

SB

249

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

DATE: 1/14/94

FURTHER: State Affairs
Finance

Date of 5-Day Notice: 1/27/94
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3/10/94

HESS Committee considered SENATE BILL NO. 249

"An Act relating to assisted living homes; repealing references to residential facilities for dependent adults; and providing for an effective date."

and recommends:

replace with _____ CS SB 249 (HES)

same title
 new title
 technical title change (HB only)

attaches amendment(s)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

FISCAL NOTE INFORMATION *Previous*

New

Department	Date	Zero	Fiscal
HSS Soc Services	1/14/94		154.3
CS+SB HESS/Medicare	2/23		6
CS+SB HESS/ " Claims	2/23		✓
CS only ADM/Pioneer	3/8	✓	

Department	Date	Zero	Fiscal
CS HESS - HESS	12/14	+	154.3

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

Bob May
Aron D. Munk
Andrzej S. Salo
[Signature]

OTHER RECOMMENDATIONS:

[Signature] NO REC.
[Signature] 1.11"

Steve Klein Do Pass
Chair: Signature and Recommendation

DIVISION OF LEGAL SERVICES

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MEMORANDUM

February 18, 1994

SUBJECT: Assisted Living Homes (CSSB 249(HES))

TO: Senator Steve Rieger
ATTN: Betty

FROM: Terri Lauterbach 
Legislative Counsel

Enclosed is a draft CS for SB 249. I wish to bring to your attention a couple of changes that were not specifically requested by your staff.

There is an addition to the bill's title because of the repeal of AS 47.35.075 in sec. 15 of the bill.

I have added a revisor's instruction in sec. 18 of the bill in order to deal with spanned references that include "AS 47.35.075." In the sections referred to in the revisor's instruction, it seemed appropriate to change the reference to either "AS 47.35" or "AS 47.35.010 - 47.35.070." This would delete the obsolete reference to AS 47.35.075 without changing the substantive meaning of the statutes.

However, the substantive meaning of AS 11.61.195(a) and 11.61.220(a) would be changed if the spanned reference in those two sections was changed to "AS 47.35.010 - 47.35.070" and if a reference to AS 47.33 were not added. Therefore, instead of including AS 11.61.195 and 11.61.220 in the revisor's instruction, I have added secs. 2 and 3 to the bill. It is possible that these two crimes involving misconduct with weapons were only intended to refer to facilities that care for children and the reference to AS 47.33 is unnecessary. However, the crimes currently do include misconduct near facilities for dependent adults. Now that secs. 2 - 3 are in the bill, perhaps the committee will want to consider this question more closely.

Please let me know if I can be of further assistance.

TML:gc
94-139.glc
Enclosure

8-GS2002E
Lauterbach
2/18/94

CS FOR SENATE BILL NO. 249(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered:
Referred:

Sponsor(s): **SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

A BILL

FOR AN ACT ENTITLED

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

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 * **Section 1.** AS 47 is amended by adding a new chapter to read:

8 **CHAPTER 33. ASSISTED LIVING HOMES.**

9 **ARTICLE 1. PURPOSE; APPLICABILITY; SERVICES; OPERATIONS.**

10 **Sec. 47.33.005. PURPOSE.** The purpose of this chapter is to

11 (1) contribute to the development of a system of care by encouraging
12 the establishment of assisted living homes that provide a homelike environment for
13 elderly persons and persons with a mental or physical disability who need assistance

1 with the activities of daily living;

2 (2) promote the establishment of homes that help

3 (A) the elderly to age in place; and

4 (B) adults with a physical or mental disability to become
5 integrated into the community and to reach their highest level of functioning;

6 (3) establish standards that will protect residents of assisted living
7 homes, while at the same time promoting an environment that will encourage resident
8 growth and independence, without discouraging the establishment and continued
9 operation of those home;;

10 (4) require that a resident of an assisted living home have an assisted
11 living plan that identifies the services that will be used to meet the resident's
12 reasonable wants and needs; and

13 (5) provide a resident of an assisted living home, or the resident's
14 representative, with the opportunity to participate to the fullest extent possible in the
15 design and implementation of the resident's assisted living plan and in any decisions
16 involving the resident's care.

17 Sec. 47.33.010. APPLICABILITY. (a) Except as provided in (b) of this
18 section, this chapter applies to residential facilities operated in the state that serve three
19 or more adults who are not related to the owner of the facility by blood or marriage
20 by

21 (1) providing housing and food service to its residents; and

22 (2) providing or obtaining, or offering to provide or obtain for its
23 residents

24 (A) assistance with the activities of daily living;

25 (B) personal assistance; or

26 (C) a combination of services under (A) and (B) of this
27 paragraph.

28 (b) Notwithstanding (a) of this section, this chapter does not apply to

29 (1) a correctional facility;

30 (2) a facility for treatment of alcoholism that is regulated under

31 AS 47.37;

- 1 (3) an emergency shelter;
- 2 (4) a medical facility, including a nursing home, licensed under
- 3 AS 18.20;
- 4 (5) a program for runaway minors licensed under AS 47.10; or
- 5 (6) a maternity home licensed under AS 47.35.

6 Sec. 47.33.020. HEALTH-RELATED SERVICES ALLOWED IN ASSISTED

7 LIVING HOMES. (a) This chapter does not prohibit the resident of an assisted living

8 home from self-administering the resident own medications, unless the resident's

9 assisted living plan specifically provides otherwise.

10 (b) An assisted living home may provide, obtain, or offer to provide or obtain

11 only the health-related services described in (c) - (i) of this section. A service under

12 (c) - (i) of this section may only be provided or obtained in addition to, and as a

13 supplemental service to, the long-term provision by the home to the resident of

14 assistance with the activities of daily living or personal assistance.

15 (c) If self-administration of medications is included in a resident's assisted

16 living plan, the assisted living home may supervise the resident's self-administration

17 of medications, notwithstanding a limitation imposed by AS 08 or by a regulation

18 adopted under AS 08. The supervision may be performed by any home staff person

19 and may include

- 20 (1) reminding a resident to take medication;
- 21 (2) opening a medication container or prepackaged medication for a
- 22 resident;
- 23 (3) reading a medication label to a resident;
- 24 (4) observing a resident while the resident takes medication;
- 25 (5) checking a resident's self-administered dosage against the label of
- 26 the medication container;
- 27 (6) reassuring a resident that the resident is taking the dosage as
- 28 prescribed; and
- 29 (7) directing or guiding, at the request of the resident, the hand of a
- 30 resident who is administering the resident's own medications.

31 (d) An assisted living home may provide intermittent nursing services to a

1 resident who does not require 24-hour nursing services and supervision. Intermittent
2 nursing services may be provided only by a nurse licensed under AS 08.68 or by a
3 person to whom a nursing task has been delegated under (e) of this section.

4 (e) A person who is on the staff of an assisted living home and who is not a
5 nurse licensed under AS 08.68 may perform a nursing task in that home if

6 (1) the authority to perform that nursing task is delegated to that person
7 by a nurse licensed under AS 08.68; and

8 (2) that nursing task is specified in regulations adopted by the Board
9 of Nursing as a task that may be delegated.

10 (f) A resident who needs skilled nursing care may, with the consent of the
11 assisted living home, arrange for that care to be provided in the home by a nurse
12 licensed under AS 08.68 if that arrangement does not interfere with the services
13 provided to other residents.

14 (g) As part of a plan to avoid transfer of a resident from the home for medical
15 reasons, the home may provide, through the services of a nurse who is licensed under
16 AS 08.68, 24-hour skilled nursing care to the resident for not more than 45 consecutive
17 days.

18 (h) If a resident has received 24-hour skilled nursing care for the 45-day limit
19 set by (g) of this section, the resident or the resident's representative may elect to have
20 the resident remain in the home without continuation of 24-hour skilled nursing care
21 if the home agrees to retain the resident after

22 (1) the home and either the resident or the resident's representative
23 have consulted with the resident's physician;

24 (2) the home and either the resident or the resident's representative
25 have discussed the consequences and risks involved in the election to remain in the
26 home; and

27 (3) the portion of the resident's assisted living plan that relates to
28 health-related services has been revised to provide for the resident's health-related
29 needs without the use of 24-hour skilled nursing care, and the revised plan has been
30 reviewed by a registered nurse licensed under AS 08.68 or by the resident's attending
31 physician.

1 (i) A terminally ill resident may remain in the home if (1) the home and either
2 the resident or the resident's representative agree that the resident may remain in the
3 home; and (2) the resident is under the care of a physician who certifies that the needs
4 of the resident are being met in the home. The time limitation of (g) of this section
5 does not apply in the case of a terminally ill resident.

6 Sec. 47.33.030. ADVANCE PAYMENTS. (a) An assisted living home may
7 not require a resident or prospective resident of the home or a resident or prospective
8 resident's representative, to make an advance payment to the home except as security
9 for performance of the contract or as advance rent for the immediately following rental
10 period as the rental period is defined in the contract. If a home requires a resident or
11 prospective resident to make an advance payment for security or as advance rent,

12 (1) the home shall promptly deposit the money in a designated trust
13 account in a financial institution, separate from other money and property of the home;

14 (2) the home may not represent on a financial statement that the
15 advance payment money is part of the assets of the home;

16 (3) the advance payment money may be used only for the account of
17 the resident;

18 (4) the home shall notify the resident or the resident's representative,
19 in writing, of the name and address of the depository in which the advance payment
20 money is being held; and

21 (5) the home shall provide to the resident or the resident's
22 representative the terms and conditions under which the advance payment money may
23 be withheld by the home.

