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STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY LEGISLATIVE REFERENCE LIBRARY

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

SIS 389

H HESS

3/28/90

H. HESS

4/3/90

H HESS

4/17/90

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 21, 1990

FURTHER REFERRALS:

Date of Committee Action: 4/17/90

The HEALTH, EDUCATION, & SOCIAL SERVICES Committee considered: SSSB 389

SS SENATE BILL NO. 389

ADMISSION CRITERIA FOR PIONEERS' HOME

"An Act relating to the Pioneers' Home."

RECOMMENDATIONS:

- be replaced with HCS, SSSB 389 (HESS) the same title
- have attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- fiscal impact _____
- zero fiscal note _____
- zero with analysis _____

- fiscal note(s) _____
- zero fiscal note(s) _____
- zero fn/analysis 2/8/90 / DOA

SIGNING DO PASS:

SIGNING:

(Check approp. column)

Do Not
Pass
No Rec
Amend

J. Ellis
Peter...
...
Cheri D...
Mark B...

	Do Not Pass	No Rec	Amend

J. Ellis
Chairman's Signature

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 7, 1990

FURTHER REFERRALS:

HESS

Date of Committee Action: _____

The STATE AFFAIRS Committee considered:

SSSB 389

SS SENATE BILL NO. 389

ADMISSION CRITERIA FOR PIONEERS' HOME

"An Act relating to the Pioneers' Home."

RECOMMENDATIONS:

- [] be replaced with _____ [] the same title
[] have attached amendment(s) [] a new title
[X] do pass
[] do not pass
[] no recommendation
[] individual recommendations
[] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- [] fiscal impact _____
[] zero fiscal note _____
[] zero with analysis _____

- [] fiscal note(s) _____
[] zero fiscal note(s) _____
[X] zero fn/analysis 2/8/90 - DOA

SIGNING DO PASS:

SIGNING:

(Check approp. column)

Do Not
Pass
No Rec
Amend

	Do Not Pass	No Rec	Amend

Chairman's Signature

Item 2

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act relating to the
Pioneers' Home"
Sponsor: Sen. Kerttula
Requestor: _____

Agency Affected: Dept. of Administration
BRU: Pioneers' Benefits

Components: Pioneers' Homes

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY91	FY92	FY93	FY94	FY95	FY96
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

Adding priority admission of persons in need of the care and benefits of the Home but who are not destitute would very slowly increase the revenues. This is very difficult to predict since the Division has very few admissions into Nursing and Assisted Living where priority now applies. Also most applicants who are destitute have some level of income.

Prepared by: Barbara Bathony *Barbara Bathony*
Division: Pioneers' Benefits

Phone: 465-4400
Date: 2-7-90

Approved by Commissioner: Frank S. Baxter *Frank S. Baxter*
Agency: Department of Administration

Date: 2/7/90

Distribution (by preparer):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

March 7, 1990

The Honorable Bill Ray
165 Behrends Avenue
Juneau, AK 99801

Dear Bill,

I support proposed changes to the Pioneers' Home statute which would set the minimum age of admission at 65, require that all applicants be in need of the service offered and remove the admission priority given to the indigent.

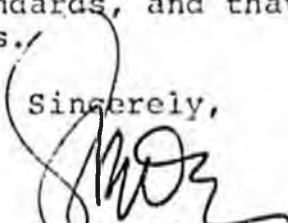
The average age of a resident in the Pioneers' Home is near 90, and the average age on admission is well over 80. Setting a minimum age of 65 for admission will ensure the ability to focus on specialized geriatric services.

Requiring that all new residents need the level of care offered will help us use limited resources appropriately.

Abolishing the admission priority given to the indigent will permit better employment of State health care dollars and improve access by moderate-income seniors to needed long-term residential care.

The changes will improve our ability to manage services in the homes and will make the long-term care system in the state more cost effective. They will also permit more understandable admission standards, and that will allow better planning by applicants.

