

S B

389

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

DATE: 2/7/90

FURTHER: H E S S
Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
INTO OFFICE: _____

State Affairs _____ Committee considered _____ SSSB 389

An Act relating to the Pioneers' Home..

and recommended:

- replace with _____ CS _____ same title
 attached amendment(s) new title
 _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):

Department(s)/Date:

Department(s)/Date:

fiscal note(s) _____

zero fiscal note(s) DOA

appropriation-no fiscal note

Governor's bill w/fiscal note

SIGNING DO PASS:

Tim Kelly
Jan Fikes

OTHER RECOMMENDATIONS:

Pat Kauter do pass
Chair: Signature and Recommendation

SENATE COMMITTEE REPORT

DATE: 2/8/90

FURTHER: Finance

DATE TURNED INTO OFFICE: 2/13/90

H E S S Committee considered SSSB 389

An Act relating to the Pioneers' Home.

and recommended:

- replace with _____ CS _____
- or adopt _____ CS _____
- attached amendment(s)
- _____ letter of intent adopted

- same title
- new title
- technical title change (HB only)

do pass

- do not pass
- no recommendation
- individual recommendations
- further referral to _____

ATTACHES NEW FISCAL NOTE(S): Dept/Date: fiscal note(s) _____

APPROVES PREVIOUS: Dept/Date: fiscal note(s) _____

zero fiscal note(s) _____

zero fiscal note(s) _____

appropriation-no fiscal note

Governor's bill w/fiscal note

SIGNING DO PASS: *[Signatures]*

OTHER RECOMMENDATIONS: _____

Paul Fisher (Do Pass)
Chair: Signature and Recommendation

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	FY 92	FY 93	FY 94	FY 95	FY 96
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

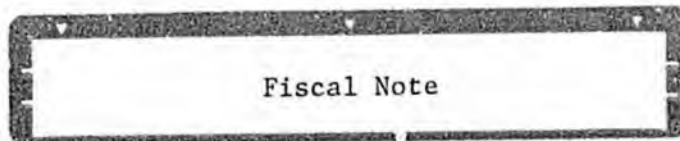
Phone : 465-4400
Date : 2-7-90

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)





Alaska State Legislature

SENATE

Official Business

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

MEMORANDUM

TO: Senator Paul Fischer, Chairman
Senate Health, Education, and
Social Services Committee

FROM: Senator Kerttula

SUBJ: Senate Bill 389 --
Admission to the
Pioneers' Home

DATE: February 7, 1990

*to Paul
Please Waive
if you can*
From Jay
*goes to fin
+ has been there
st. off.
"o-pressed"*

I would appreciate your waiving the HESS referral to sponsor substitute for Senate Bill 389 -- Admission to the Pioneers' Home. This bill just passed out of the Senate State Affairs Committee with universally strong support from both seniors and the administration. (The only adverse comment came from the gentleman who testified that he thinks funding for all senior programs should go directly to him, and he will make sure the programs are well-administered.) I think the bill is well-considered, and is in good shape to go straight to the Finance Committee. There is a 0 fiscal note.

The sponsor substitute for Senate Bill 389 makes three basic changes to current statute:

1. This bill eliminates the "destitute" requirement for admission to the pioneers' homes. Current law gives the destitute priority for admission to the pioneers' homes -- this bill provides that all in need would have equal access to the homes. Under current statute, a long-time resident of the state, who is in need of the care of the home but is not destitute, and who has been on the waiting list for admission to the home for several years, would be bumped by a destitute person who has been on the waiting list for admission for only a few months. This situation is left over from the era when the Sitka Pioneers' Home was treated as a poor farm, and today the language is archaic. The pioneers' homes are not meant to be equivalent to a poor farm, and nobody perceives them as such.

Senator Fischer
February 7, 1990
Page Two

2. This bill adds an age requirement of 65 for admission to the pioneers' homes. Under current law, those who are destitute can be admitted earlier than age 65, those who are not destitute can only be admitted after age 65. This bill clarifies who can be admitted to the homes, and adds an age requirement of 65 for all admissions. This bill also allows spouses of residents of the home to be admitted, if the spouse is not in need, if the spouse is at least age 65.