24 (b) An assisted living home shall establish a written policy for the refund of
25 unused advance payments in the event of termination of a residential services contract
26 or death of a resident. The policy must provide that a resident is entitled to a prorated
27 refund of the unused portion of an advance payment, less reasonable charges for
28 damages to the home resulting from other than normal use.

29 Sec. 47.33.040. RESIDENTS' MONEY. (a) Except for advance payments
30 under AS 47.33.030, an assisted living home may not require a resident of the home
31 to deposit with the home money that belongs to the resident. The provisions of (b) of

1 this section do not apply to money that constitutes an advance payment under
2 AS 47.33.030.

3 (b) An assisted living home may accept, for safekeeping and management,
4 money that belongs to a resident. The home shall establish a written policy for the
5 management of such money and shall act in a fiduciary capacity with respect to that
6 money, in accordance with regulations adopted by the licensing agency. A home is
7 not required to accept money that belongs to a resident.

8 Sec. 47.33.050. TEMPORARY ABSENCE. (a) An assisted living home may
9 agree to reserve space for a resident of the home who is temporarily absent from the
10 home and plans to return to the home. The absent resident, or the resident's
11 representative, shall notify the home in writing if the resident's plan to return to the
12 home changes.

13 (b) Until the assisted living home receives written notice that an absent
14 resident does not intend to return to the home, the home may charge the resident an
15 agreed-upon daily rate during the resident's absence from the home.

16 Sec. 47.33.060. HOUSE RULES. (a) An assisted living home may establish
17 house rules, subject to the limitations provided for under this chapter.

18 (b) An assisted living home shall give a copy of the house rules to a
19 prospective resident or the prospective resident's representative before the prospective
20 resident enters into a residential services contract with the home, and shall post the
21 house rules in a conspicuous place in the home.

22 (c) House rules may address various issues, including

- 23 (1) times and frequency of use of the telephone;
24 (2) hours for viewing and volume for listening to television, radio, and
25 other electronic equipment that could disturb other residents;
26 (3) visitors;
27 (4) movement of residents in and out of the home;
28 (5) use of personal property;
29 (6) use of tobacco and alcohol; and
30 (7) physical, verbal, or other abuse of other residents or staff.

31 (d) An assisted living home may not adopt a house rule that unreasonably

1 restricts a right of a resident provided for under this chapter or under any other
2 provision of law.

3 Sec. 47.33.070. RESIDENT FILES. (a) An assisted living home shall
4 maintain, for each resident of the home, a file that includes

5 (1) the name and birth date, and, if provided by the resident, the social
6 security number of the resident;

7 (2) the name, address, and telephone number of the resident's closest
8 relative, service coordinator, if any, and representative, if any;

9 (3) a statement of what actions, if any, the resident's representative is
10 authorized to take on the resident's behalf;

11 (4) a copy of the resident's assisted living plan;

12 (5) a copy of the residential services contract between the home and
13 the resident;

14 (6) a notice, as required under AS 47.33.030, regarding the depository
15 in which the resident's advance payment money is being held;

16 (7) written acknowledgement by the resident or the resident's
17 representative that the resident has received a copy of and has read, or has been read
18 the

19 (A) resident's rights under AS 47.33.300;

20 (B) resident's right to pursue a grievance under AS 47.33.340;

21 (C) resident's right to protection from retaliation under
22 AS 47.33.350;

23 (D) provisions of AS 47.33.510, regarding immunity; and

24 (E) home's house rules;

25 (8) an acknowledgement and agreement relating to home safekeeping
26 and management of the resident's money, as required by AS 47.33.040;

27 (9) a copy of the resident's living will, if any; and

28 (10) a copy of a power of attorney or other written designation of an
29 agent, representative, or surrogate by the resident.

30 (b) An assisted living home shall retain a resident's file for at least one year
31 after the resident terminates residency at the home.

1 Sec. 47.33.080. CLOSURE OR RELOCATION; CHANGE OF MAILING
2 ADDRESS. (a) Not later than 90 days before the voluntary closing or relocation of
3 an assisted living home, the home shall provide written notice of the closure or
4 relocation to the licensing agency, each resident of the home, all representatives of
5 residents, and all service coordinators for residents.

6 (b) Not later than 14 days before a change of an assisted living home's mailing
7 address, the home shall provide written notice of the change to the licensing agency,
8 each resident of the home, all representatives of residents, and all service coordinators
9 for residents.

10 Sec. 47.33.090. RATE INCREASE. An assisted living home may not increase
11 the rate charged for services provided by the home unless the home notifies each
12 resident or the resident's representative of the increase at least 30 days before the
13 increase is to take effect.

14 ARTICLE 2. COMMENCEMENT OF RESIDENCY; ASSISTED LIVING PLAN.

15 Sec. 47.33.200. COMMENCEMENT OF RESIDENCY. A person may not
16 begin to reside in an assisted living home without that person's consent, or, if the
17 person is not competent, the consent of the person's representative.

18 Sec. 47.33.210. RESIDENTIAL SERVICES CONTRACTS. (a) A person
19 may not begin residency in an assisted living home unless a representative of the home
20 and either the person or the person's representative sign a residential services contract
21 that complies with the provisions of this section. Upon signing of the contract, the
22 home shall give the resident and the resident's representative, if any, a copy of the
23 contract and place a copy of the contract in the resident's file.

24 (b) A residential services contract must

25 (1) specifically describe the services and accommodations to be
26 provided by the assisted living home;

27 (2) set out the rates charged by the home;

28 (3) specifically describe the rights, duties, and obligations of the
29 resident, other than those specified in this chapter;

30 (4) set out the policies and procedures for termination of the contract
31 as provided for in this chapter;

1 (5) state the amount and purpose of any advance payments required by
2 the home; and

3 (6) set out the home's policy for refund of advance payments in the
4 event of termination of the contract or death of the resident.

5 Sec. 47.33.220. ASSISTED LIVING PLAN REQUIRED. An assisted living
6 home shall ensure that an assisted living plan for a resident of the home is developed,
7 and approved by the resident or the resident's representative, within 30 days after the
8 resident was admitted to the home. The assisted living plan must be developed by the
9 resident or the resident's representative with participation from

10 (1) the resident's service coordinator, if any;

11 (2) representatives of providers of services to the resident; and

12 (3) the administrator of the home.

13 Sec. 47.33.230. ASSISTED LIVING PLAN CONTENTS; DISTRIBUTION.

14 (a) An assisted living plan for a resident of an assisted living home must

15 (1) promote the resident's participation in the community and increased
16 independence through training and support, in order to provide the resident with an
17 environment suited to the resident's needs and best interests;

18 (2) recognize the responsibility and right of the resident or the
19 resident's representative to evaluate and choose, after discussion with all relevant
20 parties, including the home, the risks associated with each option when making
21 decisions pertaining to the resident's abilities, preferences, and service needs; and

22 (3) recognize the right of the home to evaluate and to either consent
23 or refuse to accept the resident's choice of risks under (2) of this subsection.

24 (b) An assisted living plan for a resident must identify and describe

25 (1) the resident's specific strengths and limitations in performing the
26 activities of daily living;

27 (2) any physical disabilities and impairments, and the aspects of the
28 resident's medical condition, general health, emotional health, mental health, or other
29 conditions or problems that are relevant to the services needed by the resident;

30 (3) the resident's preference in roommates, living environment, food,
31 recreational activities, religious affiliation, and relationships and visitation with friends,

1 family members, and others;

2 (4) specific activities of daily living with which the resident needs
3 assistance;

4 (5) how assistance with the activities of daily living will be provided
5 or arranged for by the home or the resident;

6 (6) the frequency of the resident's training for independent living, if
7 habilitation is part of the plan;

8 (7) the resident's need for personal assistance and how those needs will
9 be met by home staff or another service provider from the community;

10 (8) the resident's need for health-related services and how that need
11 will be met;

12 (9) the resident's reasonable wants and the services that will be used
13 to meet those wants.

14 (c) If the assisted living home provides or arranges for the provision of health-
15 related services to a resident, the home shall ensure that a

16 (1) registered nurse licensed under AS 08.68 reviews the portion of an
17 assisted living plan that describes how the resident's need for health-related services
18 will be met; and

19 (2) physician's statement about the resident is included in the plan.

20 (d) A resident's assisted living plan must be in writing, in language that can
21 be understood by the resident.

22 (e) If a person's reasonable wants and needs can be met by a particular
23 assisted living home and a decision is made to enter into a residential services contract
24 between the person and the home, the resident's assisted living plan shall be approved,
25 dated, and signed by the administrator of that home and either the resident or the
26 resident's representative.

27 (f) The assisted living plan shall be retained by the home in the resident's file.
28 The home shall provide a copy of the plan to the resident and to the resident's
29 representative, if any.

30 Sec. 47.33.240. EVALUATION OF ASSISTED LIVING PLAN. (a) An
31 assisted living home resident or the resident's representative, and the home

1 administrator or the administrator's designee, shall evaluate the resident's assisted
2 living plan. determine whether the plan is meeting the resident's reasonable wants and
3 needs, and revise the plan if necessary. At the request of the resident or the resident's
4 representative, the resident's service coordinator, if any, and family members may
5 participate in the evaluation. If the assisted living home provides or arranges for the
6 provision of health-related services to a resident, the resident's evaluation must be
7 done at three-month intervals. If the assisted living home does not provide or arrange
8 to provide health-related services to a resident, the resident's evaluation must be done
9 at least at one-year intervals.

10 (b) The administrator or the administrator's designee shall

- 11 (1) document the results of the evaluation in the resident's record;
- 12 (2) sign and date any revisions to the resident's assisted living plan;
- 13 (3) place a copy of the revisions in the resident's file; and
- 14 (4) provide the resident and the resident's representative, if any, with
15 a copy of the revisions.

