

ALASKA STATE LEGISLATURE
HOUSE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE

April 18, 2023

3:04 p.m.

MEMBERS PRESENT

Representative Mike Prax, Chair
Representative Justin Ruffridge, Vice Chair
Representative CJ McCormick
Representative Dan Saddler
Representative Jesse Sumner
Representative Zack Fields
Representative Genevieve Mina

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 127

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

- HEARD & HELD

HOUSE BILL NO. 115

"An Act relating to the practice of naturopathy; establishing the Naturopathy Advisory Board; relating to the licensure of naturopaths; relating to disciplinary sanctions for naturopaths; relating to the Department of Commerce, Community, and Economic Development; and providing for an effective date."

- MOVED HB 115 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 127

SHORT TITLE: HOME AND COMMUNITY-BASED WAIVER SERVICES

SPONSOR(S): REPRESENTATIVE(S) MINA

03/22/23	(H)	READ THE FIRST TIME - REFERRALS
03/22/23	(H)	HSS, L&C
04/18/23	(H)	HSS AT 3:00 PM DAVIS 106

BILL: HB 115

SHORT TITLE: NATUROPATHS: LICENSING; PRACTICE

SPONSOR(S): REPRESENTATIVE(S) PRAX

03/17/23	(H)	READ THE FIRST TIME - REFERRALS
03/17/23	(H)	HSS, JUD, L&C
03/25/23	(H)	HSS AT 3:00 PM DAVIS 106
03/25/23	(H)	Heard & Held
03/25/23	(H)	MINUTE(HSS)
04/06/23	(H)	HSS AT 3:00 PM DAVIS 106
04/06/23	(H)	Heard & Held
04/06/23	(H)	MINUTE(HSS)
04/11/23	(H)	HSS AT 3:00 PM DAVIS 106
04/11/23	(H)	Heard & Held
04/11/23	(H)	MINUTE(HSS)
04/13/23	(H)	HSS AT 3:00 PM DAVIS 106
04/13/23	(H)	<Bill Hearing Canceled>
04/18/23	(H)	HSS AT 3:00 PM DAVIS 106

WITNESS REGISTER

KATY GIORGIO, Staff
Representative Genevieve Mina
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Read the sectional analysis on behalf of Representative Mina, prime sponsor.

SARAH KRUG, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 127.

CRYSTAL HOWARD, representing self
Wasilla, Alaska

POSITION STATEMENT: Testified in support of HB 127.

VERONICA PAGE, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 127.

LYNNE KEILMAN-CRUZ, Acting Deputy Director
Division of Senior and Disabilities Services
Department of Health
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 127.

ACTION NARRATIVE

[3:04:51 PM](#)

CHAIR MIKE PRAX called the House Health and Social Services Standing Committee meeting to order at 3:04 p.m. Representatives Ruffridge, McCormick, Sumner, Fields, Mina, and Prax were present at the call to order. Representative Saddler arrived as the meeting was in progress.

HB 127-HOME AND COMMUNITY-BASED WAIVER SERVICES

[3:05:50 PM](#)

CHAIR PRAX announced that the first order of business would be HOUSE BILL NO. 127, "An Act relating to home- and community-based services under the medical assistance program; and providing for an effective date."

[3:06:59 PM](#)

REPRESENTATIVE MINA, as prime sponsor, paraphrased the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

Family caregivers provide physical labor to loved ones while bearing higher rates of emotional stress and financial strain due to the unpaid nature of their work. Personal care services are commonly paid through the Medicaid 1915(k) waiver, also known as the Community First Choice (CFC) program, allowing eligible recipients to receive care in their own homes and communities rather than in institutional settings such as nursing homes.

In Alaska, legally responsible individuals (e.g., spouses, parents, and adult children) are prohibited from receiving Medicaid compensation for providing personal care services. The Centers for Medicare and Medicaid Services (CMS) adopted temporary flexibilities during the COVID-19 pandemic to allow payment for personal care services by family members. However, these flexibilities are tied to the Federal Public Health Emergency which is set to expire on May 11, 2023.

HB 127 maintains pandemic-related caregiving flexibilities in Alaska by allowing legally responsible adults to receive payment for providing personal care services to Alaskans eligible for the CFC program.

Home care workers are predicted to be the fourth-most demanded profession in Alaska, but the state faces a direct care workforce shortage, especially in rural areas where home care can be a family's only option. Family members are often forced to make the personal sacrifice to fill the gap through unpaid caregiving, reducing their work hours or even quitting their jobs altogether - and keeping thousands of Alaskans from realizing their full economic potential. HB 127 addresses the states' over-reliance on unpaid caregiving by increasing Alaska's caregiving capacity, promoting economic self-sufficiency for family caregivers, and supporting the independence and dignity of aging Alaskans in their home.