3. This bill also makes housekeeping changes in the statutes regarding debt collectibility. Current law provides that a debt can be collected from a present resident, when that resident receives income in excess of \$100 per month. This bill would ensure that the department cannot require a payment in any one month which is greater than the monthly amount for care which is set in statute, except for debts incurred under AS 47.25.070. This bill also eliminates the statutory conflicts regarding how debts of former residents, who are now deceased, would be collected; this bill makes it clear that collectibility of those debts would be governed by the Probate Code.

Thank you for your consideration of this request.

JK:kh

6sb389

RESOLUTION 09-23-88-2

WHEREAS integrity of the Pioneers' Home System must be preserved; and

WHEREAS the average age of applicants for residency in the system is increasing over the years and current residents now average in excess of 80 years; now

THEREFORE be it resolved the minimum age for residency in Pioneers' Homes be established at 65 years and be it further resolved and requested the Governor, Commissioner of Administration, and Director of the Division of Pioneers' Benefits act to implement the minimum age limit of 65 years.

CHAPTER 41
PIONEERS' HOMES

Section

- 10. Standards for admission
- 15. Rates and Fees
- 20. Residence requirements
- 30. Assets and income
- 40. Need
- 50. Required information
- 60. Admission and appeal
- 70. Conditions and limitations
- 80. Quality and Level of care
- 90. Property of deceased residents
- 100. State claim for care and support

2 AAC 41.010. STANDARDS FOR ADMISSION. (a) An applicant is entitled to admission to a pioneers' home on a space-available basis if the applicant

(1) is a resident of the state under 2 AAC 41.020;

(2) has been a resident of the state continuously for the 15 years immediately preceding application;

(3) is destitute as provided by 2 AAC 41.030; and

(4) is in need of the aid or benefit of the home, as provided in 2 AAC 41.040, because of physical disability or other cause.

(b) An applicant is eligible for admission to a pioneers' home on a space-available basis, subject to (c) and (d) of this section, if the applicant

(1) is a resident of the state under 2 AAC 41.020;

(2) is 65 years of age or older;

(3) has been a resident of the state continuously for the 15 years immediately preceding application; and

(4) agrees to pay to the state the monthly rates and fees set by or under 2 AAC 41.015.

(c) A person qualified under (a) of this section has priority in admission over a person qualified under (b) of this section. However, a resident admitted under (b) of this section will not be required to leave in order to provide space to an applicant eligible for admission under (a) of this section.

(d) Admission to and continued residence in a pioneer's home is conditioned on the availability of funding, facilities, and staff, and the person's compliance with all appropriate conditions and limitations. (Eff. 3/31/85, Reg. 93; am 1/1/90, Reg. 112)

Authority: AS 47.25.010
AS 47.25.020
AS 47.25.030

2 AAC 41.015. RATES AND FEES. To compensate the state for the cost of care and support, a resident of a pioneer's home is charged (1) \$525 each month for residential care, \$630 each month for assisted living care, or \$800 each month for nursing care, and (2) fees for ancillary supplies and services as prescribed by the Department of Administration. (Eff. 1/1/90, Reg. 112)

Authority: AS 47.25.010
AS 47.25.020
AS 47.25.030

2 AAC 41.020. RESIDENCE REQUIREMENTS. (a) To be a resident, a person must be physically present in the state.

(b) Absences from the state in a given year do not break continuous residence for purposes of 2 AAC 41.010(a)(2) and (b)(3) if the applicant was physically present in the state for at least 185 days of the year.

(c) Absences from the state totaling more than 180 days in a given year break continuous residence for purposes of 2 AAC 41.010(a)(2) and (b)(3). However, if an applicant meets the other requirements of 2 AAC 41.010, absences totaling more than 180 days in any of the years preceding application are not grounds for disqualification from admission if the absences were for any of the following reasons:

(1) pursuit of a formal course of study under the supervision of an established primary or secondary school, college, university, vocational school, or professional school, or performance of an internship or residency necessary to establish a professional specialty, if the person returned to Alaska within 60 days after completion of the course of study, internship, or residency;

(2) medical treatment upon the recommendation of a licensed physician or psychologist if

(A) the absence did not include a permanent change of residence; and

(B) the person returned to Alaska within 60 days after completion of the treatment and any recommended convalescence period;

(3) service in the United States Army, Navy, Air Force, Marines, or Coast Guard, or the Alaska National Guard or Naval Militia, if the person

