

SB

249

HFIN

FILE

(11)

Date Referred: April 18, 1994

HOUSE COMMITTEE REPORT
FURTHER REFERRALS:

Date of Committee Action: 4/27/94

The FINANCE Committee considered:

CSSB 249(HES) am

CS FOR SENATE BILL NO. 249(HES) am

REGULATION OF ASSISTED LIVING HOMES

"An Act relating to assisted living homes; relating to the conversion of an assisted living home to a nursing home; repealing references to residential facilities for dependent adults; abolishing the authority of certain municipalities to license or supervise institutions caring for dependent adults; and providing for an effective date."

RECOMMENDATIONS:

be replaced with CSSB 249(HES) am the same title a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

fiscal impact _____

zero fiscal note _____

APPROVES PREVIOUS:

fiscal note(s) (3) DHS 3/10/94 (2)
1/14/94 (1)

zero fiscal note(s) Admin 3/10/94

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
Richard J. [Signature] FOSTER	*	[Signature] Larson		X	
[Signature]		[Signature] Hagley		X	
Terry Martin MARTIN	✓	[Signature] Parnell		X	
		[Signature] Grussendorf		X	
		[Signature] Navare		✓	
		[Signature] Brown		✓	
		[Signature] Themic		X	

[Signature] Larson
CO CHAIRMAN'S SIGNATURE Larson

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSSB 249 (HES) am

Revision Date: _____

Department Affected: Administration

Title: 'An Act relating to assisted living homes . . .'

BRU: Senior Services

Component: Senior Services Administration

Sponsor: Rules Committee

COMPONENT SERIAL NO. 1981

Requestor: _____

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUNDING SOURCE:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	0	0	0	0	0	0

Estimate of any current year (FY 94) cost: \$ 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.)

Adequate funding is included in the FY 95 budget for the new Division of Senior Services to handle the responsibilities of this bill.

Prepared by: Connie J. Sipe, Director
 Division: Senior Services

Phone: 465-4422
 Date: 5/15/94

Approved by Commissioner: Nancy Bear Usura
 Agency: Department of Administration

Date: 4/22/94

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Bill Version: SB 249

(S) Publish Date: 1-14-94

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: Assisted Living Homes BRU: Institutions & Admin
 Component: MH/DD Admin
 Sponsor: Rules Committee
 Requestor: Governor's Office COMPONENT SERIAL NO. 310

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	103.3	106.9	110.6	114.5	118.5	122.7
TRAVEL	20.0	20.7	21.4	22.2	23.0	23.8
CONTRACTUAL	20.0	20.7	21.4	22.2	23.0	23.8
SUPPLIES	1.0	1.0	1.1	1.1	1.1	1.2
EQUIPMENT	10.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	154.3	149.3	154.5	160.0	165.6	171.5
CAPITAL EXPENDITURES	0.0					
CHANGES IN REVENUES	0					

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA	154.3	149.3	154.5	160.0	165.6	171.5
Other						
TOTAL	154.3	149.3	154.5	160.0	165.6	171.5

POSITIONS:

FULL-TIME	2	2	2	2	2	2
PART-TIME						
TEMPORARY						

Changes in CS SB249 (HES)
 reflect NO FISCAL CHANGE from the original
 fiscal note. This fiscal note is appropriate.
3/10/94 beb
 date Comte Aide (initial)

Estimate of current year (FY94) cost \$ _____

ANALYSIS: (Attach a separate page if necessary)

This bill provides for licensure of assisted living homes. These homes would be established primarily to provide a home-like setting for elderly persons and persons with a mental or physical disability who need assistance with activities of daily living.

Currently, the Department of Health and Social Services, Division of Family and Youth Services, licenses adult foster homes and group homes and institutions caring for dependent adults. The bill would delete references to these licensing functions and add a new chapter regarding assisted living homes. Under the bill, the Department of Health and Social Services would license assisted living homes that will be providing care primarily to individuals with a mental or developmental disability. The Department of Administration would license assisted living homes that will be providing care primarily to individuals who have a physical disability.

Prepared by: Quilla R. ... Phone: _____
 Division: Mental Health and Developmental Disabilities Date: 12/29/93
 Approved by Commissioner: Margaret R. Lowe, M.Ed., Ed.S. Date: 12/29/93
 Agency: Department of Health & Social Services

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ANALYSIS (cont.):

who are elderly, or who suffer from dementia but who are not chronically ill.

Assumptions:

Based upon the projected workload it is anticipated that the Division of Mental Health and Developmental Disabilities will need two full-time Community Care Licensing Specialists to adequately provide timely inspection of all facilities across the State that serve individuals with a mental or developmental disability.

Program Summary:

The cost projections are based upon the following information: Two range 16, Step A full time positions located in Anchorage. These positions will travel statewide to perform inspections, provide technical assistance to facilities for compliance issues and to follow-up on consumer complaints. One position will be transferred from the Division of Family and Youth Services to the Division of Mental Health and Developmental Disabilities.

Other Expenditures:

- Travel for each position to perform inspections, provide technical assistance to facilities and follow-up on consumer complaints.
- Contractual services for Anchorage office space, phones systems, copier and data lines; general offices supplies for both positions.
- Equipment, first year purchase of two desk top computers/printers and software for data collection, word processing and statistical reporting; office furniture including desks, chairs, file cabinets, etc.

Computations:

All expenditures have been adjusted with an inflation factor of 3.5% for each year after FY95 and carried out to FY2000.

Economic Impact:

Assisted Living Program will stimulate the local communities as it will offer new employment opportunities as additional facilities are brought on line across the State and will allow many family care-givers to return to their careers.