[3:12:03 PM](#)

KATY GIORGIO, Representative Genevieve Mina, Alaska State Legislature, on behalf of Representative Mina, prime sponsor, read the sectional analysis for HB 127, which read as follows [original punctuation provided]:

Section 1. Amends AS. 47.07.045 and adds a new subsection:

This allows the state to allow a legally responsible individual to be paid to provide personal care for a person who receives Medicaid under the 1915(k) state plan option.

Section 2. Amends uncodified law by adding a new section:

This allows the state to amend and submit Section 1 for federal approval of the revised state plan.

Section 3. Amends uncodified law by adding a new section:

This legislation will only take effect if the U.S. Department of Health and Human Services approves the amendment submitted under Section 2. If the federal government approves the amendment, the commissioner of

health shall notify the revisor of statutes not less than 30 days after receiving notice of the approval.

Section 4. Provides for an effective date conditional on approval by federal government.

Legislation would take effect on the 31st day after the commissioner of health receives notice of approval of the amendment in Section 1 from the U.S. Department of Health and Human Services.

Section 5. Provides for an immediate effective date.

Except for the provisions of Section 4, this act would have an immediate effective date.

[3:13:56 PM](#)

SARAH KRUG, representing self, summarized her written testimony [included in the committee packet], which read as follows [original punctuation provided]:

Hi, I'm Sarah Krug and I live in Anchorage, Alaska. I am writing in support of SB 106. I am a care provider, it is my job and my life. I work as a Paraprofessional Educator, in a self-contained SPED classroom. I also work as a Direct Care Provider, under Appendix K, for my son who has an IDD waiver.

As a care provider I provide and document hands-on assistance while also supporting a sense of independence with very personal needs. I assist with tasks such as showering, toileting, teeth brushing, medication, tube feeding, range of motion exercises, position changes, specialized medical equipment and so much more. These supports help people with the basic and essential needs in their daily lives. Care provider jobs require a lot of hard work: physically, mentally and emotionally. These are low paid jobs, with high turnover rates. But, paid care providers are essential to the infrastructure of our society.

I have 3 children that I am raising on my own. Today I want to tell you about Zachary. Zachary is 17 years old and has Cerebral Palsy. He uses a power wheelchair to move and an ipad to communicate. He requires assistance with almost all his daily needs just to survive. My son requires an institutional level of

care. But, with the help of care providers, he has the support he needs to thrive.

Before having a child with a disability I attended UAA for Social Work, but Zachary needed a lot of specialized direct care, more than childcare centers could provide. Lack of qualified care providers prevented me from obtaining a college degree and career and continue to limit my ability to work and support my family.

Zachary was on the waitlist for waiver services for 7 years. After getting a waiver we still struggled to find, train and retain care providers. Over the last 10 years, we have had some amazing care providers, and others who just didn't mesh with our family. Working in someone's home or having someone work in your home is a unique and intimate experience. Eventually every care provider we've ever had moved on, which created an environment of uncertainty, and a sense of abandonment for a child who didn't understand why. The revolving door of care providers was very stressful for my family, especially Zachary.

Covid created chaos and devastation, but it also challenged us to reevaluate how things have always been done. Finding different, yet successful, ways of doing things. There is a significant shortage of care providers available. This leaves people without essential care. And families are faced with an excessive burden that comes with caring for a person with a disability. There is no easy or one size fits all solution, but Appendix K allowed family members the option to be paid for time they work providing care directly for disabled family members. Allowing family members to be paid care providers reduces overall costs of care and keeps people out of expensive institutions and in their homes and communities. We need consistent and quality care providers, and often that is a family member. The stability and quality care that I am able to provide for Zachary has been incredible for his development and goals.

I work and live as a care provider. I am a single mom, I work two full-time jobs and I still struggle to support my family. Being able to be paid for some of

the hours that I provide care for my son with Cerebral Palsy has made my family more self-sufficient, reduced our need for financial assistance, and overall been a very positive experience. Disabilities are the only minority group that any of us can become part of at any time. Anyone who might experience: an accident, illness, genetic difference or the effects of aging. These are our children, parents, family, friends, neighbors, coworkers. They are a part of our community. These people matter. We all have a personal stake in the disability community.

Thank you for taking the steps to make Alaska's care system work better for everyone. These policy changes will make a big difference in our community and in the lives of Alaskan's with disabilities. Please support policies that continue to allow people to be paid care providers for family members with disabilities. If you want to know more or have questions, I am happy to continue this conversation. You can reach me via phone call, text or mail.

[3:17:37 PM](#)

REPRESENTATIVE SADDLER asked for her perspective on whether a family member or a professional would be a more effective professional care assistant.