(A) enlisted or was drafted while a resident of Alaska; and

(B) returned to Alaska within 60 days after discharge, retirement, or completion of the out-of-state duty;

(4) employment by the State of Alaska in a location outside of the state if the person returned to Alaska within 60 days after termination of that employment;

(5) service in the U.S. Congress as a representative or senator for the State of Alaska, or service on the staff of such a representative or senator, if the person returned to Alaska within 60 days after the service ended;

(6) service as a presidential appointee as a cabinet member or as an ambassador, or service on the staff of such an appointee, if the person returned to Alaska within 60 days after the service ended;

(7) confinement in an out-of-state correctional institution by order of a court, if the person

(A) was a resident of Alaska before the confinement began; and

(B) returned to Alaska within 60 days after release from the institution;

(8) medical necessity of a nonresident spouse, parent, dependent, or sibling required the applicant to be out of the state to provide care for the parent, spouse, dependent, or sibling, if the applicant

(A) was a resident of Alaska when the medical necessity arose; and

(B) returned to Alaska within 60 days after the medical necessity ended;

(9) family necessity required the applicant, whose relationship with another state resident was that of a parent, spouse, dependent, or sibling, to accompany that individual who was absent for reasons allowed by (1)--(8), and (10) of this subsection, if the applicant

(A) was a resident of Alaska when the necessity to accompany the absent individual arose; and

(B) returned to Alaska within 60 days after the end of the family necessity;

(10) admission to a licensed long-term care facility outside Alaska upon the recommendation of a licensed physician issued no later than the date of departure from Alaska, if the applicant

(A) continuously maintained residency in Alaska while temporarily absent from the state; and

(B) returned to Alaska within 60 days after discharge from a licensed long-term care facility.

(d) A person who has been a resident of Alaska for 30 years may be admitted to a pioneers' home even though he or she has not been a continuous resident of Alaska, but the person is not automatically qualified for admission. He or she must still meet the 15-year continuous-residence requirement. The 30 years of residence gives the commissioner of administration the authority to treat extended absences for good reasons as periods of residence for purposes of the 15-year requirement.
(Eff. 3/31/85, Reg. 93; am 1/1/90, Reg. 112)

Authority: AS 47.25.010
AS 47.25.020
AS 47.25.030
AS 47.25.035

2 AAC 41.030. ASSETS AND INCOME. (a) A destitute person is one who does not have in excess of the amounts established by the Department of Health and Social Services for eligibility for adult public assistance under 7 AAC 40:

(1) monthly income;

(2) liquid assets such as cash or negotiable instruments;

(3) stocks, bonds, or securities readily convertible to cash; or

(4) real or personal property. For purposes of this sub-section, the value of the home or real property of the applicant or resident is not considered while the home or real property is used as the primary residence of the applicant's or resident's spouse or dependent.

(b) All assets owned by and income of a resident of a pioneers' home must be applied to the monthly rates and fees established by or under 2 AAC 41.015, except

(1) the amount exempted from payment under AS 47.45.020(b);

(2) real or personal property being used as the primary residence of the resident's spouse or dependent; and

(3) real or personal property, not being used as the primary residence of the resident's spouse or dependent, with a value of not more than the amount set by the Department of Health and Social Services for eligibility for adult public assistance under 7 AAC 40; and

(4) income, stock, and dividends from stock received under the Alaska Native Claims Settlement Act, as amended, 43 U.S.C. 1601-1629e.

(c) A resident of a pioneers' home who does not receive income of at least \$100 a month will, if appropriations are sufficient, be paid by the Department of Administration the amount necessary to bring the resident's monthly income up to \$100. The resident may accumulate this money in a savings or trust account, but a claim for the resident's care and support will, in the discretion of the Department of Administration, be asserted against such an account, by the state, upon the death of the person.

(d) A resident of a pioneers' home who receives more than \$100 in income in any month, from any source shall pay to the state that portion of the excess, after paying the resident's medication expenses, required to pay the monthly rates and fees established by or under 2 AAC 41.015.

(e) A resident of a pioneers' home admitted under 2 AAC 41.010(a) who acquires an asset or assets with a nature and value that would disqualify the resident under that subsection will be allowed to continue residence if the resident qualifies under 2 AAC 41.010(b).