Position Title Community Care Licensing Specialist		No. of Positions 2	Range / Step 16/A	Barg. Unit GGU
Time Status PFT	Staff Months 12	Location Anchorage		Election District
TYPE OF EXPENDITURE		Amount	<p>Justification</p> <p>The Assisted Living Homes bill provides for licensure of assisted living homes. The homes are established primarily to provide a home-like setting for elderly persons and persons with a mental or physical disability who need assistance with activities of daily living.</p> <p>A licensure function is not one currently performed by the Division of Mental Health and Developmental Disabilities. Additionally, existing staff cannot absorb the additional responsibilities because of the increased workloads associated with Project Choice and the Tefra Option. Therefore, two positions are requested to provide timely inspections and licensing of all facilities across the State that serve individuals with a mental or developmental disability. The positions are responsible for performing inspections, providing technical assistance to facilities for compliance issues, and following up on consumer complaints. These positions are necessary to assure the health and safety of disabled individuals residing in these homes.</p> <p>One position will be transferred from the Division of Family and Youth Services.</p>	
Salary		73.0		
Benefits		30.3		
Premium Pay				
Other				
Total Personal Services		103.3		
Travel		20.0		
Contractual		20.0		
Commodities Supplies		1.0		
Equipment		10.0		
Other				
Total Cost		154.3		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004			
IA Receipts	1007			
CIP Receipts	1061			
Other	GF/MHTIA 1006	154.3		

**Request For
New Position**

AGENCY Health and Social Services

BRU Institutions & Admin

COMPONENT MH/DD Admin

FY 05

Page 3 of 3

Revised Date: _____

FISCAL NOTE

No. 3
 Version: SB 249
 (S) Publish Date: 3-10-94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected Health and Social Services
 Title: An Act relating to assisted living homes BRU: Medical Assistance
repealing references to residential facilities... Component: Medicaid Non-facility
 Sponsor: Governor
 Requestor: Senate HESS COMPONENT SERIAL NO. 229

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	383.2	894.6	1,393.2	2,038.6	2,745.2
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	\$0.0	\$383.2	\$894.6	\$1,393.2	\$2,038.6	\$2,745.2

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGES IN REVENUES	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	0.0	191.6	447.3	696.6	1,019.3	1,372.6
1003 GF Match	0.0	191.6	447.3	696.6	1,019.3	1,372.6
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	\$0.0	\$383.2	\$894.6	\$1,393.2	\$2,038.6	\$2,745.2

Estimate of current year (FY94) impact: 0.0

POSITIONS:

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

Changes in SSB 249 (HESS) reflect **NO FISCAL CHANGE** from the original fiscal note. This fiscal note is appropriate.
3/10/94 hah
 date Comptroller (initial)

ANALYSIS (attach a separate page in necessary)

See attached pages for calculations and assumptions about projected utilization. This fiscal note assumes that a certificate of need will be required before any conversion of an assisted living facility into a nursing home (notwithstanding the expenditure threshold set out in AS 18.07.031); that payment of personal care and nursing services for home health and hospice will be available in assisted living facilities only after FY95, at which time the Div. of Medical Assistance will have drafted regulations to specify the methodology and limits of any payment; and that the bill does not bring assisted living facilities under the rules and interpretations of the Med. Rate Advisory Commission.

Prepared by: Dave W. Williams DW
 Division: Medical Assistance
 Approved by: _____
 Commissioner: Margaret R. Lowe, M.Ed., Ed.S. MRL
 Agency: Department of Health and Social Services

Phone: 465-3355
 Date: 2/23/94
 Date: 2/23/94

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Version: SB 249

(S) Publish Date: 3-10-94

Revision Date: _____
Title: An Act relating to assisted living homes repealing references to residential facilities...
Sponsor: Governor
Requestor: Senate HESS

Dept. Affected Health and Social Services
BRU: Medical Assistance Administration
Component: Claims Processing
COMPONENT SERIAL NO. 243

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	50.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	50.0
CONTRACTUAL	0.0	39.0	12.2	34.2	51.6	69.6
SUPPLIES	0.0	0.0	0.0	0.0	0.0	50.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	50.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	50.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	50.0
TOTAL OPERATING	\$0.0	\$39.0	\$12.2	\$34.2	\$51.6	\$69.6

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGES IN REVENUES	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	19.5	6.1	17.1	25.8	34.8
1003 GF Match	0.0	19.5	6.1	17.1	25.8	34.8
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	\$0.0	\$39.0	\$12.2	\$34.2	\$51.6	\$69.6

Estimate of current year (FY94) impact: 0.0

POSITIONS:

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

Changes in SSB 249 (HESS) reflect **NO FISCAL CHANGE** from the original fiscal note. This fiscal note is appropriate.
3/10/94 ban
date Compt Aide (initial)

ANALYSIS (attach a separate page in necessary)

Contractual costs are for claims processing at \$6.23 per claim. The attached pages provide calculations for estimated costs. Federal participation is available at 50% of costs.

Prepared by: Dave W. Williams DW
Division: Medical Assistance
Approved by: Margaret R. Lowe, M.Ed., Ed.S. [Signature]
Agency: Department of Health and Social Services

Phone: 465-3355
Date: 2/23/94
Date: 2/23/94

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ASSUMPTIONS PERTAINING TO FISCAL ANALYSIS OF SB249 AND HB377

A Certificate of Need under AS 18.07.031-111 will be required before any conversion of part or all an assisted living facility, into a nursing home, notwithstanding the expenditure threshold set out in AS 18.07.031; no CON will be required for new construction of assisted living facilities. Medicaid payment of personal care, home health, and hospice services will be available in assisted living homes and assisted living facilities. Assisted living homes and facilities do not qualify as institutional facilities under the purview of the Medicaid Rate Advisory Commission and are not subject to the same rules or interpretations for establishing Medicaid rates.

MEDICAID SERVICE RATES

Medicaid payment of Personal Care Services provided in assisted living facilities will be at \$18.00 through enrolled PCA agencies. Similarly, home health and hospice service costs will primarily be paid at the same rate as for a skilled nurse, \$29.69 per hour.

Medical services costs will increase at 5% per year for inflation.

The Division of Medical Assistance will develop regulations under the new section 47 33 340 to limit payment for Medicaid services delivered in or through an assisted living facility to be less than the statewide average Medicaid cost for nursing home care.