MS. KRUG responded that it would be an incredible option for families. She stated that while professional care assistants may help and provide respite, there is much turnover. She explained that Zachary would have been further along if he had consistent care.

[3:20:26 PM](#)

CRYSTAL HOWARD, representing self, shared that she has been a nursing assistant for 24 years. She explained that her family moved to Alaska in 2012, and in that year, her six-year-old son was diagnosed with severe aplastic anemia, which made him transfusion dependent for a year. She said she could not maintain employment because of his care, as the support system was inadequate. She recalled that, since he was so ill, they could not go to Oregon where a larger support system would be. She said HB 127 is important for struggling caregivers in the state. She expressed the opinion that the need for family caregivers is only going to increase.

[3:23:47 PM](#)

VERONICA PAGE, representing self, paraphrased her written testimony [included in the committee packet], which read as follows [original punctuation provided]:

My name is Veronica Page and I live in Anchorage. I am writing in support of SB 106 and HB 127. This bill will allow family members to be paid to provide care for their loved ones permanently. I'm asking you to support this bill as well.

My wedding dress is hanging in my garage unworn. One month before our wedding my fiance was in a devastating accident. He was expected to be in a permanent vegetative state- never to eat, to walk, to live the way we'd always planned. I never got to say my vows, but I have stuck by my partner every step of the way over the last 12 years as his sole care provider. By the healing grace of God he has made an incredible recovery. He can do most of the things doctors were sure he wouldn't ever be able to.

We never married because in the state of Alaska being married would have meant that I would not be able to be paid as a caregiver for my husband. The care was 24/7 around the clock- there was no way for me to work another job and frankly, he didn't want other people seeing him in that position. There aren't enough caregivers in Alaska and there are many people who don't have the training they need to be effective at work. Anything less than excellent care would have hindered his recovery. We couldn't take that chance, and we had to pay for housing somehow.

We are a Christian family and every day of the last 12 years I have been living in sin against my values and denied my dream. We could never take the chance, even in the last few years, that our marriage could cost us my sole income- cost us everything, and so we have done what we had to do to be well and keep the bills paid. Alaskans deserve choice. Many families, like mine, want to take care of each other and they're the best caregivers delivering care at the highest level. We deserve to make a living doing the same work that

other caregivers do. We deserve to be married, and we deserve to be paid.

[3:31:18 PM](#)

REPRESENTATIVE RUFFRIDGE referred to page 1, section 1, line 7 of the proposed legislation and questioned the reasoning for picking just one waiver option, the state's 1915(k) plan.

REPRESENTATIVE MINA explained that personal care assistants are under the 1915(k) waiver, since the bill specifically relates to such assistants for those receiving care at their own home.

REPRESENTATIVE RUFFRIDGE offered his understanding that there are other waiver options that allow for personal care.

[3:33:47 PM](#)

LYNNE KEILMAN-CRUZ, Acting Deputy Director, Division of Senior and Disabilities Services, Department of Health, explained that the Community First Choice is a state plan option, and it is referred to as the 1915(k) program. She stated that there is also a state plan for personal care under 1905(a); however, Medicare and Medicaid in this plan do not allow legally responsible individuals to provide personal care. She advised that the federal government would allow the state to proceed with the Community First Choice program, as proposed in the bill. She noted that home and community-based waivers are under a different authority in the federal government and are not being currently considered.

REPRESENTATIVE RUFFRIDGE inquired as to whether someone who only qualifies for the 1905(a) could receive personal care services offered by legally responsible persons.

MS. KEILMAN-CRUZ responded that individuals who receive personal care under 1905(a) would not be eligible to receive services from a legally responsible individual.

REPRESENTATIVE RUFFRIDGE asked how many are currently receiving personal care services under 1915(k) compared to 1905(a).

MS. KEILMAN-CRUZ offered her understanding that there are 700 people receiving care under the 1915(k) program.

[3:37:24 PM](#)

REPRESENTATIVE SADDLER asked if the intended effect of the proposed bill is to allow family members who provided care during the Covid-19 pandemic to continue, or to expand such services to family members.

REPRESENTATIVE MINA answered yes to both.

REPRESENTATIVE SADDLER asked if there is any level of training or qualifications required for a family member to provide personal care services.

REPRESENTATIVE MINA answered that personal care assistants would still have to have the qualifications and training.

[3:38:48 PM](#)

MS. KEILMAN-CRUZ explained that requirements for personal care assistants are the same for all employees of the agency, and this would include passing a criminal history check, receiving first aid and CPR training, and training in the specific care for the person.