(f) In determining the assets of an applicant under this section, the Department of Administration will include the value of any asset or interest owned by the applicant within the 24 months preceding the date of application if the applicant gave away the asset or interest, or sold or assigned the asset or interest at less than fair market value, for the purpose of establishing eligibility for admission under 2 AAC 41.010(a). Any such transaction will be rebuttably presumed to have been for the purpose of establishing eligibility for admission under 2 AAC 41.010(a). This standard will also apply in determining eligibility for continued residence under 2 AAC 41.010(a) of a resident who was admitted under 2 AAC 41.010(b). (Eff. 3/31/85, Reg. 93; am 1/1/90 Reg. 112)

Authority: AS 47.25.010
 AS 47.25.020
 AS 47.25.030
 AS 47.25.070

2 AAC 41.040. NEED. A person is in need of the aid or benefit of a pioneers' home because of physical disability or other cause, as required under 2 AAC 41.010(a)(4), if the person is unable to maintain a household without regular assistance in shopping, housekeeping, meal preparation, dressing, or personal hygiene. (Eff. 3/31/85, Reg. 93; am 1/1/90, Reg. 112)

Authority: AS 47.25.010
 AS 47.25.020
 AS 47.25.030

2 AAC 41.050. REQUIRED INFORMATION. (a) An application for admission to a pioneers' home must include

(1) the names and addresses of the applicant's adult relatives and of any guardian, conservator or other responsible party;

(2) a description of any physical or medical impairment, infirmity or disability of the applicant, and the name of the physician, if any, who last treated the condition.

(b) An applicant for admission under 2 AAC 41.010(a), and an applicant or resident who cannot pay or continue to pay the full rates and fees established by or under 2 AAC 41.015, shall also provide the following information:

(1) the description and location of all real property owned by the applicant or resident, whether inside or outside the state during the preceding 24 months;

(2) the description and location of any major assets owned by the applicant or resident during the preceding 24 months, such as automobiles, boats, airplanes, jewelry, cash, stocks, bonds, notes, livestock, and appliances;

(3) a listing of the amount and source of any income the applicant or resident receives or might receive while a resident, and copies of the applicant's or resident's federal income tax filings for the preceding two years;

(4) the number, location, and contents of any savings or checking accounts or safe-deposit box held in the applicant's or resident's name during the preceding 24 months, as well as the location of the appropriate passbook or key.

(c) The Department of Administration, or the home, will, in its discretion, require additional information relevant to an applicant's or resident's qualifications. Such requests will, in the department's or home's discretion, require that the applicant or resident give the department and its agents access to various items, including medical records and financial records.

(d) An applicant or resident shall inform the Department of Administration or home of changes in information provided under this section.

(e) Information provided by an applicant or resident is considered confidential unless disclosure is allowed by law. (Eff. 3/31/85, Reg. 93; am 1/1/90, Reg. 112)

Authority: AS 47.25.010
AS 47.25.020
AS 47.25.030

2 AAC 41.060. ADMISSION, DISCHARGE, AND APPEAL. (a) The manager of a pioneers' home shall appoint a committee from the home staff and the community in which the home is located, to provide advice on matters of admission and discharge.

(b) Decisions concerning admission, continued residence, and discharge shall be made by the home manager with advice from the home's committee and interdisciplinary care team. A decision adverse to an applicant or resident may be appealed to the director of the division of pioneers' benefits, in the Department

of Administration, within 30 days after the mailing of the manager's decision. The director shall accept all written testimony that the parties wish to submit, and may, hold an oral hearing. Upon request of any party, the director shall hear witnesses testifying under oath and shall request documents. The director shall render a decision within 10 working days after the written and testimonial records are closed, unless that period is extended for good cause shown, including allowance of time to present post-hearing briefs or newly discovered evidence not previously discovered or discoverable. The director may delegate hearing authority to an assistant or a hearing officer.

(c) An aggrieved party is entitled to a hearing from the Department of Administration 30 days after the mailing of the director's decision, if the aggrieved party appeals to the commissioner of administration. The commissioner will, in his or her discretion, delegate review authority to a deputy commissioner, special assistant to the commissioner, or hearing officer. The appeal will be on the record, and will be decided within 10 days after the full record is received by the commissioner or the delegate. (Eff. 3/31/85, Reg. 93; am 1/1/90, Reg. 112)

Authority: AS 47.25.010

2 AAC 41.070. CONDITIONS AND LIMITATIONS. (a) Admission to or continued residency in a pioneers' home will not be granted to a person while the person is suffering from

(1) a communicable, contagious, or infectious disease that would threaten the health, safety, or welfare of other residents; or

(2) a personality defect that would threaten the health or safety of other residents.