16 ARTICLE 3. RESIDENTS' RIGHTS.

17 Sec. 47.33.300. RESIDENTS' RIGHTS. (a) A resident of an assisted living
18 home has the right to

- 19 (1) live in a safe and sanitary environment;
- 20 (2) be treated with consideration and respect for personal dignity,
21 individuality, and the need for privacy, including privacy in
 - 22 (A) a medical examination or health-related consultation;
 - 23 (B) the resident's room or portion of a room;
 - 24 (C) bathing and toileting, except for any assistance in those
25 activities that is specified in the resident's assisted living plan; and
 - 26 (D) the maintenance of personal possessions and the right to
27 keep at least one cabinet or drawer locked;
- 28 (3) possess and use personal clothing and other personal property,
29 unless the home can demonstrate that the possession or use of certain personal property
30 would be unsafe or an infringement of the rights of other residents;
- 31 (4) engage in private communications, including

- 1 (A) receiving and sending unopened correspondence;
- 2 (B) having access to a telephone, or having a private telephone
- 3 at the resident's own expense; and
- 4 (C) visiting with persons of the resident's choice, subject to
- 5 visiting hours established by the home;
- 6 (5) close the door of the resident's room at any time, including during
- 7 visits in the room with guests or other residents;
- 8 (6) participate in and benefit from community services and activities
- 9 to achieve the highest possible level of independence, autonomy, and interaction with
- 10 the community;
- 11 (7) manage the resident's own money;
- 12 (8) participate in the development of the resident's assisted living plan;
- 13 (9) share a room with a spouse if both are residents of the home;
- 14 (10) have a reasonable opportunity to exercise at least several times a
- 15 week, and to go outdoors at regular and frequent intervals, when weather permits;
- 16 (11) exercise civil and religious liberties;
- 17 (12) have access to adequate and appropriate health care and health
- 18 care providers of the resident's own choosing, consistent with established and
- 19 recognized standards within the community;
- 20 (13) self-administer the resident's own medications, unless specifically
- 21 provided otherwise in the resident's assisted living plan;
- 22 (14) receive meals that are consistent with religious or health-related
- 23 restrictions;
- 24 (15) receive the prior notice of relocation of the home or the home's
- 25 intent to terminate the residential services contract of the resident required by
- 26 AS 47.33.080 and 47.33.360, respectively;
- 27 (16) present to the home grievances and recommendations for change
- 28 in the policies, procedures, or services of the home;
- 29 (17) have access to and participate in advocacy or special interest
- 30 groups;
- 31 (18) intervene or participate in, or refrain from participating in,

1 adjudicatory proceedings held under this chapter, unless provided otherwise by other
2 law; and

3 (19) reasonable access to home files relating to the resident, subject to
4 the constitutional right of privacy of other residents of the home.

5 (b) An assisted living home may not establish or apply a policy, procedure, or
6 rule that is inconsistent with or contrary to a right provided by this section or by other
7 law.

8 Sec. 47.33.310. NOTICE OF RIGHTS. (a) At the time a person begins
9 residency in an assisted living home, the home shall provide the resident and the
10 resident's representative, if any, with a copy of the rights set out in AS 47.33.300.
11 The home shall obtain from the resident or the resident's representative a signed and
12 dated acknowledgement stating that the resident has read or been read the rights,
13 understands the rights, and has had any questions about the rights answered by the
14 home.

15 (b) An assisted living home shall post in a prominent place in the home

16 (1) a copy of the rights set out in AS 47.33.300;

17 (2) the name, address, and phone number of the long term care
18 ombudsman hired under AS 44.21.231 and, if relevant to residents, of the advocacy
19 agency for persons with a developmental disability or mental illness;

20 (3) the telephone number of an information or referral service for
21 vulnerable adults; and

22 (4) a copy of the grievance procedure established under AS 47.33.340.

23 Sec. 47.33.320. ACCESS TO ASSISTED LIVING HOME. An assisted living
24 home shall allow advocates and the representatives of community legal services
25 programs access to the home at reasonable times to

26 (1) visit with residents of the home and to make personal, social, and
27 legal services available to residents;

28 (2) distribute educational and informational materials to advise residents
29 and their representatives of their rights; and

30 (3) assist residents or residents' representatives in asserting legal rights
31 or claims.

1 Sec. 47.33.330. PROHIBITIONS. (a) An assisted living home, including staff
2 of the home, may not

3 (1) deprive a resident of the home of the rights, benefits, or privileges
4 guaranteed to the resident by law;

5 (2) enter a resident's room without first obtaining permission, except
6 (A) during regular, previously announced, fire, sanitation, or
7 other licensing inspections;

8 (B) when a condition or situation presents an imminent danger;

9 (C) as required by the resident's assisted living plan to provide
10 services specified in the residential services contract; or

11 (D) for other vital health or safety reasons;

12 (3) impose religious beliefs or practices upon a resident or require a
13 resident to attend religious services;

14 (4) place a resident under physical restraint unless the resident's own
15 actions present an imminent danger to the resident or others;

16 (5) place a resident under chemical restraint; this paragraph does not
17 prevent a resident from voluntarily taking tranquilizers, or other medication, prescribed
18 by a licensed physician;

19 (6) compel a resident to perform services for the home, except as
20 contracted for by the resident and the home or as provided for in the resident's assisted
21 living plan; or

22 (7) restrain, interfere with, coerce, discriminate against, or retaliate
23 against a resident for asserting a right specified by this chapter or by other law.

24 (b) An assisted living home may not physically restrain a resident unless the
25 home has a written physical restraint procedure that has been approved by the licensing
26 agency. If an assisted living home physically restrains a resident because the
27 resident's own actions present an imminent danger to the resident or others, the home
28 shall immediately seek assistance from appropriate medical, emergency, or police
29 personnel and shall notify the resident's representative, if any. The home shall
30 terminate the physical restraint as soon as the resident no longer presents an imminent
31 danger.

1 (c) An owner, administrator, employee, or agent of an assisted living home
2 may not act as a representative of a resident.

3 Sec. 47.33.340. RESIDENT GRIEVANCE PROCEDURE. (a) An assisted
4 living home shall establish a written grievance procedure for handling complaints of
5 residents of the home. At the time a person begins residency in an assisted living
6 home, the home shall give a copy of the grievance procedure to the resident and the
7 resident's representative, if any.

8 (b) The grievance procedure established under this section must provide that
9 a resident and the resident's representative have the right to

10 (1) present both a written and an oral explanation of the resident's
11 grievance;

12 (2) have an advocate of the resident's choice, and the resident's
13 representative, if any, attend meetings concerning the resident's grievance; and

14 (3) be notified in writing, within 30 days after the filing of the
15 grievance, of the final decision of the home regarding the grievance.

16 Sec. 47.33.350. RETALIATION AGAINST HOME RESIDENT. (a) An
17 assisted living home may not take retaliatory action against a resident of that home if
18 the resident or the resident's representative

19 (1) exercises a right provided by this chapter or by other law;

20 (2) appears as a witness, or refuses to appear as a witness, in an
21 adjudicatory proceeding regarding the home;

22 (3) files a civil action alleging a violation of this chapter; or

23 (4) claims a violation of this chapter before a state or federal agency
24 having jurisdiction over the home or its employees.

25 (b) Termination of a resident's residential services contract by an assisted
26 living home within 60 days after the resident engages in an activity described in (a)
27 of this section creates a rebuttable presumption that the termination was retaliatory.

28 (c) At the time, or before, a person begins residency in an assisted living
29 home, the home shall give the resident and the resident's representative, if any, written
30 notice of the protection from retaliation provided under this section.

31 Sec. 47.33.360. INVOLUNTARY TERMINATION OF CONTRACT. (a) An

1 assisted living home may not terminate a residential services contract with a resident
2 of the home against the resident's will, except

- 3 (1) for medical reasons;
- 4 (2) for engaging in a documented pattern of conduct that is harmful to
5 the resident, other residents, or staff of the home;
- 6 (3) for violation of the terms of the residential services contract,
7 including failure to pay costs incurred under the contract;
- 8 (4) when emergency transfer out of the home is ordered by the
9 resident's physician;
- 10 (5) when the home is closing; or
- 11 (6) when the home can no longer provide or arrange for services in
12 accordance with the resident's needs and the resident's assisted living plan.

13 (b) At least 30 days before terminating the residential services contract with
14 a resident under (a)(2), (3), (5), or (6) of this section, the assisted living home shall
15 provide written notice of the proposed contract termination to the resident or the
16 resident's representative, and to the resident's service coordinator if any. The notice
17 must state the

- 18 (1) basis for the termination; and
- 19 (2) resident's right to contest the termination in the manner provided
20 in the contract, which must include an offer by the home to participate in a case
21 conference as described in (c) of this section.

22 (c) Before terminating the residential services contract with a resident under
23 (a)(2), (3), (5), or (6) of this section, the assisted living home shall participate in a case
24 conference if requested by the resident or the resident's representative. The case
25 conference must include the resident, the resident's representative, if any, the resident's
26 advocate, if any, the resident's service coordinator, if any, the home administrator, and
27 appropriate care providers who may discuss the appropriateness of the contract
28 termination.

29 (d) If a home terminates the residential services contract with a resident under
30 this section, the home shall cooperate with the resident, the resident's service
31 coordinator, if any, and the resident's representative, if any, in making arrangements

1 to relocate the resident.

2 ARTICLE 4. LICENSING.

3 Sec. 47.33.400. LICENSE REQUIRED. (a) A person may not maintain or
4 operate an assisted living home that is subject to this chapter unless that home is
5 licensed under this chapter.