UTILIZATION

Access to Medicaid services for personal care, home health, and hospice as delivered through or at assisted living homes and facilities will be limited by the number of such homes and facilities built and converted from other licensure. These are assumed to become available at the capacity and year indicated by the Older Alaskan Commission documents: "Long-term Care Alternatives for Alaska's Elderly: A Report, 1993 and Beyond," September, 1993, and "A Blueprint for Home-based Long-term Care for the Elderly in Alaska, 1993 and Beyond," September, 1993, and as further clarified in a memo from the OAC dated February 8, 1994. Those facilities are expected to become available and serve the number of people as indicated below:

Planned construction and capacity in assisted living facilities						
	FY95	FY96	FY97	FY98	FY99	FY00
Small homes	0					
Homer Sr Citizens		40				
Small homes		20				
Providence			60			
Small homes			30			
1 or 2 rural centers				40		
Small homes				30		
One large facility					60	
Small homes					40	
Facilities (extrapolated)						60
Homes (extrapolated)						40
Totals	0	60	90	70	100	100
Cumulative Totals		60	150	220	320	420
Percentages of 5 years		4.29%	21.43%	16.67%	23.81%	23.81%

Some people who need the type of Medicaid services that may be delivered in an assisted living facility are already receiving those services at home or other, state-supported facilities. The OAC memo dated February 8, 1993 indicates that perhaps 68 seniors will receive those services at an assisted living home or facility over a five-year period beginning in FY 1996. Other OAC studies indicate a much higher number of seniors may need assisted living services. The following table indicates the identified need of older Alaskans for assisted living services and how much of that need is already addressed by the existing health care system. About 600 Medicaid eligible persons remain unserved.

ASSUMPTIONS PERTAINING TO FISCAL ANALYSIS OF SB245 AND SB377

Estimated Medicaid Population in Need of Assisted Living

Age 65+ needing assisted living (from Older Alaskans Commission study, "Long-term Care Alternatives for Alaska's Elderly: A Report," September, 1993)	9,687
Medicaid eligible portion at 20%	1,937

Resources Already Available to Address Need

Served by PCA services, FY 94 (From February 1994 DPH report, 330 age 60+ served by Home Care Services program, Medicaid portion.)	330
Assisted living clients served in nursing homes; assumed to be 80% of age 65+, Medicaid eligible utilization indicated by FFY1993 HCFA 2082 report	526
Medicaid eligible assisted living clients served in Pioneers Homes; assumed to be 20% of assisted living and nursing beds February, 1994	69
To be served by aged waiver in 3rd year	401
Total persons already served	1,326

Unmet Need Medicaid Eligible Age 65+ not served by the existing system

611

In addition to the OAC estimate of 68 people, it is assumed for the purpose of this fiscal note that 5 additional persons between the ages of 21 and 64 not being served under a home and community-based waiver will access services each year beginning in FY96. This 25 person group represents the younger adult population who are disabled according to SSI standards and therefore, qualify for Medicaid. Of this five-year total of 93 Medicaid recipients (68 OAC and 25 SSI) it is assumed that 30% will be severely impaired and 70% moderately impaired

COST (Medicaid non-facility 229)

The annual cost of meeting this need is given below and is based upon the FY 94 rates for personal care services and skilled nursing (non-facility) at the number of service hours indicated by the OAC study documents noted above.

Estimated Annual Cost for Services	
Moderately impaired:	
474 hrs of PCS @ \$18.00 per hr	\$8,532
148 hrs. of skilled nursing @ \$29.69	\$4,394
Average cost per recipient	\$12,926
Severely impaired:	
948 hrs of PCS @ \$18.00 per hr	\$17,064
296 hrs. of skilled nursing @ \$29.69 per hr	\$8,788
Average cost per recipient	\$25,852

Cost and utilization produces the estimates given in the table below. A 5% cost increase per year is included as an adjustment for inflation. The number of seniors is spread over the five-year period.

Medicaid Recipients at Assisted Living Homes & Facilities						
	FY95	FY96	FY97	FY98	FY99	FY00
Seniors >65	0	10	15	11	16	16
Adults >21 & <6	0	12	12	12	12	12
Total	0	22	27	23	28	28
Cumulative	0	22	48	72	100	128
Mod. impaired/ cost in thousands		15	34	50	70	90
		\$206	\$482	\$750	\$1,098	\$1,478
Sev. impaired/ cost in thousands		7	14	21	30	38
		\$177	\$413	\$643	\$941	\$1,267
Total cost in thousands		\$383	\$895	\$1,393	\$2,039	\$2,745

CLAIMS (claims processing 243)

The number of claims submitted per recipient will vary depending upon the method of claims submission. For larger facilities it is assumed that a payment methodology will be established which allows submission of 4 claims per recipient per month for all services. For small homes it is assumed that there will be a claim submitted for every 8 hours of service delivered which is 101 claims per year based on the OAC document estimates. The processing cost of each claim is \$6.23 and a 5% per year increase is assumed for inflation. An estimated \$30,000 in a one-time expenditure will be required for making system changes for a payment methodology that limits the cost for any given recipient to less than the cost of staying a nursing home.

Medicaid Claims Processing for Assisted Living Homes & Facilities						
	FY95	FY96	FY97	FY98	FY99	FY00
Small homes/ claims	0	7	9	24	38	49
		707	909	2,424	3,838	4,949
Facilities/ claims	0	14	18	48	62	79
		672	864	2,304	2,976	3,792
Total claims		1,379	1,773	4,728	6,814	8,741
Cost in thousands		\$9.0	\$12.2	\$34.1	\$51.6	\$69.5
System changes		\$30.0	\$0.0	\$0.0	\$0.0	\$0.0
Total in thousands		\$39.0	\$12.2	\$34.1	\$51.6	\$69.5

Combined Fiscal Note Totals						
	FY95	FY96	FY97	FY98	FY99	FY00
medicaid non-facility 229		383.1	894.6	1,393.2	2,038.6	2,745.2
claims processing 243		9.0	12.2	34.1	51.6	69.5
Totals	\$0.0	\$392.2	\$906.7	\$1,427.3	\$2,090.2	\$2,814.7

DEPARTMENT OF ADMINISTRATION

COMMITTEE SUBSTITUTE FOR SENATE BILL 249 (HES) am CREATING LICENSING FOR ASSISTED LIVING HOMES

Governor Hickel introduced this bill for the purpose of promoting the operation of homes that help the elderly to "age in place," and disabled adults to reach their highest level of functioning by integration into the community. The bill's many reforms can be summarized in three key points:

Respect for residents as consumers. This bill represents an entirely new approach in Alaska to group homes for adults; discarding the old law's notion of these persons as "dependent," and instead treating them as active consumers of the service of residential care, who should receive adequate disclosure of their contractual rights, and who must be invited to actively participate to the greatest extent possible in all decisions regarding their life and care.