(b) A person will not be admitted to or required to stay at a pioneers' home unless that person freely and knowingly consents to enter or remain at the home.

(c) A resident of a pioneers' home admitted under 2 AAC 41.010(b) may not continue residency at the home if the home manager determines that the person's payments for care and support are in arrears.

(d) A resident of a pioneers' home will be discharged if he or she is absent from the home more than 60 consecutive days, unless the absence was required by 2 AAC 41.080. (Eff. 3/31/85, Reg. 93; am 1/1/90, Reg. 112)

Authority: AS 47.25.010
AS 47.25.020
AS 47.25.030
AS 47.25.040

2 AAC 41.080. QUALITY AND LEVEL OF CARE. (a) A pioneers' home will provide a quality of care sufficient to preserve the health and safety of residents while they are physically present on the home's premises, or while under the direct supervision of an employee or agent of the home while off the home's premises.

(b) A pioneers' home will make every reasonable effort to provide the proper level of care to residents who require the same or different level of care after being admitted. However, the home cannot guarantee that all levels of care will be available to every resident. Availability and levels of geriatric care will be based on the funding, facilities, and staff available at each home.

(c) A pioneers' home is not an acute care facility. If a resident requires care not normally provided by the home, the resident will be referred to another appropriate health care facility until the resident is able to return to the home. A resident of the residential or assisted living section of a home may use an available home infirmary bed for not more than 30 days during a temporary non-acute illness. If the illness continues beyond 30 days and no nursing bed is then available, the resident will be temporarily transferred to an appropriate health care facility, but only after all reasonable alternatives, including temporary placement in another Pioneers' Home, are fully explored.

(d) Acceptance of the limits on the level of care set out in this section is a continuing condition of a person's residency in a pioneers' home. A newly admitted resident, or the resident's authorized guardian, must acknowledge in writing that he or she has read and understands this section, and that he or she accepts its provisions as descriptive of the duty of care owed a pioneers' home resident by the Department of Administration and the State of Alaska.

(e) Depending on the availability of funding, facilities, and staff, a home may provide the following levels of care: residential, assisted living, and nursing. These levels of care are more fully described in the division of pioneers' benefits' policies and procedures manual, and are summarized as follows:

(1) residential - residents must be capable of independent living and are provided only basic services such as meals and heavy housekeeping;

(2) assisted living (residential II) - residents require support and protective care but do not need continuous nursing supervision or skilled nursing care; and

(3) nursing - residents require direct and extended care by professional and non-professional personnel under the supervision of a registered nurse. (Eff. 3/31/85, Reg. 93; am 1/1/90, Reg. 112)

Authority: AS 47.25.010
AS 47.25.020

2 AAC 41.090. PROPERTY OF DECEASED RESIDENTS. Upon the death of a pioneers' home resident, the resident's property that is under the control of a pioneers' home or the Department of Administration will be disposed of in accordance with direction from the court. (Eff. 3/31/89, Reg. 93; am 1/1/90, Reg. 112)

Authority: AS 47.25.070

2 AAC 41.100. STATE CLAIM FOR CARE AND SUPPORT. Upon the death of a pioneers' home resident, a state claim for care and support may be satisfied only out of the resident's estate. Personal property left by the decedent must be disposed of in accordance with 2 AAC 41.090. Heirs, as defined in AS 47.25.070(e), without regard to their status, are exempt from a claim by the state. (Eff. 3/31/85, Reg. 93)

Authority: AS 47.25.010
AS 47.25.030
AS 47.25.070
AS 47.25.080

...employer or supervisor was retaliatory if it was taken within 90 days after the report was made. (§ 3 ch 42 SLA 1988)

Chapter 25. Destitute and Needy Persons.

Article

1. Pioneers' Home (§ 47.25.030)
2. General Relief Assistance (§§ 47.25.130, 47.25.195, 47.25.205, 47.25.230, 47.25.250)
3. Aid to Families with Dependent Children Act (§ 47.25.345)
4. Adult Public Assistance (§ 47.25.430)

Article 1. Pioneers' Home.