Sincerely,



Steve Cowper
Governor

cc: Barbara Rathony, Director
Division of Pioneers' Benefits
Department of Administration

An Analysis of the Need for
SSSB 389

*for committee
files
in SSB 389
HESB Committee*

The following is a narrative relating (1) the history of the procedure for admittance to Alaska's Pioneer Homes; and (2) explaining the suggested corrective legislation SSSB 389.

ORIGINAL PROCEDURE: When the Pioneer Homes were originally started the admittance procedure was two-pronged. They were open to anyone 65 yrs of age who had been a resident of the state continuously for 15 years immediately preceding application, and (1) "....were destitute and in need of the aid and benefit of the home because of physical disability or other cause...."; or, (2) "....who is not destitute....and upon agreement to pay to the state a sum each day...for the cost of care and support of the person at the home."

ADMINISTRATIVE INTERPRETATION: At some point in time, cloudy in most people's minds, it became an administrative determination that those persons who were destitute should have priority in admission to the homes. Regulations were promulgated and adopted providing for this type of priority admission procedure. One line of reasoning as to why this happened was that there were, at some time, too many residents of the homes who were paying for their care, in the manner of a hotel or boarding house, and did not really need the unique type of service the homes were intended to provide. This was considered inappropriate even though they were legally entitled to the opportunity as provided by the existing law. Another theory, suggested by some, was that the homes were really meant for indigents and that those other older Alaskans, with the financial means, should find private nursing or retirement homes and not look to the state for this type of care. Whatever the actual reason the administrative bureaucracy adopted, and put into actuality, the admission procedure that provides that indigents would be first if they were destitute irrespective of whether they were incapacitated or not.

ADMISSION INEQUITY: Needless to say the admission procedure presently in force, which has previously been described, is not only highly unsatisfactory, but is considered by many as grossly discriminatory. This is especially true when considering the concept upon which the homes were originally established. Presently the home's administrator has adopted two admission lists. One is an "indigents" list, the second list, I suppose, is labeled "others". No matter how long someone, who is in all other respects qualified for admis-

sion, is at the head of the "others" list, anyone who is judged destitute can apply and be placed on the "indigents" list and become admitted before anyone on the "others" list irrespective of how long that person has been waiting. Some seniors signed everything over to their heirs and declared themselves destitute in order to beat the system. The administrators responded by putting a requirement of being an indigent for two years prior to being allowed admittance. Obviously a problem exists and there is an urgency that it be resolved as rapidly as possible. The administrators recognize the need also and are hopefully looking to the legislature to rectify it.

CORRECTING THE PROBLEM: The Governor, the Pioneer Benefits Division, and the Pioneers of Alaska are all in agreement that SSSB 389 will go a long way in resolving the admittance problem. By removing the word "destitute" and defining the existing language "physical disability or other cause" this proposal appears to remove the discriminatory admission practice while at the same time equally protecting the rights of all our citizens. If SSSB 389 is adopted all applicants for entry to the Pioneers Homes will be judged equally (except in certain instances explained later). This judgement will be on their inability to maintain a household without regular assistance in shopping, housekeeping, meal preparation, dressing, or personal hygiene because of physical or medical impairment, infirmity, or disability and not on their ability to pay. The spouse of a person who qualifies for admission may also make application for admission at the same time the disabled person applies if the spouse is 65 yrs. of age and has been resident in the state continuously for 15 yrs. (This is the exception mentioned above.) The Dept. of Administration shall establish monthly rates of reasonable compensation a resident may be required to pay for his or her care if the person is financially capable of doing so. Under no circumstance will a person be refused admittance because of their failure of being able to pay. Conversely applicants who have alternate means of care will be encouraged to make use of them rather than overtake the limited space available in the Pioneers Homes.

ENDORSEMENT: The Pioneers of Alaska most heartily endorse SSSB 389 and recommend its earliest passage.

Bill Ray, Registered Lobbyist
Pioneers of Alaska

Item 3



Alaska State Legislature

SENATE

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

Hells,
Jay

TO: Representative Red Boucher, Chairman
House State Affairs Committee

FROM: Senator Jalmar Kerttula

DATE: March 9, 1990

SUBJ: Senate Bill 389--
Admission to Pioneers' Homes

Senate Bill 389 makes three basic changes to current law to ensure that admission to the pioneers' homes is handled on an equitable and humane basis:

1. This bill provides that all in need would have equal access to the pioneers' homes, thus eliminating the current priority that the destitute have for admission to the homes.