Allowing access to health care in a homelike setting. This bill treats the dwelling of each assisted living resident as that person's home, not an institution. This bill allows the resident to have access to any community-based health care services available to the resident, and allows the staff of the home to directly provide certain specified health care services. Under current law, a mentally alert person who can not physically administer all of his own medications or who might be bedridden for five days can not legally be allowed to reside in an adult foster home or residential care center, regardless of the nursing capacity of the home staff or the availability of visiting health care personnel.

Transfer of licensing responsibility to agencies with programmatic experience with independent living for the elderly or persons with disabilities. This bill will remove licensure of homes for adults from the purview of the Division of Family and Youth Services. Homes which serve primarily persons with mental or developmental disabilities will be licensed by the Department of Health and Social Services through the Division of Mental Health and Developmental Disabilities. Homes which serve primarily the elderly or physically disabled adults will be licensed by the Department of Administration, through the Division of Senior Services.

These changes will put Alaska among the leading states which have moved toward promotion of "assisted living" as a desirable, less restrictive and more cost-affordable care alternative which can decrease the need for many persons to ever be institutionalized.

DETAILED ANALYSIS OF CSSB249 (HES)(am)

Section 1, sec. 47.33.005 lists the purposes of the bill: to encourage care in homelike settings, to promote aging in place and highest functioning by integration into communities, to establish reasonable standards to protect residents while honoring their independence, to require an assisted living plan for each resident; and to provide each resident or the resident's legal representative the maximum opportunity to participate in designing and carrying out the assisted living plan.

Sec. 47.33.010. Applicability and Definition. The bill applies only to homes that serve three or more adults not related to the operator. Small foster home arrangements serving only one or two adults would be "de-regulated" by this bill, and left to private contract. An assisted living home is a facility that provides housing and food service to its residents and provides, either directly or by obtaining the services for the resident, one of, or a combination of both of, the following services:

- (1) assistance with activities of daily living; or
- (2) personal assistance.

The bill specifies several types of facilities not included: correctional facilities, alcohol treatment centers, emergency or runaway shelters, etc.

Sec. 47.33.020. Health-related Services. This section of bill allows certain specified health care services to be made available to home residents, either by staff of the home when qualified or by outside caregivers such as home health agencies or private duty nurses.

The homes are not required to provide these health-related services, but must specify up front in writing which ones they will either provide or allow to be provided within the facility. When, in subsections (f), (h), and (i), residents are allowed to receive higher levels of nursing care or to choose to live without higher care, the operator of the home also must specifically agree with the resident's choice, and could instead ask the resident to move to another care setting.

Subsections of Sec. 47.33.020, listed in summary fashion below, in addition to allowing self-administration of medicines in (a), state that a licensed home would be allowed to provide staff, or arrange for or admit the resident's own health care provider, either of whom could:

- (c) help residents with self-administration of medications
- (d) provide "intermittent" nursing care less than 24-hour
- (e) home staff only: under a licensed nurse's training and delegation, perform limited nursing tasks by non-nursing staff

- (f) arrange for licensed nurse from outside the home's staff to provide skilled nursing care
- (g) provide 24 hour skilled nursing care for up to 45 days to avoid transfer out of the home
- (i) provide 24 skilled nursing care beyond 45 days to a terminally ill resident

Note that subsection (h) allows a "non-terminal" resident to stay in the home, with the home's consent, even when the resident has exhausted the 45 days of skilled nursing, the resident and the resident's physician have discussed the consequences and risks and have agreed that the resident wishes to stay in the home while choosing to forego or do without additional 24 hour skilled nursing care.

Note that subsection 47.33.020(b), while allowing the home to provide the health-related services described in (c) - (i), also mandates that the services under (c) - (i) may only be provided "in addition to, and as a supplemental service to, the long-term provision by the home of assistance with the activities of daily living or personal assistance." This subsection is meant to clarify that these assisted living homes are not allowed to act primarily as a nursing home or medical facility.

Sections 47.33.030 through 47.33.360, Standards for Residents' Rights and the Homes' Duties. These sections of the bill define the corresponding contractual rights and duties of the assisted living home and the residents, much like the state's landlord-tenant law or the condominium association statutes. These sections of the bill assume that residents, or their legal representatives such as a guardian, will benefit from advance disclosures of contract terms, as well as participating directly in designing and carrying out their own plans of care. Briefly, the sections can be understood fairly well from their titles and the summary below:

- .030 Advance payments, trust accounts, and refunds
- .040 Residents' money and requirements for safekeeping
- .050 Temporary absences; resident's duty to inform home
- .060 House rules; limits on rules and home's duty to disclose to residents
- .070 Resident files; information home must keep available
- .080 Closure or relocation; advance written notice required
- .090 Rate increase; home must give 30 day notice
- .200 Admission; requires resident's consent
- .210 Admission contract required; contents specified
- .220 Assisted living plan required; who participates
- .230 Assisted living plan contents specified

- .240 Evaluation of assisted living plan; how often
- .300 Residents' rights
- .310 Notice of rights; copy in advance and posted in home
- .320 Access to home by advocacy and legal services organizations
- .330 Prohibitions on conduct by home staff contrary to residents' rights
- .340 Resident grievance procedure; must be written
- .350 Retaliation against home resident for exercising rights or making grievance is prohibited
- .360 Involuntary termination of contract; allowable reasons defined, process specified

Article 4 of the bill deals with licensing, sections 47.33.400 through 430. In 47.33.400, the bill prohibits a home which meets the bill's definitions from operating without a license, and also allows smaller homes (serving five or fewer residents) to continue to refer to their homes as "adult foster care homes" despite their new licensing category.