6 (b) A person may not use the term "assisted living home" or "assisted living
7 facility" in connection with services to be provided or obtained unless the home or
8 facility is governed by this chapter, as described in AS 47.33.010.

9 (c) To be licensed as an assisted living home, a facility must meet the
10 licensure requirements of this chapter and of regulations adopted under this chapter.

11 (d) Nothing in this chapter prohibits an assisted living home that is licensed
12 under this chapter and that serves five or fewer residents from using the term "adult
13 foster home" or "assisted living foster home" in connection with that facility.

14 Sec. 47.33.410. LICENSING AGENCY. (a) The Department of Health and
15 Social Services is the licensing agency responsible for licensing assisted living homes
16 that will be providing care primarily to persons with a mental or developmental
17 disability.

18 (b) The Department of Administration is the licensing agency responsible for
19 licensing assisted living homes that will be providing care primarily to persons who
20 have a physical disability, who are elderly, or who suffer from dementia, but who are
21 not diagnosed as chronically mentally ill.

22 (c) The Department of Administration and the Department of Health and
23 Social Services shall confer and jointly determine, in accordance with regulations, the
24 appropriate licensing agency for an assisted living home

25 (1) that, at the time of application for a license, appears to meet
26 the criteria in both (a) and (b) of this section;

27 (2) for which, at the time of application for a license, the
28 appropriate licensing agency is not clear under the criteria in (a) and (b) of this
29 section;

30 (3) that, during the term of a license issued under this chapter,
31 wishes to relinquish the license issued by one licensing agency and replace the

1 license with one issued by the other licensing agency; or

2 (4) that, at the time of the assisted living home's license
3 renewal under this chapter, is described in (1), (2), or (3) of this subsection.

4 (d) A licensing agency shall

5 (1) establish, by regulation, requirements and standards for licensure
6 and renewal of a license under this chapter;

7 (2) license assisted living homes in accordance with this chapter and
8 regulations adopted under this chapter;

9 (3) investigate license applicants and licensees for compliance with this
10 chapter; and

11 (4) enforce the standards established by this chapter and regulations
12 adopted under this chapter.

13 (e) The Department of Administration and the Department of Health and
14 Social Services shall jointly adopt regulations to implement the provisions of (c) of this
15 section, including regulations providing procedures and standards for determining the
16 appropriate licensing agency for an assisted living home and for relinquishing and
17 replacing a license issued under this chapter.

18 (f) Under procedures and standards of operation established by the licensing
19 agency by regulation, a licensing agency may contract with private or municipal
20 agencies to investigate and make recommendations to the licensing agency for the
21 licensing of assisted living homes.

22 Sec. 47.33.420. STANDARD FORMS. The Department of Health and Social
23 Services and the Department of Administration shall cooperatively develop standard
24 forms that assisted living homes may use to comply with the requirements of this
25 chapter.

26 Sec. 47.33.430. AUTHORITY OF STATE AGENCIES TO IMPOSE
27 ADDITIONAL REQUIREMENTS. The provisions of this chapter do not preclude
28 a state agency from imposing additional requirements or standards on an assisted living
29 home in order for the home to receive state or federal payment for services.

30 ARTICLE 5. COMPLAINT, INVESTIGATION, AND ADJUDICATORY
31 PROCEDURES; SANCTIONS; PENALTIES.

1 Sec. 47.33.500. COMPLAINT. (a) A person who believes that a provision
2 of this chapter or of a regulation adopted under this chapter has been violated may file
3 a complaint with the appropriate licensing agency.

4 (b) The licensing agency shall investigate a complaint filed under this section
5 unless the agency reasonably concludes that the complaint is without merit.

6 (c) Unless disclosure is required by court order, the licensing agency may not
7 disclose the identity of a complainant, or of a resident on whose behalf a complaint
8 is filed, without the consent of the complainant or the resident or the resident's
9 representative.

10 Sec. 47.33.510. IMMUNITY. A person who files a complaint concerning a
11 suspected violation of this chapter or of a regulation adopted under this chapter, or
12 who testifies in an administrative or judicial proceeding arising from a complaint
13 concerning a suspected violation of this chapter or of a regulation adopted under this
14 chapter, is immune from civil liability for the filing or testifying unless the person
15 acted in bad faith or with malicious purpose.

16 Sec. 47.33.520. INVESTIGATION. (a) A licensing agency may investigate
17 an assisted living home at any time to determine whether the home is in compliance
18 with this chapter and regulations adopted under this chapter.

19 (b) An assisted living home that is the subject of an investigation shall give
20 the licensing agency access to

21 (1) the home;

22 (2) all records relating to the operation of the home that are relevant
23 to the investigation;

24 (3) all resident files; and

25 (4) the residents and employees of the home.

26 (c) The licensing agency shall prepare a written report of the investigation that
27 summarizes its findings, and shall provide a copy of the report to the assisted living
28 home that is the subject of the investigation and to the complainant, if any, if the
29 complainant requests a copy.

30 (d) The assisted living home may submit to the licensing agency a written
31 response to the investigation report. The licensing agency shall retain the home's

1 response with the record of the complaint.

2 (e) Except as otherwise provided in AS 47.33.500(c), completed investigation
3 reports and responses from homes are public records.

4 Sec. 47.33.530. NOTICE OF VIOLATION. (a) If the licensing agency
5 determines that an assisted living home has violated a provision of this chapter or of
6 a regulation adopted under this chapter, the licensing agency shall prepare a written
7 notice of violation that contains

8 (1) a description of the violation;

9 (2) a citation to the statute or regulation that has been violated;

10 (3) an order requiring the home to correct the violation by the time
11 specified in the order, not to exceed 90 days after the date the home receives the
12 notice of violation;

13 (4) a statement of the requirement for filing a report of compliance
14 under AS 47.33.540;

15 (5) notice of the sanctions that may be imposed under this chapter if
16 the home fails to timely file a report of compliance or fails to correct the violation;
17 and

18 (6) notice of the right to apply for a variance, if applicable under
19 licensing agency regulations.

20 (b) The licensing agency shall serve the notice of violation on the home in
21 person, or by certified mail, return receipt requested.

22 Sec. 47.33.540. REPORT OF COMPLIANCE. (a) After correcting a violation
23 described in a notice of violation served under AS 47.33.530, an assisted living home
24 shall submit to the licensing agency a report of compliance regarding the correction.

25 (b) Each licensing agency shall adopt regulations specifying the contents of
26 and establishing procedures for reports of compliance, including the time period for
27 submission to the licensing agency under (a) of this section.

28 Sec. 47.33.550. ADMINISTRATIVE SANCTIONS. (a) A licensing agency
29 may revoke an assisted living home license, deny renewal of an assisted living home
30 license, suspend operations of an assisted living home, suspend the ability of an
31 assisted living home to take in new residents, place conditions on the ability of an

1 assisted living home to take in new residents, restrict the type of care than an assisted
2 living home may provide to residents, or assess an administrative fine, as the agency
3 considers appropriate, on one or more of the following grounds:

4 (1) a violation of a provision of this chapter, a regulation adopted under
5 this chapter, an order in a notice of violation issued under this chapter, or a term of
6 a license issued under this chapter;

7 (2) a criminal conviction of an administrator of an assisted living home
8 if the conviction is

9 (A) for an offense involving a resident of the home;

10 (B) a felony; or

11 (C) a misdemeanor involving alcohol, a controlled substance,
12 an imitation controlled substance, or physical or sexual abuse;

13 (3) obtaining, retaining, or attempting to obtain or retain a license under
14 this chapter by fraud or misrepresentation.

15 (b) An administrative fine assessed under this section may not exceed \$500 a
16 day for each day that a violation continues, and may not exceed a total of \$5,000 for
17 a violation.

18 (c) Before imposing an administrative sanction under (a) of this section, the
19 licensing agency shall give the assisted living home a written notice of the imposition
20 of administrative sanction. The notice must contain a form for requesting a hearing
21 under (d) of this section, and must describe

22 (1) each sanction to be imposed;

23 (2) the violation that is the basis of each sanction; and

24 (3) the home's right to request a hearing to contest the sanctions.

25 (d) An assisted living home may contest a licensing agency's decision to
26 impose an administrative sanction by filing a written request for a hearing, on the form
27 provided by the licensing agency, no later than 10 days after receipt of the notice of
28 administrative sanction.

29 (e) Unless an administrative sanction is related to a violation that presents an
30 imminent danger to the health or safety of the residents of an assisted living home, the
31 sanction may not be imposed until the

1 (1) time period for requesting a hearing under (d) of this section has
2 passed without a hearing being requested; or

3 (2) licensing agency renders a final decision following a hearing
4 requested under (d) of this section.

5 (f) If an assisted living home requests a hearing under (d) of this section the
6 hearing shall be held within 60 days after the licensing agency receives the request.
7 The department's decision following a hearing under this section is a final
8 administrative order.

9 (g) If an assisted living home does not request a hearing under (d) of this
10 section, the licensing agency's notice of administrative sanction constitutes a final
11 administrative order that the licensing agency may seek the court's assistance in
12 enforcing.

13 (h) A licensing agency shall provide notice of the agency's final action
14 regarding imposition of an administrative sanction on an assisted living home to

15 (1) each resident of the home;

16 (2) the agencies that provide treatment to the residents;

17 (3) the residents' service coordinators; and

18 (4) adult protective services.

19 (i) Imposition of an administrative sanction under this section does not
20 preclude imposition of a criminal penalty under AS 47.33.570.

21 Sec. 47.33.560. ADMINISTRATIVE PROCEDURES. (a) Except as
22 otherwise provided in this chapter, administrative proceedings involving the denial,
23 limitation, suspension, or revocation of a license or the assessment of an administrative
24 fine under this chapter shall be conducted under AS 44.62 (Administrative Procedure
25 Act).