Years ago, the priority for admission to the Pioneers' Homes was conferred on the destitute on humanitarian grounds -- there was no other place for the destitute to go. Today, with Medicaid assistance and other social programs, the destitute are about the only people who can afford to go to for-profit nursing homes. Eliminating this unnecessary priority improves access to long-term care for all of our pioneers.

Currently, there are two lists for admission to the Pioneers' Homes: one list for the destitute and one list for the non-destitute. Under current law, there are many long-time Alaskans who are not actually destitute (but are close and are just making it) and who have been waiting for admission for many years. These people are continually bumped by a person who has been on the destitute list for a matter of weeks or months. This is simply not right. It should be noted, that this statutory amendment does not limit the ability of the destitute to apply for admission to the homes, but it does eliminate their priority. Under this bill, admissions would generally be need-based and would be based on the chronological date of application.

2. This bill adds an age requirement of 65 for all admissions to the homes. Under current law, those who are

Representative Boucher
March 13, 1990
Page Two

destitute can be admitted earlier than age 65, and those who are not destitute can only be admitted after age 65. The bill would also allow spouses of residents to be admitted, if the spouse is not in need, if the spouse is at least 65.

3. This bill makes some housekeeping changes to the statutes dealing with debt collectibility of residents of the homes. Under this bill, the department could not require a payment for debt by a resident in any one month which is greater than the monthly amount for care which is set out in statute, except for debts incurred under AS 47.25.070. Under this bill, also, the collectibility of debts of former residents would be governed by the Probate Code.

Senate Bill 389 is supported by senior citizens as well as the Department of Administration, and the bill has a "0" fiscal note.

I appreciate your consideration of my request.

JK:kh

Original sponsor(s): SEN. KERTTULA, Szymanski, Pourchot, Duncan, Zharoff, Uehling, Frank, Jones, Coghill, Binkley, Sturgulewski, Kelly; REP. SHARP, Collins

1 IN THE SENATE

BY THE HESS COMMITTEE

2 HOUSE CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 389 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Pioneers' Home."

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

8 * Section 1. AS 47.25.010(a) is amended to read:

9 (a) The state shall maintain an institution, [FOR THE CARE OF
10 NEEDY PERSONS,] known as the Alaska Pioneers' Home. Principal homes
11 [THE PRINCIPAL HOME] shall be maintained at Sitka [,] and at other [A
12 BRANCH MAY BE MAINTAINED AT A SITE OR] sites designated by the commis-
13 sioner of administration.

14 * Sec. 2. AS 47.25.020 is amended to read:

15 Sec. 47.25.020. ADMISSION TO HOME. (a) Every [WORTHY] person
16 residing in the state who is 65 years of age or older, has been a
17 resident of the state continuously for more than 15 years immediately
18 preceding application for admission, and [WHO] is [DESTITUTE AND] in
19 need of residence at [THE AID OR BENEFIT OF] the home because of
20 physical disability or other reason [CAUSE], is eligible for [ENTITLED
21 TO] admission [TO THE HOME] under [THE] conditions [, LIMITATIONS AND
22 PENALTIES] prescribed in [BY THE] regulations of the Department of
23 Administration. The spouse of a person who is eligible for admission
24 under other provisions of this subsection is also eligible for admis-
25 sion to the home under conditions prescribed by the department if the
26 spouse is 65 years of age or older and has been a resident of the
27 state continuously for more than 15 years immediately preceding appli-
28 cation for admission. In this subsection, "physical disability or
29 other reason" means inability to maintain a household without regular

1 assistance in shopping, housekeeping, meal preparation, dressing, or
2 personal hygiene because of physical or medical impairment, infirmity,
3 or disability [A PERSON MAY NOT BE ADMITTED AS A RESIDENT OF THE
4 ALASKA PIONEERS' HOME UNDER THE PROVISIONS OF AS 47.25.010 - 47.25.100
5 IF THE SUPPORT AND MAINTENANCE OF THE PERSON IS IMPOSED BY LAW UPON A
6 RELATIVE OR MEMBER OF THE FAMILY OF THE PERSON'.