Licensing agencies. 47.33.410. Homes which provide care primarily for persons with a mental or developmental disability will be licensed by the Department of Health and Social Services. Homes which care primarily for persons who have a physical disability, are elderly, or have dementia (but not chronic mental illness) will be licensed by the Department of Administration. The departments must coordinate their regulations so as to deal with homes which serve overlapping groups of persons or homes whose "primary" care group of residents changes over time.

Both licensing agencies are given the mandate to establish licensure standards by regulation, to license homes under the chapter, to investigate license applicants and licensees for compliance, and to enforce the standards of the chapter and accompanying regulations.

The licensing agencies may contract with private or municipal agencies to investigate and make recommendations for the licensing of homes.

Standard forms, Sec. 47.33.420. In keeping with the purpose of the bill to promote and not to discourage the operation of these homes, the two licensing agencies must cooperatively develop and provide standard forms to assist the operators of the home to comply with the requirements of the law (i.e., form admission contracts, residents' rights disclosures, plans of care outlines, etc.).

In Sec. 47.33.430, the authority of state agencies to impose additional program or care requirements is preserved when the state is either paying for the care of the resident with state funds, or when the state has the responsibility to certify a home for payment for resident care from federal funds.

(Note that nothing in this proposed bill or in any other current state or federal laws mandate state or federal payment for the care of any person in an assisted living home. The state currently purchases "protective placement" in adult foster homes and adult residential care facilities for some victims of abuse or neglect. Under the newly instituted Medicaid home care waivers, the state may pay for "residential supported living arrangements," meaning personal assistance beyond basic room and board for a very limited number of persons who meet the waiver eligibility requirements.)

Article 5 deals with procedures for complaints, investigations, adjudicatory proceedings, sanctions and penalties.

Sec. 47.33.500 deals with complaints. This section specifies that the licensing agencies will investigate complaints, and will protect the identity of the complainant or resident.

Sec. 47.33.510 provides civil immunity to a good faith complainant.

Sec. 47.33.520 defines investigative procedure and powers.

Sec. 47.33.530 requires written notice of alleged violations, of the time and method for curing them, notice of possible sanctions for non-compliance, and notice of the variance process.

Sec. 47.33.540 requires a procedure for self-made reports of compliance by the home.

Sec. 47.33.550 spells out a broad range of administrative sanctions which a licensing agency may invoke, and specifies the grounds and procedures for doing so. Administrative fines of up to \$ 500 per day are allowed, not to exceed \$ 5,000. A procedure is defined for appealing the sanctions, and for suspending the sanctions until the appeal is completed.

Sec. 47.33.560 specifies the constitutionally required due process procedures to be followed in administrative proceedings under this chapter; rights to notice, public hearings with ability to close the hearing to protect a resident's privacy, rights of residents to intervene, notice of the hearing to all residents.

Sec. 47.33.570 make non-compliance with the licensure requirement of 47.33.400 a class B misdemeanor.

Article 6 contains general provisions: Sec. 47.33.910 gives the authority to the licensing agencies to collect licensing fees. Sec. 47.33.920 gives the authority to promulgate regulations.

Sec. 47.33.990 contains the general definitions used in the chapter. Special note may want to be taken by the bill's reader of some of the more significant definitions found in this section, specifically:

- (1) "activities of daily living"
- (5) "aging in place"
- (13) "instrumental activities of daily living"
- (15) "personal assistance"
- (19) [resident's] "representative"
- (20) "service coordinator"
- (22) "terminally ill resident."

Sec. 3 of the bill amends the current AS 11.61.220(a), in the criminal code, to include an assisted living home as one of the places where it is would be the crime of criminal misconduct in the fifth degree to knowingly possess a concealed deadly weapon or a firearm.

Sec. 4 of the bill amends current law, AS 18.07.031, the state's "certificate of need" law relative to nursing home construction. Sec. 4 adds a new provision which will forbid the operators of an assisted living home to convert any building or part of a building that was an assisted living home into a nursing home without obtaining approval to do so through the certificate of need process. This section starts by stating that this prohibition against conversion of assisted living homes is not subject to the one million dollar expenditure threshold which now allows construction of nursing homes or conversion of other facilities to nursing home beds or wings without a certificate of need when the cost of conversion or construction is under one million dollars.

The remainder of the bill affects the transition of duties between the current licensing agency under current law and this bill's new scheme.

Sec. 5, amends AS 36.30.850(b)(19) in order to continue the exemption from the state procurement code for state-paid contracts for adult residential services provided under the regulations under this chapter.

Sec. 6 amends AS 44.21.240(2), the definition of long term care facility in the statute empowering the long term care ombudsman.

Sec. 7 amends AS 44.62.330(a) by adding this licensing system to the list of procedures covered by the adjudication section of the administrative procedures act.

Sections 8 through 13 amend the current licensing law, AS 47.35, which licenses all child care facilities and homes and all foster homes or residential care facilities "for dependent adults." The only changes are deletions of all references to facilities for adults (leaving only maternity homes and child care facilities).

Sec. 14 amends AS 47.80.140, the licensure and certificate of need statute relating to residential facilities for persons with handicaps, to exempt assisted living homes from that form of licensure and from the certificate of need requirements.

Sec. 15 repeals AS 47.35.075 which had previously allowed first or second class cities or boroughs to license institutions caring for dependent adults. In the new bill, the decision whether to delegate licensing to a local agency will be made by the state under section 47.33.410(f).

Sec. 16 provides for transition between the old and new licensing systems. Current regulations remain in effect until new regulations are adopted under the new chapter. Ongoing cases started before the effective date of the chapter continue in effect.

Sec. 17 provides for preparation of new regulations before the effective date of the chapter. The licensing agencies are authorized to proceed with adoption of regulations needed to implement the changes in the new chapter, so long as the regulations do not take effect before January 1, 1995.

Sec.18 contains clarifying instructions to the publishers of the statutes from the revisor of statutes, to renumber various statutes to conform to this new bill.