[3:39:46 PM](#)

REPRESENTATIVE SADDLER observed that the fiscal note states that there would be no additional expenses with HB 127, as it relates to the Department of Health. He continued that it does not address what the increase would be in the state's Medicaid costs. He asked for an estimate of what the increase in costs would be.

REPRESENTATIVE MINA offered her understanding that there is a dwindling caregiver population in Alaska. She said allowing family members and legally responsible individuals to become caregivers may help balance the workforce gap. She asked the department to address the fiscal note.

[3:40:50 PM](#)

MS. KEILMAN-CRUZ concurred with the explanation given. She explained that there would be no change to the level of services that are authorized by the division; rather, it would only add the potential for employees who are legally responsible individuals to provide the service. She explained that if a service were authorized but not utilized due to not finding a caregiver, the person would be allowed to provide the authorized care.

REPRESENTATIVE SADDLER questioned the increase in the amount of Medicaid expenses. He questioned whether there would be a net change in providers.

MS. KEILMAN-CRUZ explained that the services are already authorized; therefore, there is no expectation of an increase in the number of caregivers to meet the shortage.

REPRESENTATIVE SADDLER expressed the opinion that HB 127 is a "good" bill. If people learn that they can be paid for taking care of a family member, he questioned whether there would be an expansion of agencies with provider services.

MS. KEILMAN-CRUZ said that a recent survey was conducted with providers to determine how many were using legally responsible individuals, with little response. She explained that there has been a decrease in the workforce overall.

[3:44:15 PM](#)

CHAIR PRAX inquired about the training certification process that is required and what the timeline is.

MS. KEILMAN-CRUZ explained that training requirements depend on whether the person is receiving consumer direct care or personal care.

[3:46:27 PM](#)

REPRESENTATIVE SADDLER asked if a personal care assistant is also a legally responsible individual and an action taken by them harms the person in care, who would be legally responsible.

MS. KEILMAN-CRUZ explained that in the personal care programs, the individuals providing care would be enrolled in Medicaid and connected to the agency. She stated that this would allow the agency to hold the individual providing care accountable, as well as the agency itself.

REPRESENTATIVE SADDLER asked why the personal care assistants would be under the Medicaid program.

MS. KEILMAN-CRUZ answered that it would be one way to take action against the person providing care, and it would help in mitigating fraud, waste, and abuse.

[3:50:21 PM](#)

CHAIR PRAX asked whether regulations that go along with the proposed legislation are already established.

MS. KEILMAN-CRUZ responded that the state agency would need to develop regulations to create the framework for the service. She stated the department is in favor of the bill because it would start with a small program, which is allowable under federal rule. She added that starting with a smaller program would allow the time to put a framework in place before the program would be offered on a larger scale.

[3:51:50 PM](#)

CHAIR PRAX asked if there were anything that would need to be done with the proposed legislation to make it easier for providers to enroll.

MS. KEILMAN-CRUZ expressed uncertainty.

[3:53:06 PM](#)

CHAIR PRAX announced that HB 127 was held over.

[3:53:50 PM](#)

The committee took an at-ease from 3:53 p.m. to 4:00 p.m.

HB 115-NATUROPATHS: LICENSING; PRACTICE

[4:00:44 PM](#)

CHAIR PRAX announced that the final order of business would be HOUSE BILL NO. 115, "An Act relating to the practice of naturopathy; establishing the Naturopathy Advisory Board; relating to the licensure of naturopaths; relating to disciplinary sanctions for naturopaths; relating to the Department of Commerce, Community, and Economic Development; and providing for an effective date."

[4:01:03 PM](#)

REPRESENTATIVE RUFFRIDGE moved to report HB 115 out of committee with individual recommendations and the accompanying fiscal notes.

[4:01:18 PM](#)

REPRESENTATIVE SUMNER objected. He pointed out that the committee did substantive work on the bill. He asked why the original bill was being advanced [and not the proposed committee substitute].

REPRESENTATIVE RUFFRIDGE answered that the original bill has more components to work on, and amendments proposed in the committee substitute would also need more work.

[4:02:23 PM](#)

REPRESENTATIVE SUMNER removed his objection.

[4:02:33 PM](#)

CHAIR PRAX, after ascertaining that there was no further objection, announced that HB 115 was reported out of the House Health and Social Services Standing Committee.

[4:02:48 PM](#)

The committee took an at-ease from 4:02 p.m. to 4:03 p.m.

[4:03:24 PM](#)

CHAIR PRAX advised that the original version of HB 115 was passed out of the House Health and Social Services Standing Committee.

[4:03:52 PM](#)

The committee took an at-ease from 4:03 p.m. to 4:08 p.m.

[4:08:04 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Health and Social Services Standing Committee meeting was adjourned at 4:08 p.m.