Section

30. Admission on payment

Sec. 47.25.030. Admission on payment. (a) A citizen of the United States over 65 years of age who is a resident of the state and has been a resident for not less than 15 years continuously immediately preceding application, but who is not destitute, may on application be admitted to the home upon agreement to pay to the state a sum for each day as the Department of Administration considers sufficient to compensate the state for the cost of care and support of the person at the home. When this agreement is entered into the Department of Administration may receive the security for the payments, which it considers expedient.

(b) The Department of Administration shall adopt regulations establishing a daily or monthly rate for the compensation a resident is to be charged under (a) of this section. The rate charged need not fully compensate the state for the cost of care and support. The commissioner of administration shall review the rate each year.

(c) The Department of Administration shall provide to all residents of the Pioneers' Home written notice of any proposed change in the rate charged for care and support of persons at the home. Notice under this section shall be given not less than 60 days before a change is adopted. The notice shall include the time, date, and place of a hearing to be held by the Department of Administration under (d) of this section. The department may not change the rate charged more than once in a fiscal year.

(d) Not less than 30 days before a proposed rate change is adopted, the Department of Administration shall conduct a hearing at which interested persons shall be given the opportunity to submit written or oral testimony, statements, arguments or contentions relating to the proposed rate change. The department shall consider all relevant matter presented to it before adopting a rate change.

(3) perform all executive or administrative duties necessary and advisable to carry out the purpose of AS 47.25.010 — 47.25.100, including the power to make contracts and to make disbursements on vouchers against funds for the purpose of AS 47.25.010 — 47.25.100, within the limit of funds available;

(4) study the needs of Alaska's pioneers and submit recommendations for new regulations and proposed legislation;

(5) prepare an annual report to the legislature.

(d) The Department of Administration may employ the necessary subordinate officers and employees, and shall prescribe methods for operation of the Pioneers' Home, standards of care and service to residents, and rules governing personnel and rewarding employees on a merit basis. (§ 51-2-11(a)(c) ACLA 1949; § 51-2-12 ACLA 1949; am § 1 ch 71 SLA 1963; am E.O. No. 30 (1968); am §§ 1, 2 ch 11 SLA 1979)

Sec. 47.25.020. Admission to home. (a) Every worthy person residing in the state who has been a resident of the state continuously for more than 15 years immediately preceding application for admission, and who is destitute and in need of the aid or benefit of the home because of physical disability or other cause, is entitled to admission to the home under the conditions, limitations and penalties prescribed by the regulations of the Department of Administration. A person may not be admitted as a resident of the Alaska Pioneers' Home under the provisions of AS 47.25.010 — 47.25.100 if the support and maintenance of the person is imposed by law upon a relative or member of the family of the person.

(b) Every person admitted to the Pioneers' Home, except a person admitted under AS 47.25.030, who receives income from any source in excess of \$100 per month may be required by the Department of Administration to pay the excess to the Department of Administration immediately upon receipt of the money in payment, or part payment, of the cost of the person's maintenance.

(c) At the end of each month the payments made under (b) of this section shall be transmitted to the commissioner of revenue together with the names of the persons making them and the amount paid by each. The Department of Administration may pay to a resident without funds the sum of \$100 per month.

(d) The money received by the commissioner of revenue shall be deposited in the general fund. (§ 51-2-13 ACLA 1949; am § 1 ch 158 SLA 1955; am § 1 ch 118 SLA 1957; am § 1 ch 89 SLA 1961; am § 1 ch 63 SLA 1965; am E.O. No. 30 (1968); am §§ 1, 2 ch 7 SLA 1971; am § 3 ch 11 SLA 1979; am §§ 1, 2 ch 155 SLA 1984)

Effect of amendments. — The 1984 amendment substituted "\$100 per" for "\$35 a" and "the person's" for "his" in subsection (b) and "to a resident without funds the sum of \$100 per month" for "the sum of \$35 a month to a resident without funds" in subsection (c).

Chapter 25. Destitute and Needy Persons.