Sec. 19 gives section 17 an immediate effective date, so that the agency may proceed immediately with regulation promulgation.

Sec. 20 gives the rest of the bill an effective date of January 1, 1995.



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 14, 1994

The Honorable Ramona Barnes
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Barnes:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill related to assisted living homes. An assisted living home is a residential facility that serves adults, provides housing and food service, and provides or obtains for the residents assistance with activities of daily living, personal assistance or health-related services. Medical facilities licensed under AS 18.20, such as nursing homes and hospitals, and certain other types of residential facilities (including correctional facilities and emergency shelters) are not classified as assisted living homes under this bill.

Although assisted living homes are not health care or medical facilities, they may provide or obtain various health-related services for residents, such as intermittent nursing care, supervision of the resident's self-administration of medications, and needed care and comfort to terminally ill patients who are under the care of a doctor who verifies that the needs of the resident are being met in the assisted living home.

The bill is intended to promote the establishment of assisted living homes that will provide a home-like setting as well as certain health-related services or assistance with certain personal activities. Such services will allow the elderly to age in place, rather than having to be transferred to a more institutionalized nursing-home setting, and will allow adults with a physical or mental disability to become integrated into their community.

Currently, the Department of Health and Social Services, under AS 47.35, licenses and regulates certain facilities that care for dependent adults. Under this bill, that licensing structure will be deleted and replaced by a new chapter (AS 47.33) that provides for assisted living homes. Responsibility for licensing and regulating the homes will be split between the Department of Health and Social Services and the Department of Administration.

The Honorable Ramona Barnes

January 14, 1994

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The Department of Administration will be responsible for licensure of assisted living homes that will be providing care primarily to individuals who are elderly, who have a physical disability, or who suffer from dementia, but who are not diagnosed as chronically mentally ill. Licensure of assisted living homes that will be providing care primarily to individuals with a mental or developmental disability will be the responsibility of the Department of Health and Social Services. Provision is made for joint agency determination of the appropriate licensing agency in cases in which that designation cannot easily be made. The Department of Health and Social Services, division of family and youth services, will continue to license residential homes and facilities for children under AS 47.35. The respective licensing agencies will be responsible for investigating complaints filed regarding assisted living homes and for taking necessary action to protect residents through administrative actions.

The main body of the bill is contained in sec. 1 of the bill, which defines "assisted living home," describes certain services, sets certain operating standards, and provides for licensing and regulations. For example, sec. 1 specifically provides for the safeguarding of money that a resident of an assisted living home deposited with the home for safekeeping and management. Section 1 also requires assisted living homes to keep records regarding residents' care, as well as provide their residents with information regarding residents' rights at the home, including timely notice regarding closure or relocation, notice of any change in rates, and protections in case of an action for involuntary discharge from the home.

Furthermore, the bill states that an individual may not be admitted to an assisted living home without that person's consent, or, if the individual is not competent, the consent of the individual's representative. In addition, an individual may not be admitted as a resident of an assisted living home unless an admission contract has been signed by the individual (or the individual's representative, if appropriate) and the home. The bill also requires that an assisted living plan for a resident be developed, and approved by the resident (or the resident's representative, if appropriate), within 30 days after that resident was admitted to the home. The plan is designed to identify the reasonable wants and needs of the resident and the ways in which those wants and needs will be met.

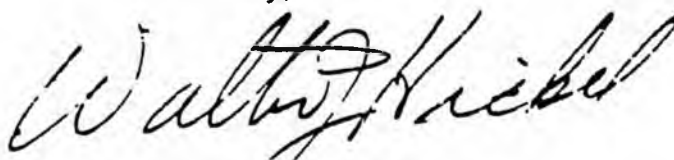
Section 1 of the bill also contains a lengthy list of residents' rights. These rights are designed to protect the residents' privacy and independence and to allow residents to be able to participate in grievance procedures or other remedial actions relating to resident complaints regarding how an assisted living home is providing care. Under the bill, certain complaints may be filed with the appropriate licensing agency; the licensing agencies have investigatory and sanction authority.

The Honorable Ramona Barnes
January 14, 1994
Page 3

Sections 2 through 12 of the bill amend existing statutory provisions to acknowledge the provisions in sec. 1 of the bill. Section 13 of the bill contains transition provisions regarding regulations and pending proceedings. Sections 14 and 15 allow the Department of Health and Social Services and the Department of Administration to prepare and adopt, before the effective date of the bill, regulations necessary to implement the bill. The new regulations cannot take effect before the effective date of the bill (January 1, 1995).

I urge your support of this important legislation.

Sincerely,

A handwritten signature in cursive script that reads "Walter J. Hickel". The signature is written in dark ink and is positioned above the printed name.

Walter J. Hickel
Governor

DEPARTMENT OF ADMINISTRATION

COMPARISON OF COMPANION BILLS

HB 377 AND CSSB 249 (HES) (am)

RELATING TO ASSISTED LIVING HOMES

There are several significant differences between these two versions of the Governor's bill on assisted living homes. Basically, the House heard the bill early in the HESS committee and passed it on without change to House Finance.

The Senate HESS committee held five or six hearings on this bill. During this time, the Department of Administration also conducted a half day public teleconference on the bill and garnered public comment from that meeting and from numerous meetings with the assisted living industry, and the social work and senior community. The Department brought to the Senate HESS committee numerous amendments which the public had urged and in which the department could concur.

Senate HESS adopted all amendments recommended by the department. In addition, the committee added several of its own amendments. The Senate amendments are mutually acceptable to the emerging assisted living industry in our state and to the administration and general public.

General editorial changes:

CSSB 249 contains a number of individual editorial changes as well as "global" changes in language, which can be summarized as the substitution throughout the bill of certain "medical" sounding terminology with more "social-model" language to express the same concepts. Examples of these editorial changes are:

Original bill - HB 377

CSSB 249 (HES)

"admission" to a home

"commencement of residency"

"admission contract"

"residential services
contract"

"discharge" from home

"terminate" the contract

a "bed" for a resident

a "space" for a resident

A number of sections have also been renumbered to accommodate the insertion of new sections.

