

1 IN THE HOUSE

BY MR. MILLER

2 HOUSE BILL NO. 242

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act to provide medical assistance to the  
7 aged."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 47.25 is amended by adding new sections to  
10 read:

11 ARTICLE 7. MEDICAL ASSISTANCE TO THE AGED.

12 Sec. 47.25.972. ELIGIBILITY FOR ASSISTANCE. Medical  
13 assistance shall be granted under secs. 972 - 994 of this  
14 chapter, so far as practicable under the conditions of this  
15 state, to a person 65 years of age or older who is otherwise  
16 eligible under the regulations of the department.

17 Sec. 47.25.974. REGULATIONS. (a) The regulations of  
18 the department shall be consistent with the requirements,  
19 stated in Public Law 86-788, for state participation in the  
20 federal program for medical assistance to the aged.

21 (b) The regulations shall provide that an applicant is  
22 not eligible for medical assistance under secs. 972 - 994 of  
23 this chapter if

24 (1) the applicant has made an assignment or trans-  
25 fer of real or personal property for the purpose of qualify-  
26 ing for medical assistance, or

27 (2) the applicant is entitled to medical services  
28 under the Workmen's Compensation Act.

29 (c) The regulations of the department shall be made

1 available to the public.

2 Sec. 47.25.976. AMOUNT AND CERTIFICATION OF ASSISTANCE.

3 (a) The department shall determine the medical and insti-  
4 tutional services which are to be available under secs. 972  
5 994 of this chapter to eligible persons.

6 (b) Medical assistance shall be granted to eligible  
7 persons only upon certification by an attending licensed  
8 physician that the assistance is required for the treatment or  
9 care of that person.

10 (c) The department may require periodic recertification  
11 that medical assistance which extends over a period of time  
12 is required.

13 Sec. 47.25.978. ACTION UPON APPLICATION. (a) The  
14 department shall promptly investigate each applicant to  
15 determine his eligibility. After investigation, the depart-  
16 ment shall promptly decide whether the applicant is eligible  
17 for medical assistance and, if so, the extent of assistance  
18 to which the applicant is entitled and the date on which  
19 assistance is to begin. The department shall notify the  
20 applicant of its decision.

21 Sec. 47.25.980. APPEAL. An applicant whose application  
22 is not promptly acted upon or is denied, or a recipient  
23 whose assistance is cancelled because found to be improperly  
24 granted, shall be given an opportunity for a fair hearing  
25 before a representative of the department appointed for that  
26 purpose. The hearing shall be held within a reasonable time  
27 after demand for it is made. The conduct of hearings shall  
28 be governed by regulations prescribed by the department.

29 Sec. 47.25.982. ASSISTANCE DOES NOT CONSTITUTE A LIEN.

1 Medical assistance granted under secs. 972 - 994 of this  
2 chapter does not constitute a lien in favor of the state upon  
3 the property of the recipient.

4 Sec. 47.25.984. STATE CLAIM FOR ASSISTANCE. The state  
5 has a claim against the estate of a decedent recipient for  
6 the total amount of medical assistance granted to the recip-  
7 ient during his lifetime. However, if a spouse survives the  
8 recipient, the claim may not be made until the death of the  
9 spouse.

10 Sec. 47.25.986. RECOVERY OF ASSISTANCE IMPROPERLY  
11 GRANTED. (a) If the department finds that medical assistance  
12 is being, or has been, improperly granted, the state has a  
13 cause of action against the recipient. The action may be  
14 instituted in the name of the state by the attorney general  
15 to recover the amount of assistance granted to the recipient,  
16 with interest and the necessary cost of the action.

17 (b) If the department finds that medical assistance is  
18 being improperly granted, the department shall cancel the  
19 assistance and notify the recipient.

20 Sec. 47.25.988. ACTION AGAINST PERSON LIABLE FOR CARE  
21 OF THE RECIPIENT. If the department finds that a person  
22 liable for the care and support of the recipient is able to  
23 provide necessary medical care and treatment for the recipient,  
24 and the person liable fails or refuses to provide treatment  
25 and care, the state has a cause of action against the person.  
26 The action shall be brought in the name of the state by the  
27 attorney general to recover the amount of assistance granted  
28 to the recipient, with interest, and the necessary cost of  
29 the action.

1           Sec. 47.25.990. OBTAINING ASSISTANCE BY FRAUD. A per-  
2           son is guilty of a misdemeanor, and upon conviction is punish-  
3           able by a fine of not more than \$500, or by imprisonment for  
4           not more than six months, or by both, if he

5                   (1) by statement, representation or impersonation  
6           which he knows to be false, or by other fraudulent device,  
7           obtains or attempts to obtain or aids and abets another per-  
8           son to obtain

9                           (A) assistance to which he is not entitled; or

10                           (B) greater assistance than he is entitled

11           to; or

12                   (2) aids or abets in buying or otherwise disposing  
13           of the property of the recipient of assistance for the purpose  
14           of voiding liability for the assistance granted.

15           Sec. 47.25.992. DEFINITIONS. In secs. 972 - 994 of  
16           this chapter

17                   (1) "department" means the Department of Health  
18           and Welfare;

19                   (2) "medical assistance" means payment by the  
20           department for medical care and treatment rendered under  
21           secs. 972 - 994 of this chapter to eligible persons.

22           Sec. 47.25.994. Secs. 972 - 994 of this chapter may be  
23           cited as the Medical Assistance to the Aged Act.

24           \* Sec. 2. This Act takes effect July 1, 1964.