Article

1. Pioneers' Home (§§ 47.25.010 — 47.25.100)
2. General Relief Assistance (§§ 47.25.120 — 47.25.300)
3. Aid to Families with Dependent Children Act (§§ 47.25.310 — 47.25.420)
4. Adult Public Assistance (§§ 47.25.430 — 47.25.615)
5. Food Stamp Program (§§ 47.25.975 — 47.25.990)

Article 1. Pioneers' Home.

Section	Section
10. Maintenance of Alaska Pioneers' Home	60. Trust fund
20. Admission to home	70. Indebtedness of Pioneer's Home resident to state
30. Admission on payment	80. Enforcement against estate
35. Exception to admission criteria	90. Enforcement against property outside state
40. Transfer of insane inmates to asylum or sanitarium	100. Certificate as evidence
50. Maintenance funds	

Cross references. — For the exclusion purposes of comprehensive health of the Alaska Pioneers' Home from the definition of health care facility for planning, see AS 18.07.111(7).

Sec. 47.25.010. Maintenance of Alaska Pioneers' Home. (a) The state shall maintain an institution for the care of needy persons, known as the Alaska Pioneers' Home. The principal home shall be maintained at Sitka, and a branch may be maintained at a site or sites designated by the commissioner of administration.

(b) The Department of Administration shall formulate general policies, but has no administrative or executive functions other than those set out in AS 47.25.010 — 47.25.100. It may hold hearings and subpoena witnesses and documents and may administer oaths in connection with them.

(c) The Department of Administration shall

(1) cooperate with the federal government in matters pertaining to the welfare of Alaskan pioneers, make the reports in the form and containing the information the federal government from time to time desires, and accepts funds allotted by the federal government, its agencies or instrumentalities, in establishing, extending and strengthening services for pioneers of Alaska;

(2) adopt regulations necessary for the conduct of the business of the Pioneers' Home and for carrying out the provisions of AS 47.25.010 — 47.25.100, require bonds and undertakings from persons employed by it as in its judgment are necessary, and pay the premiums on them, and establish regional and local offices and the advisory groups which are necessary or considered expedient to carry out or assist in carrying out a duty or authority assigned to it;

Sec. 47.25.030. Admission on payment. (a) A citizen of the United States over 65 years of age who is a resident of the state and has been a resident for not less than 15 years continuously immediately preceding application, but who is not destitute, may on application be admitted to the home upon agreement to pay to the state a sum for each day as the Department of Administration considers sufficient to compensate the state for the cost of care and support of the person at the home. When this agreement is entered into the Department of Administration may receive the security for the payments, which it considers expedient.

(b) The Department of Administration shall adopt regulations establishing a daily or monthly rate for the compensation a resident is to be charged under (a) of this section. The rate charged need not fully compensate the state for the cost of care and support. The commissioner of administration shall review the rate each year.

(c) The Department of Administration shall provide to all residents of the Pioneers' Home written notice of any proposed change in the rate charged for care and support of persons at the home. Notice under this section shall be given not less than 60 days before a change is adopted. The notice shall include the time, date, and place of a hearing to be held by the Department of Administration under (d) of this section. The department may not change the rate charged more than once in a fiscal year.

(d) Not less than 30 days before a proposed rate change is adopted, the Department of Administration shall conduct a hearing at which interested persons shall be given the opportunity to submit written or oral testimony, statements, arguments or contentions relating to the proposed rate change. The department shall consider all relevant matter presented to it before adopting a rate change. (§ 51-2-14 ACCLA 1949; am § 2 ch 89 SLA 1961; am E.O. No. 30 (1968); am § 3 ch 155 SLA 1984)

Effect of amendments. — The 1984 amendment added subsections (b)-(d).

Sec. 47.25.035. Exception to admission criteria. An applicant for admission to the home who has been a resident of the state for 30 years and is otherwise qualified for admission under AS 47.25.020 or 47.25.030 may not be disqualified for admission because of absence from the state if the commissioner of administration determines the absence was reasonable and admission is consistent with the intent of this chapter. (§ 2 ch 89 SLA 1978)

Sec. 47.25.040. Transfer of insane inmates to asylum or sanitarium. A person regularly admitted into the home who is found to be insane may be transferred to an institution provided for the care and custody of insane persons for the state in the manner provided by

law for the admission of other persons to the institution. (§ 51-2-15 ACLA 1949)

