07.045 is amended by adding a new subsection to read:

5 (e) Unless prohibited by federal law, the state shall allow a legally responsible  
6 person to provide personal care services under this section to a recipient of medical  
7 assistance under the 1915(k) state plan option under 42 U.S.C. 1396n.

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

10 **MEDICAID STATE PLAN FEDERAL APPROVAL.** The Department of Health shall  
11 amend and submit for federal approval the state plan for medical assistance coverage  
12 consistent with AS 47.07.045(e), enacted by sec. 1 of this Act.

13 \* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to  
14 read:

1           CONDITIONAL EFFECT; NOTIFICATION. (a) Section 1 of this Act takes effect  
2 only if, and only to the extent that, the United States Department of Health and Human  
3 Services approves the amendment to the state plan for medical assistance under  
4 AS 47.07.045(e), enacted by sec. 1 of this Act.

5           (b) If the United States Department of Health and Human Services approves the  
6 amendment to the state plan submitted under sec. 2 of this Act, the commissioner of health  
7 shall notify the revisor of statutes in writing not later than 30 days after receiving notice of the  
8 approval.

9           \* **Sec. 4.** If sec. 1 of this Act takes effect, it takes effect on the 31st day after the date the  
10 commissioner of health receives notice of approval of the amendment to the state plan from  
11 the United States Department of Health and Human Services.

12           \* **Sec. 5.** Except as provided in sec. 4 of this Act, this Act takes effect immediately under  
13 AS 01.10.070(c).