26 (b) An administrative hearing held under this chapter shall be open to the
27 public unless the hearing officer determines that the hearing should be closed to protect
28 the privacy of a resident of an assisted living home.

29 (c) A resident may intervene as a party in an adjudicatory proceeding held
30 under this chapter if the home in which that person resides is a party to the
31 proceeding.

1 (d) At least 30 days before a hearing is held under this chapter, the licensing
2 agency shall give notice of the hearing to each resident of the assisted living home that
3 is the subject of the hearing.

4 Sec. 47.33.570. CRIMINAL PENALTY. A person who violates
5 AS 47.33.400(a) or (b) is guilty of a class B misdemeanor.

6 ARTICLE 6. GENERAL PROVISIONS.

7 Sec. 47.33.910. FEES. A licensing agency may charge and collect fees for
8 application and licensure under this chapter.

9 Sec. 47.33.920. REGULATIONS. The commissioner of health and social
10 services and the commissioner of administration each may adopt regulations to carry
11 out the provisions of this chapter, including regulations regarding licensure and
12 renewal requirements, license application and renewal procedures; application and
13 license fees; types, duration, renewal, and transferability of licenses; staffing and home
14 operation standards; and variances to licensure and operating standards. Regulations
15 adopted under this chapter may provide for the waiver or modification of the
16 requirements of this chapter for homes with fewer than six residents.

17 Sec. 47.33.990. DEFINITIONS. In this chapter,

18 (1) "activities of daily living" means walking, eating, dressing, bathing,
19 toileting, and transfer between a bed and a chair;

20 (2) "administrator" means an person who has general administrative
21 charge and oversight of an assisted living home;

22 (3) "adult" means a person 18 years of age or older who is not a ward
23 of the state under AS 47.10.080;

24 (4) "advocate" means a public or private officer, agency, or
25 organization designated by federal or state statute, or a state plan developed under a
26 federal or state statute, to represent the interests of and speak on behalf of a resident
27 of an assisted living home;

28 (5) "aging in place" means choosing to remain in a familiar living
29 environment and manage the risks associated with the physical or mental decline that
30 can occur with increasing age;

31 (6) "assisted living home" means a residential facility to which this

1 chapter applies, as described in AS 47.33.010;

2 (7) "assisted living plan" means a written description of

3 (A) a person's functional capabilities;

4 (B) the person's needs and preferences for assistance with the
5 activities of daily living; and

6 (C) the services to be provided to meet the person's reasonable
7 wants and needs;

8 (8) "controlled substance" has the meaning given in AS 11.71.900;

9 (9) "health-related services" means services described in
10 AS 47.33.020(c) - (i);

11 (10) "home" means an assisted living home;

12 (11) "imitation controlled substance" has the meaning given in
13 AS 11.73.099;

14 (12) "imminent danger" means a danger that could reasonably be
15 expected to cause death or serious physical harm to the resident's self, to the staff of
16 a home, or to others;

17 (13) "instrumental activities of daily living" means doing laundry,
18 cleaning of living areas, food preparation, managing money and conducting business
19 affairs, using public transportation, writing letters, obtaining appointments, using the
20 telephone, and engaging in recreational or leisure activities;

21 (14) "licensing agency" means the state agency given authority under
22 AS 47.33.410 to license an assisted living home;

23 (15) "personal assistance" means the provision by an assisted living
24 home of one or more of the following personal services to a resident of the home:

25 (A) assisting a resident in obtaining supportive services as
26 provided for in the resident's assisted living plan;

27 (B) assisting a resident in obtaining instrumental activities of
28 daily living, as provided for in the resident's assisted living plan;

29 (C) being aware of a resident's general whereabouts while the
30 resident is traveling independently in the community;

31 (D) monitoring a resident's activities while on the home

- 1 premises to provide for the resident's and others' safety and well-being;
- 2 (16) "person with a developmental disability" has the meaning given
- 3 in AS 47.80.900:
- 4 (17) "physician's statement" means a written statement by a person's
- 5 primary physician that includes a
- 6 (A) medical history and physical, not older than six months, of
- 7 the person;
- 8 (B) listing of the person's complete current medicine regimen;
- 9 and
- 10 (C) statement of current therapy regimen necessary to maintain
- 11 or increase the person's functioning, mobility, or independence;
- 12 (18) "resident" means an adult who has signed a residential services
- 13 contract with and resides in an assisted living home;
- 14 (19) "representative" means a guardian, conservator, attorney in fact,
- 15 or other person designated by a court, or in writing by a legally competent person, to
- 16 act on behalf of that person;
- 17 (20) "service coordinator" means a person who is responsible for
- 18 (A) coordinating the services of community agencies that
- 19 provide services to a resident of an assisted living home;
- 20 (B) participating in inter-agency case management for a
- 21 resident; or
- 22 (C) planning for the placement of a person in an assisted living
- 23 home;
- 24 (21) "supportive services" means recreational and leisure activities,
- 25 transportation, social services, legal services, financial management services,
- 26 educational and vocational services, medical, dental, and other health care services,
- 27 habilitation or rehabilitation services, respite services, case management, day care, and
- 28 other services required to meet a resident's needs;
- 29 (22) "terminally ill resident" means an ill resident who has a medical
- 30 prognosis, certified in writing by the resident's attending physician, that the life
- 31 expectancy of the resident is no more than six months if the illness runs its normal

1 course.

2 * Sec. 2. AS 11.61.195(a) is amended to read:

3 (a) A person commits the crime of misconduct involving weapons in the
4 second degree if the person knowingly

5 (1) possesses a firearm during the commission of an offense under
6 AS 11.71.010 - 11.71.040; or

7 (2) violates AS 11.61.200(a)(1) and is within the grounds of or on a
8 parking lot immediately adjacent to

9 (A) a public or private preschool, elementary, junior high, or
10 secondary school without the permission of the chief administrative officer of
11 the school or district or the designee of the chief administrative officer; or

12 (B) a center, other than a private residence, licensed under
13 AS 47.33 or AS 47.35.010 - 47.35.070 [AS 47.35.010 - 47.35.075] or
14 recognized by the federal government for the care of children.

15 * Sec. 3. AS 11.61.220(a) is amended to read:

16 (a) A person commits the crime of misconduct involving weapons in the fifth
17 degree if the person

18 (1) knowingly possesses a deadly weapon, other than an ordinary
19 pocketknife or a defensive weapon, that is concealed on the person;

20 (2) knowingly possesses a loaded firearm on the person in any place
21 where intoxicating liquor is sold for consumption on the premises;

22 (3) being an unemancipated minor under 16 years of age, possesses a
23 firearm without the consent of a parent or guardian of the minor;

24 (4) knowingly possesses a firearm

25 (A) or a defensive weapon within the grounds of or on a
26 parking lot immediately adjacent to a public or private preschool, elementary,
27 junior high, or secondary school without the permission of the chief
28 administrative officer of the school or district or the designee of the chief
29 administrative officer, except that a person 21 years of age or older may
30 possess

31 (i) an unloaded firearm in the trunk of a motor vehicle

1 or encased in a closed container in a motor vehicle;

2 (ii) a defensive weapon; or

3 (B) within the grounds of or on a parking lot immediately
4 adjacent to a center, other than a private residence, licensed under AS 47.33 or
5 AS 47.35.010 - 47.35.070 [AS 47.35.010 - 47.35.075] or recognized by the
6 federal government for the care of children; or

7 (5) possesses or transports a switchblade or a gravity knife.

8 * Sec. 4. AS 18.07.031 is amended by adding a new subsection to read:

9 (b) A person may not convert a building or part of a building that is licensed
10 as an assisted living facility under AS 47.33 to a nursing home that requires licensure
11 under AS 18.20.020 unless authorized under the terms of a certificate of need issued
12 by the office.

13 * Sec. 5. AS 36.30.350(b)(19) is amended to read:

14 (19) contracts for home health care provided under regulations
15 adopted by the Department of Health and Social Services and for adult residential
16 [AND FOSTER] care services provided under regulations adopted by the Department
17 of Health and Social Services or by the Department of Administration;

18 * Sec. 6. AS 44.21.240(2) is amended to read:

19 (2) "long term residential facility" means an assisted living [A FOSTER]
20 home [OR OTHER RESIDENTIAL FACILITY FOR DEPENDENT ADULTS] that
21 is required to be licensed under AS 47.33 [AS 47.35] and a nursing home as defined
22 in AS 08.70.180;

23 * Sec. 7. AS 44.62.330(a) is amended by adding a new paragraph to read:

24 (59) the Department of Health and Social Services and the Department
25 of Administration as to the licensing and regulation of assisted living homes under
26 AS 47.33.

27 * Sec. 8. AS 47.35.010(a) is amended to read:

28 (a) The department may

29 (1) license and supervise boarding homes, foster homes, group homes,
30 nurseries, and institutions caring for children [AND FOSTER HOMES, GROUP
31 HOMES AND INSTITUTIONS CARING FOR DEPENDENT ADULTS];

- 1 (2) investigate and supervise licensees;
2 (3) enforce the standards established by it;
3 (4) contract with private or municipal agencies to investigate and make
4 recommendations to the department for the licensing and supervision of boarding
5 homes, foster homes, group homes, nurseries, and institutions caring for children
6 [AND FOSTER HOMES, GROUP HOMES AND INSTITUTIONS CARING FOR
7 DEPENDENT ADULTS] under procedures and standards of operation established by
8 the department; contracts with private agencies under this paragraph are governed by
9 AS 36.30 (State Procurement Code).