Sec. 47.25.050. Maintenance funds. The legislature shall each session appropriate the necessary funds for the maintenance of the home to be expended by the Department of Administration, and that department may receive funds, donations and bequests from private individuals, societies or organizations, and funds from the federal government for the support and maintenance of the home. (§ 51-2-16 ACLA 1949; am E.O. No. 30 (1968))

Sec. 47.25.060. Trust fund. Unless otherwise provided by the donor, money bequeathed to the Alaska Pioneers' Home constitutes a special trust and shall be deposited in a special fund designated the "Alaska Pioneers' Home Trust Fund." Unless otherwise provided by the donor, interest from this fund is under the control and at the disposal of the Department of Administration, and expenditure from it is limited to the benefit and comfort of the residents of the home. (§ 51-2-17 ACLA 1949; am E.O. No. 30 (1968))

Sec. 47.25.070. Indebtedness of Pioneers' Home resident to state. (a) The following expenses incurred for a Pioneers' Home resident under AS 47.25.010 — 47.25.100 and not recoverable from a collateral source are a debt of the resident to the state and may be recovered during the life of the resident:

(1) costs of standard or nursing care provided in the Pioneers' Home each month to the resident not exceeding the rate established by the Department of Administration under AS 47.25.030, with credit given for any amounts paid by or collected from the resident;

(2) allowances paid under AS 47.25.020(c);

(3) costs of hospitalization and medical treatment provided outside the Pioneers' Home;

(4) arrearages in fees for television and telephone services provided in the Pioneers' Home;

(5) prescription medicine; and

(6) burial and related expenses.

(b) The debt is a first, prior and preferred claim against the estate of the Pioneers' Home resident after the resident's death, and after all claims for food, clothing, fuel, shelter, medical aid, or burial expenses are paid. Heirlooms without regard to value are exempt from a claim by the state under this section.

(c) Money left in charge of the Department of Administration by a deceased resident of the Pioneers' Home may be used for the burial and funeral expenses of the resident and for the improvement of the burial plot of the Pioneers' Home.

(d) The clothing and other personal effects left by a deceased Pioneers' Home resident may be used for the benefit of other residents, or may be given to relatives or to persons designated by the resident,

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or sold and the proceeds applied in the manner provided for money left by a deceased resident.

(e) In this section, "heirloom" means personal property of sentimental value to a Pioneers' Home resident that has been in the possession of the resident's family or was a gift to the resident. (§ 51-2-101 ACLA 1949; am E.O. No. 30 (1968); am §§ 4, 5 ch 11 SLA 1979; am § 4 ch 155 SLA 1984)

Effect of amendments. — The 1984 amendment rewrote this section.

NOTES TO DECISIONS

Conduct of decedent entitling claim of state to priority. — Where (1) the decedent swears initially and annually thereafter that she owns no property, although during all that time she has approximately \$10,000 in cash; and (2) the

transfer thereof is without consideration, the claim of the state is entitled to priority in conformity with the provisions of this section. In re Jackson's Estate, 15 Alaska 116, 123 F. Supp. 143 (D. Alaska 1954).

Sec. 47.25.080. Enforcement against estate. If a beneficiary under AS 47.25.010 — 47.25.100 dies leaving an estate in the state, the attorney general or the Department of Administration shall file with the executor or administrator, or with the probate court, the claim of the state against the estate, and the attorney general shall take the steps necessary to enforce and collect the claim. Money collected shall be paid into the treasury of the state. (§ 51-2-102 ACLA 1949; am § 1 ch 46 SLA 1957; am E.O. No. 30 (1968))

NOTES TO DECISIONS

Applied in In re Jackson's Estate, 15 Alaska 116, 123 F. Supp. 143 (D. Alaska 1954).

Sec. 47.25.090. Enforcement against property outside state. If a resident under AS 47.25.010 — 47.25.100 dies leaving property outside the state, the attorney general on direction of the governor shall take the steps with respect to the property which will protect and secure the rights of the state as a creditor. (§ 51-2-103 ACLA 1949)

Sec. 47.25.100. Certificate as evidence. A certificate by the attorney general to the effect that a decedent was a beneficiary under AS 47.25.010 — 47.25.100 and that the state has a claim against the decedent's estate, is prima facie evidence of these facts in a proceeding in the courts of the state. (§ 51-2-104 ACLA 1949; am § 2 ch 46 SLA 1957)

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