7 (b) Every person admitted to the Pioneers' Home [, EXCEPT A
8 PERSON ADMITTED UNDER AS 47.25.030.] who receives income from any
9 source in excess of \$100 per month may be required by the Department
10 of Administration to pay the excess to the department [DEPARTMENT OF
11 ADMINISTRATION] immediately upon receipt of the money in payment, or
12 part payment, of the cost of the person's care. However, the depart-
13 ment may not require in any month the payment of an amount greater
14 than the monthly rate set under AS 47.25.030(b) except to satisfy an
15 indebtedness incurred under AS 47.25.070 [MAINTENANCE].

16 (c) At the end of each month the payments made under (b) of this
17 section shall be transmitted to the commissioner of revenue [TOGETHER
18 WITH THE NAMES OF THE PERSONS MAKING THEM AND THE AMOUNT PAID BY
19 EACH]. The Department of Administration may pay to a resident without
20 funds the sum of \$100 per month.

21 (d) The money received by the commissioner of revenue under this
22 section shall be deposited in the general fund. The commissioner of
23 administration shall separately account for money deposited under this
24 section. The annual estimated balance in the account may be used by
25 the legislature to make appropriations to the Department of Adminis-
26 tration to carry out the purposes of AS 47.25.010 - 47.25.100.

27 * Sec. 3. AS 47.25.030(a) is amended to read:

28 (a) A person eligible for admission under AS 47.25.020 [CITIZEN
29 OF THE UNITED STATES OVER 65 YEARS OF AGE WHO IS A RESIDENT OF THE

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1 STATE AND HAS BEEN A RESIDENT FOR NOT LESS THAN 15 YEARS CONTINUOUSLY
2 IMMEDIATELY PRECEDING APPLICATION, BUT WHO IS NOT DESTITUTE,) may on
3 application be admitted to the home upon the person's agreement to pay
4 to the state [A SUM FOR] each month an amount set by [DAY AS] the
5 Department of Administration [CONSIDERS SUFFICIENT] to compensate the
6 state for the cost of care for [AND SUPPORT OF] the person at the
7 home. When this agreement is entered into the Department of Adminis-
8 tration may require [RECEIVE THE] security for the payments [, WHICH
9 IT CONSIDERS EXPEDIENT].

10 * Sec. 4. AS 47.25.030(b) is amended to read:

11 (b) The Department of Administration shall adopt regulations
12 establishing a [DAILY OR] monthly rate for the compensation a resident
13 is to be charged under (a) of this section. The rate [CHARGED] need
14 not fully compensate the state for the cost of care [AND SUPPORT].
15 The commissioner of administration shall review the rate each year.

16 * Sec. 5. AS 47.25.030(c) is amended to read:

17 (c) The Department of Administration shall provide to all resi-
18 dents of the Pioneers' Home written notice of any proposed change in
19 the rate charged for care [AND SUPPORT] of persons at the home.
20 Notice under this section shall be given not less than 60 days before
21 a change is adopted. The notice must [SHALL] include the time, date,
22 and place of a hearing to be held by the Department of Administration
23 under (d) of this section. The department may not change the rate
24 [CHARGED] more than once in a fiscal year.

25 * Sec. 6. AS 47.25.035 is amended to read:

26 Sec. 47.25.035. EXCEPTION TO ADMISSION CRITERIA. An applicant
27 for admission to the home who has been a resident of the state for 30
28 years and is otherwise qualified for admission under AS 47.25.020 [OR
29 47.25.030] may not be disqualified for admission because of absence

1 from the state if the commissioner of administration determines the
2 absence was reasonable and admission is consistent with the intent of
3 AS 47.25.010 - 47.25.100 [THIS CHAPTER].

4 * Sec. 7. AS 47.25.070(a)(3), 47.25.070(a)(6), 47.25.070(b), 47.25.-
5 070(c), 47.25.070(d), and 47.25.070(e) are repealed.
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