

Introduced: 1/16/86
Referred: Health, Education &
Social Services

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

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HOUSE JOINT RESOLUTION NO. 58

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FOURTEENTH LEGISLATURE - SECOND SESSION

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Urging the United States Department of

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Health and Human Services to ease the

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restrictions on the granting of Medicaid

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1915(c) waivers.

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BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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WHEREAS Congress enacted the Medicaid waiver for home and community-
11 based services (42 U.S.C. 1396n(c)), known as the 1915(c) waiver, in sec.
12 2176 of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35) to
13 contain rapidly increasing medical costs by offering payment for services
14 within the community to maintain certain patients, including the elderly,
15 the developmentally disabled, and the mentally ill, outside of high-cost
16 institutions; and

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WHEREAS the 1915(c) waiver allows each state the flexibility necessary
18 to determine the types of alternative services to be offered, the groups to
19 be covered, and the geographical areas of the state to be included; and

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WHEREAS although the groups usually covered by the 1915(c) waiver,
21 including the elderly, use institutional services extensively, they are
22 also the groups who would benefit the most if Medicaid permitted them to
23 utilize noninstitutional services; and

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WHEREAS the states have recognized the benefits of the 1915(c) waiver
25 by dramatically increasing waiver applications from 69 requests in 39
26 states in 1983, to 138 requests in 47 states in 1984; and

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WHEREAS the states have found it increasingly difficult to obtain
28 1915(c) waivers because the new federal regulations covering the waivers
29 are extremely stringent and have been strictly construed by the United

1 States Department of Health and Human Services;

2 BE IT RESOLVED by the Alaska State Legislature that the United States
3 Department of Health and Human Services is requested to ease the restric-
4 tions against granting the 1915(c) waivers by amending the regulations
5 covering the 1915(c) waiver and the official interpretations of the regu-
6 lations to promote, rather than to restrict, the beneficial purposes of
7 sec. 2176 of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

8 COPIES of this resolution shall be sent to the Honorable Dr. Otis
9 Bowen, Secretary of the U.S. Department of Health and Human Services; and
10 to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S.
11 Senators, and the Honorable Don Young, U.S. Representative, members of the
12 Alaska delegation in Congress.