SUBSTANTIVE CHANGES FROM HB 377 TO CSSB 249 (HES)

1. Changes to Section 1

- 47.33.010:

In 47.33.010(b)(3)(C), the original bill has been changed to delete the delivery of "health-related services" as one of the distinguishing characteristics that may make a facility an assisted living home, rather than just an apartment building with meal service.

The Senate CS recognizes only the provision of "assistance with activities of daily living," or "personal assistance," or a combination thereof, as distinguishing characteristics for licensing applicability. This is consistent with a significant amendment made later in 47.33.020.

- 47.33.020:

Subsection 47.33.020(a). Re-written by legislative drafting, but has the identical meaning as the original bill.

CSSB 249 also inserted a new subsection .020(b). This subsection specifies that although an assisted living home may provide the health-related services allowed by the bill, that such services may only be provided "in addition to" and as a "supplemental service to" the long-term provision to a resident of assistance with activities of daily living or personal assistance.

This section was added to reduce the concern of some nursing homes that these new assisted living homes would be able to compete in the primary business of providing health or medical care without being subject to the same restrictions and standards as licensed nursing homes.

This newly inserted subsection in .020 causes the rest of the section to be numbered differently than the House bill.

- 47.33.020(c) :

Legislative drafting reversed the sentence structure when it rewrote the CSSB 249, but the meaning is identical. Senate subsection (c) is the same as House subsection (b).

- 47.33.020(d) :

Subsection (d) in CSSB 249 is essentially the same as (c) in HB 377, with a slight change at the end of the sentence. Whereas HB 377 limits the provision of intermittent nursing services to state-licensed nurses or state-certified nurses aides, the Senate bill follows the latest January 1994 opinion on scope of practice from the State Nursing Board, and allows the nursing task to be performed by a state-licensed nurse or a person to whom a task has been delegated under the amended subsection (e) immediately following.

- 47.33.020(e) :

This subsection is also re-done in the Senate version in accordance with the latest change in the Board of Nursing's interpretation of what is appropriate "nurse training and delegation" of nursing tasks to persons who are not licensed under the state nurse licensing laws. The Senate change allows the delegation of tasks in an assisted living home to follow the board's interpretation.

- 47.33.030(a):

The Senate inserted, in the fifth line of this subsection, the words "as the rental period is defined in the contract." This answered the concerns of prospective operators of assisted living homes that advance rent payments could not be drawn down upon by the home except on a daily basis. This change is meant to clearly allow the home's contract to specify for instance that if a resident has paid for a monthly "rental period" in advance, that the entire monthly payment may be deducted at the beginning of the rental period from the designated resident trust account.

- 47.33.060(c):

This subsection specifies the types of subjects that may reasonably be included in house rules for the residents of a home. The Senate changes answer concerns from industry representatives, starting with the addition of the word "including" at the end of the first line in (c), which is intended to show that the list of rule subjects is not exclusive. The Senate CS also added a paragraph (c)(7), to include house rules about "physical, verbal, or other abuse of other residents or staff."

- 47.33.070(a):

CSSB 249 deleted subsection (a)(6) from the original bill, which would have required that every resident's file contain a physician's statement at the time of moving into the home. Since not all residents in any home, or perhaps no residents in some homes will necessarily be receiving health-related services directly from the staff of the assisted living homes, the discussion in Senate HESS and with industry representatives led to the decision to delete this requirement. In a later section, the assisted living plan of care was amended to more appropriately address the physician's statements for only the appropriate types of residents.

• 47.33.200:

The Senate deleted subsection .200(b) which was another requirement that persons moving into assisted living homes for "health problems" would have to have a physician's statement on hand within 30 days of entry. Again, this issue was addressed in the later section on assisted living care plans.

• 47.33.230(a)(2) and (a)(3):

The Senate re-wrote (a)(2) and (a)(3) to delete the words "shared responsibility" as they related to the right of both home and resident to evaluate and accept or reject risks associated with care options in the assisted living home setting.

The Senate bill maintains the dual responsibility concept but expresses it in two subsections. (a)(2) now recognizes the resident's right to discuss with all relevant parties, including the home, and then to evaluate and choose the risks that might go with each care option. The new subsection (a)(3) recognizes the right of the assisted living home to similarly evaluate risks and to accept or reject the resident's choice of risks.

• 47.33.230(c):

Subsection (c) originally required a registered nurse to review the portion of any assisted living plan that described how a resident's need for health-related services would be met. After discussion with industry, (c) was rewritten to state that only when the assisted living home provides or arranges for the health-related services to be provided, (as opposed to some outside agency arranging and overseeing the health care), only then does the licensed home have to ensure that a registered nurse reviews the assisted living plan. In addition, the Senate bill includes a new subsection (c)(2), which is where the physician's statement is required to be part of the plan, but only in the same types of circumstances as the nurse review requirement in (c)(1).

- 47.33.230(d) :

The Senate version re-wrote this sentence to remove the requirement from the home that it be the entity to ensure that each assisted living plan be written in language understandable to the resident. This was done to acknowledge that for some residents, their assisted living plan may be written by some agency outside of the home, such a case management agency, and simply concurred in by the home. Whoever prepares a plan must ensure its understandability.

- 47.33.240(a) :

The Senate bill removed references to residents "admitted for health problems," and instead focuses on what type of service the particular assisted living home provides to a particular resident as being the criteria for requiring a re-evaluation of the assisted living plan to be done on at least an annual basis (when the home does not provide or arrange the health-related care), or a three-month basis (when the home does provide health-related services).

Note that subsections 240(b)(1) through (4) were rewritten in a list format in the Senate version, with no substantive change.

- 47.33.300(a)(2) :

In the Senate CS (a)(2)(A) through (D) were slightly re-structured, but still contain the same meaning.

- 47.33.300(a)(6) :

In this subsection guaranteeing that residents have the right to use community services, the Senate inserted new language to clarify that this right is only "at the resident's own expense unless otherwise provided in the residential services contract."

- 47.33.300(a)(10):

The Senate version modifies the resident's right to opportunity for exercise and to go outdoors, by removing the words "at least several times a week."