10 * Sec. 9. AS 47.35.020 is amended to read:

11 Sec. 47.35.020. LICENSE OR PERMIT REQUIRED FOR CERTAIN CARE
12 FACILITIES. A person may not, without a license or permit to do so,

13 (1) maintain or conduct, for more than 90 days, a boarding home, foster
14 home, group home, institution, or other place for the regular reception or care of
15 children under 16 years of age [, OR A FOSTER HOME, GROUP HOME, OR
16 INSTITUTION FOR THE CARE OF DEPENDENT ADULTS]; or

17 (2) engage in the business of receiving or caring for children under 14
18 years of age, with or without compensation, in a nursery in which five or more
19 children not related by blood or marriage, or legal adoption, to the owner, operator, or
20 manager of the business are lodged.

21 * Sec. 10. AS 47.35.035(a) is amended to read:

22 (a) A person may not be licensed under this chapter to maintain or conduct a
23 foster home for children under the age of 18 unless the person has completed an
24 orientation for foster parents approved by the department. An orientation required
25 under this subsection must provide information about foster care regulations, policies,
26 and procedures; practical instruction about the realities of caring for a child who is
27 placed in a foster home; and other appropriate information.

28 * Sec. 11. AS 47.35.040(e) is amended to read:

29 (e) The department shall give written notice of revocation or modification
30 under (b) of this section 30 days before the effective date of the action. However, if
31 the health or well-being of children [OR DEPENDENT ADULTS] is in jeopardy, the

1 revocation or modification action is effective immediately upon the issuance of written
2 notice by the department.

3 * Sec. 12. AS 47.35.060 is amended to read:

4 Sec. 47.35.060. RECORDS REQUIRED. Each licensee or permit holder shall
5 keep records regarding each child [OR ADULT] in its control and care, or placed by
6 it, that the department prescribes, and shall report to the department the facts that the
7 department requires with reference to the children [OR ADULTS]. All records
8 regarding individuals placed for care in an institution or home under this chapter are
9 confidential and shall be safeguarded from improper disclosure by the agency or
10 department.

11 * Sec. 13. AS 47.35.900(3) is amended to read:

12 (3) "facility" means the administration, program, and physical plant of
13 a nursery caring for children, or a foster home, group home, or institution caring for
14 children [OR DEPENDENT ADULTS];

15 * Sec. 14. AS 47.80.140 is amended to read:

16 Sec. 47.80.140. LICENSING AND CERTIFICATES OF NEED. (a) A person
17 may not establish or operate a residential facility without first obtaining a license to
18 do so. The department by regulation shall provide for licensing of residential facilities
19 that are not within the licensing provisions of AS 18.20.010 - 18.20.130, AS 47.33,
20 AS 47.35.010 - 47.35.080 or other law requiring state licensing of such facilities.
21 Regulations of the department must include but need not be limited to (1) standards
22 of operation promoting and protecting public health, safety, and welfare, and (2)
23 procedures governing applications for and issuance of licenses and duration, renewal,
24 and revocation of licenses for cause. The department may at reasonable times inspect
25 and examine residential facilities licensed under this subsection for conformity with
26 licensing requirements.

27 (b) A certificate of need is required as a prerequisite for licensing a residential
28 facility established after July 1, 1978, and not otherwise provided for in AS 18.07.031
29 - 18.07.111. A certificate shall be issued and regulated in the same manner as
30 provided in AS 18.07.031 - 18.07.111 for certificates of need for health care facilities.

31 This subsection does not apply to an assisted living home licensed under AS 47.33.

1 * **Sec. 15.** AS 47.35.075 is repealed.

2 * **Sec. 16.** TRANSITION. Regulations relating to licensure of residential facilities for
3 dependent adults, adopted by the Department of Health and Social Services under authority
4 of AS 47.35 and in effect before January 1, 1995, remain in effect, and may be implemented
5 and enforced by the Department of Health and Social Services, until regulations relating to
6 assisted living homes are adopted by the Department of Health and Social Services and the
7 Department of Administration under AS 47.33, and take effect. Litigation, hearings,
8 investigation, and other proceedings pending under a law amended or repealed by this Act,
9 or in connection with functions transferred by this Act, continue in effect and may be
10 continued and completed notwithstanding a transfer, amendment, or repeal provided for in this
11 Act.

12 * **Sec. 17.** REGULATIONS. Notwithstanding sec. 20 of this Act, the Department of
13 Health and Social Services and the Department of Administration may proceed to adopt
14 regulations necessary to implement the changes made by this Act. The regulations may not
15 take effect before January 1, 1995.

16 * **Sec. 18.** REVISOR'S INSTRUCTION. (a) In AS 44.47.305 and 44.47.310, the revisor
17 of statutes shall change "AS 47.35.010 - 47.35.075" to "AS 47.35."

18 (b) In AS 47.35, the revisor of statutes shall change "AS 47.35.010 - 47.35.075" to
19 "AS 47.35.010 - 47.35.070."

20 * **Sec. 19.** Section 17 of this Act takes effect immediately under AS 01.10.070(c).

21 * **Sec. 20.** Sections 1 - 16 of this Act take effect January 1, 1995.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SB249

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
-----------------------------	------------	------------	------------	------------	------------	------------

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

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: Margaret R. Lowe, M.Ed., Ed.S.
 Agency: Department of Health and Social Services

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

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SB249

Revision Date: _____ Dept. Affected Health and Social Services
 Title: An Act relating to assisted living homes BRU: Medical Assistance Administration
repealing references to residential facilities... Component: Claims Processing
 Sponsor: Governor
 Requestor: Senate HESS 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	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	39.0	12.2	34.2	51.6	69.6
SUPPLIES	0.0	0.0	0.0	0.0	0.0	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	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
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	0	0	0
PART TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

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

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

Approved by
 Commissioner: Margaret R. Lowe, M.Ed., Ed.S. [Signature]
 Agency: Department of Health and Social Services

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		14.29%	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 SB249 AND HB377

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 recip:	\$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

ASSUMPTIONS PERTAINING TO FISCAL ANALYSIS OF SB249 AND HB377

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

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

1
 Bill Version: SB 249
 (\$ 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						

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: *Quilbe R. ...* Phone: _____
 Division: Mental Health and Developmental Disabilities Date: 12/29/93
 Approved by Commissioner: *Margaret R. Lowe* 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	Justification 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. 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. One position will be transferred from the Division of Family and Youth Services.	
Salary		73.0		
Benefits		30.3		
Premium Pay				
Other				
Total Personal Services		103.3		
Travel		20.0		
Contractual		20.0		
Commodities <i>Supplies</i>		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 95

Page 3 of 3
 Revised Date: _____

FISCAL NOTE

No. 2

**STATE OF ALASKA
1994 LEGISLATIVE SESSION**

Bill Version: SB 249

(S) Publish Date: 1-14-94

Revision Date: _____ Dept. Affected: Administration
 Title: An act relating to assisted living homes BRU: Senior Services
 Component: Senior Services Administration
 Sponsor: _____
 Requestor: Governor COMPONENT SERIAL NO. 1981

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	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	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
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	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: \$ _____

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 in necessary)
 Adequate funding is included in the FY95 budget for the new Division of Senior Services to handle the responsibilities of this bill.

Prepared by: Connie J. Sipe, Director Phone: 563-5654
 Division: Senior Services Date: _____

Approved by Commissioner: NEILL Date: 12/27/93
 Agency: Administration

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DEPARTMENT OF ADMINISTRATION

DIVISION OF PIONEERS' BENEFITS

P.O. BOX 41
JUNEAU, ALASKA 99811-0211
PHONE: (907) 465-4400

RECEIVED JAN 26 1994

January 21, 1994

Dear Senator Riegers:

I am writing in support of developing a true continuum of services for Senior Alaskans.

We have always taken great pride in the excellent quality of Skilled Care Facilities in our state. But not all Seniors in need require this level of continuous, extensive and expensive professional care to maintaining a high quality of life. Many physically frail may need help with bathing, dressing and eating. Assisted living offers an appropriate level of care, while promoting independence, self worth and dignity. Assisted Living encourages people to continue to do for themselves in an environment which is more cost effective and much less restrictive than the 24 hour skilled nursing facility alternative.

The Anchorage Pioneers' Home has offered our residents assisted living services for many years. We plan to expand our services to even more residents. The obvious benefit of being able to meet our residents increasing needs at a much less cost appeals to residents, families and administration. More important however is quality of life. Just having the assurance that assistance is there if needed gives support for our resident to give that little extra with confidence, which is necessary to keep alive a feeling of independence, success and self worth.

Knowing the success of our Assisted Living program I can appreciate the value community based Assisted Living Centers and Services will have for many more Alaskan Seniors.

I would be most happy to share further information about Assisted Living Programs and the Anchorage Pioneers' Home. Please feel free to call upon me or my staff at anytime.

Sincerely,
John Vowell
John Vowell
Administrator

ANCHORAGE PIONEERS' HOME
923 WEST ELEVENTH AVENUE
ANCHORAGE, ALASKA 99501-4399
PHONE: (907) 276-3414

FAIRBANKS PIONEERS' HOME
2221 EAGAN AVENUE
FAIRBANKS, ALASKA 99701-5797
PHONE: (907) 456-4372

JUNEAU PIONEERS' HOME
4675 GLACIER HIGHWAY
JUNEAU, ALASKA 99801-9518
PHONE: (907) 780-6422

KETCHIKAN PIONEERS' HOME
141 BRYANT STREET
KETCHIKAN, ALASKA 99901-5575
PHONE: (907) 225-4111

PALMER PIONEERS' HOME
250 EAST FIREWEED
PALMER, ALASKA 99645-6638
PHONE: (907) 745-4241

SITKA PIONEERS' HOME
120 KATLIAN STREET
SITKA, ALASKA 99835-7501
PHONE: (907) 747-3213

DEPARTMENT OF ADMINISTRATION

SENATE BILL NO. 249 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 SB 249

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 one or more of the following services, either directly or by obtaining the services for the resident:

- (1) assistance with activities of daily living;
- (2) personal care assistance;
- (3) health-related services.