- 47.33.300(a)(17):

The Senate CS clarifies the resident's right to have access to and participate in advocacy or special interest groups by inserting that this is "at the resident's own expense" unless specified otherwise in contract.

- 47.33.300(a)(18):

Again, the Senate CS clarifies a right, to intervene or participate in adjudicatory hearings held under the chapter--such as licensing administrative sanction hearings--to be a right only "at the resident's own expense."

- 47.33.300, new subsection (c):

This subsection was added in the Senate to clarify that five of the listed residents' rights did not create an obligation for the assisted living home to expend money for the specified rights, unless so provided in the contract. These rights are the rights: to possess personal clothing and property, to engage in private communications with access to a telephone and visits, to manage one's own money, to have access to health care, to receive special meals meeting religious or health restrictions.

- 47.33.320:

The Senate CS amendment deleted a guarantee of access to "representatives of community organizations," but left in the access for advocacy and legal services organizations. The CS also clarifies that the access to the home must be "subject to the resident's consent."

• 47.33.330(a)(2)(C):

The Senate CS re-wrote (C) to clarify that the home's staff may enter the resident's room without first obtaining permission on each and every occasion, when the entry is needed to carry out services specified in the particular resident's assisted living plan to provide services specified in the contract.

• 47.33.330(b):

The Senate CS deleted provisions in this paragraph which spelled out when and how the assisted living home had to contact emergency medical or policy agencies when the home had physically restrained a resident. After discussion, the committee decided that the opening requirement in this subsection more appropriately addressed the problem while ensuring that each home's unique circumstances were considered. The first sentence of the subsection states that the home cannot engage in any physical restraint practices unless it has in place a written physical restraint plan approved by its licensing agency.

• 47.33.360(a)(2):

The Senate CS inserted a reference to a pattern of conduct of harm to the resident's own person as a grounds for termination of contract

• 47.33.360(b):

In the Senate CS, the written notice of termination from the home is no longer required, as in the original bill, to give the date and time for a mandatory "case conference." Instead, the new subsection (b)(2) says the notice must "include an offer by the home to participate in a case conference."

- 47.33.360(c) :

In the original bill, the home had a duty to convene a "case conference" with the resident who was the subject of an involuntary termination of contract ("discharge" in the House bill). In the Senate CS, this subsection now requires the home to participate in such a conference only if so requested by the resident, and the conference is now stated in the bill as being a discussion of "the appropriateness of the contract termination." (The original bill required the appropriateness of involuntary discharge to be based also on a four-part assessment of a resident's needs, benefits and risks of alternatives to the resident's leaving the home, and the availability of alternative places for the resident to live.) After discussion with industry representatives, the Department took to the Senate HESS committee the current streamlined language of this section, which is less burdensome on the home.

- 47.33.520(b) (1) :

The Senate CS added the words "that are relevant to the investigation" to the requirement that a home give access to its records to the licensing agency. This alleviates industry concerns about overly broad investigative demands on a home, and is not objectionable.

- 47.33.550(a) :

The Senate CS changes the term "admissions" to the more non-medical language of "take in new residents."

The Senate CS also inserts two additional types of sanctions that the licensing agency may impose on an assisted living home. In addition to revocation and denial of renewal of the license, suspending operations of or new admissions to the home, and assessing an administrative fine, the CS also permits sanctions in the form of placing "conditions" or "restrictions" on the home's ability to take in new residents or to provide certain types of care otherwise allowed by law.

- 47.33.990(6):

Senate CS is a technical re-write of this sentence defining "assisted living home;" no substantive change.

- 47.33.990(9):

Senate CS has a technical change in the definition of "health-related services" to coincide with the re-numbering of subsections within 47.33.020.

- 47.33.990(12):

The Senate CS amends the definition of "imminent danger" to include danger not only to a resident but also to the staff of the home.

- 47.33.990(16):

The Senate CS deleted subsection (13) defining "individual with a developmental disability" and re-ordered that definition alphabetically as subsection (16) under "person with a developmental disability." The actual definitions are identical.

- 47.33.990(22):

The Senate CS adds a definition for the "terminally ill resident" referred to in the health-related services section, 47.33.020. The department and industry agreed upon a commonly used definition similar to that used by Medicare for hospice care.

2. New Section 2 (Senate)

- AS 11.61.195(a):

In the Senate CS, a reference was inserted to include assisted living homes as one of the places where it is a crime to engage in specified types of

Department of Administration
Comparison of HB 377 and CSSB 249 (HES) (am)

misconduct with a firearm. [As a result of the insertion of several new sections, the original section 2 has become section (5).]

3. New Section 3:

• AS 11.61.220(a):

Another insert to include assisted living homes among the protected places where certain conduct with a firearm or other weapons constitutes a criminal offense. [The former section 3 is now section 6 of the Senate CS.]

4. New Section 4:

• AS 18.07.031:

The Senate CS includes an amendment brought forward by the Department of Health & Social Services to prohibit the conversion of any part of any assisted living home into nursing beds unless the facility completes the process for and obtains a certificate of need from the state for such nursing home beds.

5. New Section 18:

The Senate CS includes an instruction to the revisor of statutes regarding a technical change in the citation in the administrative procedures code which will be needed upon passage of the bill.

6. Sections 18 & 19:

Renumbered in the Senate version to become 19 and 20.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSSB 249 (HES) am

Revision Date: _____
 Title: 'An Act relating to assisted living homes . . .'
 Sponsor: Rules Committee
 Requestor: _____

Department Affected: Administration
 BRU: Senior Services
 Component: Senior Services Administration
COMPONENT SERIAL NO. 1981

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ()	0	0	0	0	0	0

FUNDING SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	0	0	0	0	0	0

Estimate of any current year (FY 94) cost: \$ 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.)

Adequate funding is included in the FY 95 budget for the new Division of Senior Services to handle the responsibilities of this bill.

Prepared by: Connie J. Sipe, Director
 Division: Senior Services

Phone: 465-4422
 Date: 5/15/94

Approved by Commissioner: Nancy Bear Usera
 Agency: Department of Administration

Date: 4/12/94

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