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 (e), (g), and (h), 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.

Listed briefly, in addition to allowing self-administration of medicines in (a), 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:

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

- (f) provide 24 hour skilled nursing care for up to 45 days to avoid transfer out of the home
- (h) provide 24 skilled nursing care beyond 45 days to a terminally ill resident

Note that subsection (g) 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.

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 or consumer 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 discharge; 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. 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.).

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.

(This could apply to what is now state-paid adult foster care, group homes, protective placements, or the Medicaid home care waiver programs.) Sec. 47.33.430

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 immunity to a 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: ability of agencies to collect licensing fees, to promulgate regulations, and the general definitions used in the chapter.

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. 2, page 25, lines 17 - 21 continues the exemption from the state procurement code for state-paid contracts for adult residential services provided under the regulations under this chapter.

Sec. 3 amends AS 44.21.240(2), the definition of long term care facility in the statute empowering the long term care ombudsman.

Sec. 4 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 5 through 10, page 25, line 31 through page 27, line 18, 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. 11 amends 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. 12 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. 13 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. 14 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. 15 gives section 14 an immediate effective date.

Sec. 16 gives the rest of the bill an effective date of January 1, 1995.

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Older Alaskans Commission

Position Paper on Senate Bill 249

ASSISTED LIVING HOMES

The Older Alaskans Commission strongly urges passage of Senate Bill 249 introduced by Governor Hickel. This bill creates Assisted Living as a type of long term care in Alaska for seniors, developmentally or physically disabled adults. The bill would incorporate and expand both adult foster care and adult residential care, and move licensing responsibilities for homes for the elderly to the Division of Senior Services.

OAC wholeheartedly supports the change of philosophy illustrated in this bill, from the old idea of "dependent" adults, to recognition that adults are active consumers of services of residential care. Assisted living homes will carry out this philosophy through adequate disclosure of contractual rights between the home and the resident, and by the active participation and "shared responsibility" of the resident in his or her assisted living care plan and decision making process. This change of philosophy is in accord with the Commission's mission "to ensure honor, dignity, security and independence for older Alaskans and to assist them in maintaining meaningful, quality lives."

Senate Bill 249 will promote homelike environments and provides flexibility in the types of services available in an assisted living home. This bill calls for a contractual agreement between the home and the client that delineates what services will be provided. Unlike current laws on adult foster care and adult residential care, this bill allows residents of assisted living facilities or homes to access community-based health care services in their rooms or apartments. The bill also allows certain health services to be delegated by a nurse to unlicensed home staff who have been trained to perform routine health tasks for a particular resident.

One of the primary features of this bill allows a resident of an assisted living home to receive ongoing "intermittent" nursing services. A resident also can receive up to 45 consecutive days of 24-hour nursing care, if the facility can provide the care or if the resident has access to home nursing care from outside the facility. This means that a resident can remain "at home" during an illness and does not have to move to an acute care or a nursing care facility. After the 45 days, the resident, his or her physician, and the assisted living manager may agree together that the ill resident can continue

living "at home" with reduced level of nursing care or with only personal care assistance. This feature of the bill is vitally important to the Older Alaskans Commission because it allows seniors who do not live with their own family caregivers to have the same care choices and the ability to make decisions regarding their health care and living arrangement.

The Older Alaskans Commission believes that passage of Senate Bill 249 will allow senior citizens to "age in place" and receive the services they need to allow them to continue living in the assisted living home of their choice. The Commission also believes that assisted living will provide a less restrictive and more cost-affordable care alternative which will decrease the need of many people to ever be institutionalized.

Donald M. Hoover

Donald M. Hoover, Chairman
Older Alaskans Commission

February 4, 1994

Date

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 249

Page 1, line 1, after " ; ":

Insert "relating to the conversion of an assisted living home to a nursing home;
and"

Page 25, after line 16:

Insert a new bill section to read:

"* Sec. 2. AS 18.07.031 is amended by adding a new subsection to read:

(b) A person may not convert a building or part of a building that is licensed as an assisted living facility under AS 47.33 to a nursing home that requires licensure under AS 18.20.020 unless authorized under the terms of a certificate of need issued by the office."

Renumber the following bill sections accordingly.

Page 28, line 16:

Delete "16"

Insert "17"

Page 28, line 20:

Delete "14"

Insert "15"

Page 28, line 21:

Delete "1 - 13"

Insert "1 - 14"

WALTER J. HICKEL, GOVERNOR

MARGARET R. LOWE, COMMISSIONER

DEPT. OF HEALTH AND SOCIAL SERVICES

DIVISION OF ADMINISTRATIVE SERVICES

P.O. BOX 110650
JUNEAU, ALASKA 99811-0650
PHONE: (907) 465-3082

MEMORANDUM

RECEIVED FEB 08 1994

DATE: February 7, 1994

TO: Senator Steve Rieger, Chair
Senate Health, Education and Social Services Committee
Alaska State Legislature

THROUGH: Jay Livey, Deputy Commissioner
Department of Health and Social Services

FROM: Janet Clarke, Director
Division of Administrative Services
Department of Health and Social Services

SUBJECT: Senate Bill 249, Regulation of Assisted Living Facilities

Transmitted for your consideration is suggested language to be added to Senate Bill 249 regarding the conversion of assisted living facilities to nursing homes. The Department of Health and Social Services is very concerned that the current version of Senate Bill 249 will permit the conversion of assisted living facilities to nursing homes without certificate of need approval. This could potentially occur because once an assisted living facility is constructed, conversion to a nursing home can take place without triggering the \$1 million threshold requiring certificate of need approval by the Department of Health and Social Services. As you know this potential problem could severely impact this Department's medicaid budget. The language suggested below will prevent the conversion of assisted living facilities to nursing homes, regardless of the expenditure involved, unless a certificate of need is issued by the Department of Health and Social Services. Shown below is our suggested language:

Sec 11. AS 47.80.140 is amended to read:

(c) Notwithstanding the expenditure threshold in AS 18.07.031, a person may not convert a building or part of a building which is licensed as an assisted living facility under AS 47.33.400 to a nursing home which requires licensure under AS 18.20.020, unless a certificate of need is granted under AS 18.07.031 - 18.07.111.

cc: Connie Sipe, Director, Division of Senior Services, DOA
Elmer Lindstrom, Special Assistant, DHSS
Kim Busch, Director, Division of Medical Assistance, DHSS

Amendments to Senate Bill 249
Assisted Living Homes

Page 2 Sec. 47.33.010. APPLICABILITY; DEFINITION OF ASSISTED LIVING HOME.
Subsection (b)

- (3) provides or obtains, or offers to provide obtain [ONE OR MORE OF THE FOLLOWING] for its residents, either
(A) assistance with the activities of daily living; or
(B) personal assistance[;].

Page 3 Section 47.33.020. HEALTH-RELATED SERVICES ALLOWED IN ASSISTED LIVING HOMES. Notice that due to the new insert (a) the rest of the subsection letters must be changed accordingly.

Due to length of this section it is not retyped here.)

- (a) An assisted living home may provide or obtain, or offer to provide or obtain, one or more of the following health-related services for the residents of the home, as a supplemental service to the long-term provision by the home to residents of assistance with the activities of daily living or personal assistance.

Page 5 Sec. 47.33.030. ADVANCE PAYMENTS. ...

Line 1 for performance of the contract or as advance rent for the following rental period as defined in the contract.

Page 6 Sec. 47.33.050. TEMPORARY ABSENCE

Line 1 agree to reserve a [BED] space for a resident of the home who is temporarily absent from the home and plans to return to the home.

Sec. 47.33.060. HOUSE RULES.

Line 10 (b) An assisted living home shall give a copy of the house rules to a prospective resident or the prospective resident's representative before the prospective resident ['S ADMISSION TO] enters into a residential services contract with the home, and shall post the house rules in a conspicuous place in the home.

- (c) House rules may address various issues, including but not limited to
(1) times and frequency of use of the telephone;
(2) hours for viewing and volume for listening to television, radio, and other electronic equipment that could disturb other residents;

- (3) visitors;
- (4) movement of residents in and out of the home;
- (c)(5) use of personal property;[AND]
- (c)(6) use of tobacco and alcohol; and
- (c)(7) physical, verbal, or other abuse of other residents or staff.

Page 7 Sec. 47.33.070. RESIDENT FILES.

- (5) a copy of the residential contract between the home and the resident;

Line 23 (b) An assisted living home shall retain a resident's file for at least one year after the resident [IS DISCHARGED FROM] terminates residency at the home.

Page 8 Sec. 47.33.090. RATE INCREASE.

Article 2. [ADMISSIONS] COMMENCEMENT OF RESIDENCY:
ASSISTED LIVING PLAN.

Section 47.33.200.[ADMISSION] COMMENCEMENT OF RESIDENCY. (a) An individual may not [BE ADMITTED TO] commence to reside in an assisted living home without that individual's consent, or, if the individual is not competent, the consent of the individual's representative.

[(b)IF AN INDIVIDUAL IS BEING ADMITTED FOR HEALTH PROBLEMS, AT THE TIME OF OR WITHIN 30 DAYS AFTER THAT INDIVIDUAL'S ADMISSION TO THE HOME, THE HOME SHALL OBTAIN, AND PLACE IN THAT RESIDENT'S FILE, A PHYSICIAN'S STATEMENT REGARDING THAT RESIDENT.]

Sec. 47.33.210. [ADMISSION] RESIDENTIAL SERVICE CONTRACTS. (a) An individual may [NOT BE ADMITTED AS A RESIDENT OF] take up residency in an assisted living home unless a representative of the home and either the individual or the individual's representative sign [AN ADMISSION] a residential services contract that complies with the provisions of this section. Upon signing of the [ADMISSION] residential services contract, the home shall give the resident and the resident's representative, if any, a copy of the contract and place a copy in the resident's file.

(b) [AN ADMISSION] A residential services contract must

- (1) specifically describe the....
- (2) set out the rates charged....
- (3) specifically describe the rights, duties, and....
- (4) set out the policies and procedures for [DISCHARGE] termination of a [RESIDENT] residential services contract as provided for in this chapter.

(5) state the amount and purpose of any advance....

(6) set out the home's policy for refund of advance payments in the event of the [DISCHARGE] termination of the contract or death of the resident.

Page 9 Sec. 47.33.230. ASSISTED LIVING PLAN CONTENTS; DISTRIBUTION.

(1) promote the resident's participation in the community and increased independence through training and support, in order to provide the resident with an environment suited to the resident's needs and best interests; [AND]

(2) recognize the [SHARED] responsibility and right of [THE HOME AND] the resident or the resident's representative to evaluate and choose, after discussion with all relevant parties, including the home, the risks associated with each option when the resident or the home [MAKING] make decisions pertaining to the resident's abilities, preferences, and service needs; and

(3) recognize the right of the home to evaluate and to either consent or refuse to accept the resident's choice of risks as described in (2) above.

Line 28 (b)(5) how assistance with the activities of daily living will be provided or arranged for by the home or the resident;

Page 10 Sec. 47.33.230

Line 7 (9)(c) If the assisted living home provides or arranges for health-related services to be provided to a resident, the [ASSISTED LIVING] home shall ensure that a registered nurse licensed under AS 08.68 reviews the portion of an assisted living plan that describes how the resident's need for health-related services will be met, and shall ensure that a physician's statement about the resident is included in the plan.

(d) [AN ASSISTED LIVING HOME SHALL PREPARE A] The resident's assisted living plan must be prepared in writing, in language that can be understood by the resident.

(e) If an individual's reasonable wants and needs can be met by a particular assisted living home and a decision is made to [ADMIT] enter into a residential services contract with the individual, [TO THAT HOME,] the assisted living plan shall be approved, dated, and signed by the administrator of that home and either the resident or the resident's representative.

Sec. 47.33.240. EVALUATION OF ASSISTED LIVING PLAN. (a) An assisted living home resident, or the resident's representative, and the home.....

Line 25 [FOR A RESIDENT ADMITTED FOR HEALTH PROBLEMS] If the assisted living home provides or arranges for health-related services to be provided to the resident, the evaluation must be done at three-month intervals. For [A] other residents [ADMITTED FOR REASONS OTHER THAN HEALTH PROBLEMS], the evaluation must be done at least one year intervals, and must.....

Page 12 Sec. 47.33.300. RESIDENT'S RIGHTS.

Line 13 (15) receive the prior notice of relocation of the home or [INVOLUNTARY DISCHARGE] the intent of the home to terminate the residential services contract of the resident required by AS 44.47.080 and 44.47.360, respectively;

Sec. 47.33.310. NOTICE OF RIGHTS. (a) At the time an individual [IS ADMITTED AS A RESIDENT] takes up residency in an assisted living home, the home shall.....

Page 13 Sec. 47.33.320. ACCESS TO ASSISTED LIVING HOME. An assisted living home shall allow advocates [REPRESENTATIVES, OF COMMUNITY ORGANIZATIONS] and representatives of community legal services program access to the home, at reasonable times, to.....

Sec. 47.33.330. PROHIBITIONS.

Line 29 (C) as required by the resident's assisted living plan[;][OR] to provide services services specified in the residential services contract;

Page 14 Sec. 47.33.340. RESIDENT GRIEVANCE PROCEDURE. An assisted living home shall establish a written grievance procedures.....

Line 25 At the time an individual [IS ADMITTED AS A RESIDENT OF] takes up residency in an assisted living home, the home shall.....

Page 15 Sec. 47.33.350. RETALIATION AGAINST HOME RESIDENT.

Line 14 (b) [DISCHARGE] Termination of a resident's contract by an assisted living home within 60 days....

Line 17 (c) At the time, or before, an individual [IS ADMITTED AS A RESIDENT OF] takes up residency in an assisted living home, the home shall.....

Line 20 Sec. 47.33.360. INVOLUNTARY [DISCHARGE] TERMINATION OF CONTRACT.

(a) An assisted living home may not [DISCHARGE] terminate a residential services contract with a resident of the home against the resident's will, except
(1) for medical reasons;

(2) for engaging in a documented pattern of conduct that is harmful to the resident's self, to other residents, or to home staff;

(3) for violation of the terms of the [ADMISSION] residential services contract, including failure to pay costs incurred under the contract;

(4) when emergency [DISCHARGE] transfer out of the home is ordered by the resident's physician;

(b) At least 30 days before [DISCHARGE] terminating the contract of a resident under (a)(2),(3),(5), OR (6) (cont. page 16) of this section, the assisted living home shall provide written notice of the proposed [DISCHARGED] contract termination to the resident or the resident's representative, and to the resident's service coordinator if any. The notice shall state

(1) the basis for the [DISCHARGE] termination of the contract;

(2) the resident's right to contest the [DISCHARGE] contract termination, in the manner provided in the resident's [ADMISSION] residential services contract, which must include the offer by the home to participate in a (3)[THE TIME AND DATE OF THE] case conference [REQUIRED] as described under (c) of this section.

(c) Before [DISCHARGING] terminating the contract of a resident under (a)(2),(3),(5), or (6) of this section the assisted living home shall [HOLD] participate in a case conference [IN WHICH], if a conference is requested by any involved party. The conference shall include the resident; the resident's representative, if any; the resident's advocate, if any; the resident's service coordinator, if any; the home administrator; and appropriate care providers [DETERMINE] who may discuss the appropriateness of the [DISCHARGE BASED] contract termination.

[(1) THE RESIDENT'S NEEDS AND PREFERENCES;

(2) THE ABILITY OF THE ASSISTED LIVING HOME, ALTERNATIVE FACILITIES, FAMILY MEMBERS, FRIENDS, OR OTHER INDIVIDUALS OR AGENCIES TO PROVIDE THE CARE AND SERVICES THE RESIDENT REQUIRES; (3) THE BENEFITS AND RISKS INVOLVED WITH ALTERNATIVES TO DISCHARGE AND THE SHARED RESPONSIBILITY OF THE ASSISTED LIVING HOME AND THE RESIDENT IN ASSUMING RISKS ASSOCIATED WITH THE ALTERNATIVES; AND (4) THE PROXIMITY OF ALTERNATIVE FACILITIES TO THE RESIDENT'S FAMILY AND FRIENDS.]

(d) If a home [DISCHARGES] terminates the residential services contract with a resident under this section, the home shall cooperate with the resident; the resident's service coordinator, if any; and the resident's representative, if any, in making arrangements to relocate the resident.

Page 19 Sec. 47.33.520 INVESTIGATION.

Line 15(b) (2) all records relating to the operation of the home which are relevant to the investigation:

Page 20 Sec. 47.33.550. ADMINISTRATIVE SANCTIONS. (a) A licensing agency may revoke an assisted living home license, deny renewal of an assisted living home license, suspend operations of an assisted living home [SUSPEND ADMISSIONS], suspend the ability of the home to take in [ASSISTED LIVING HOME] new residents or to take in residents' with specified conditions, restrict the type of care which the home may provide to residents. or assess an administrative fine, as the agency considers appropriate, on one or more of the following grounds:

Page 24 Sec. 47.33.990. DEFINITIONS.

Line 3 (12) "imminent danger" means a danger that could reasonably be expected to cause death or serious physical harm to a resident[;], to the resident's self, to the staff, or to others:

Line 31 (18) "resident" means an adult who has [BEEN ADMITTED TO] signed a residential services contract with and who resides (cont. page 25) in, an assisted living home;

Page 25

(21)(last sentence).....

Line 16 other services required to meet a resident's needs[.] and

(22)"terminally ill resident" means a resident who has a medical prognosis, certified in writing by the resident's attending physician, that the life expectancy of the resident is six months or less if the illness runs its normal course.

Hazel J. Edmands, Elder Care

Foster Care Facility P. O. Box 55 Kasilof, Alaska 99610

Ph. (907) 262-0496 Larry Edmands, Mgr.

Senate Committee for Health, Education & Social Services
Chairman Steve Rieger

Reference Senate Bills 248, 249 and 250
House Bills 376, 377 and 378

Senate Bill # 249

AS 47 Ch. 33 Sec 47.33.005 (2) "promote the establishment of homes that help
(A). the elderly to age in place;" (3) establish standards that will protect residents of
assisted living homes, while at the same time promoting an environment that will
encourage resident growth and independence, without discouraging the
establishment and continued operation of those homes:

*It is apparent , by the underlined statement above, that some thought was
given to the caregiver, however, specific instances of harassment require that the
referenced bills should include some method of reducing the work load on the
caregiver. ie. require the licensing agency to investigate alleged misconduct
reporting to determine the validity of the reporter*

Post-It™ brand fax transmittal memo 7671		# of pages > 4
To J. H. Co.	From Sil. LIO	
Co. Written Testimony	Co.	
Dept. SB 248, 249, 250	202 1881	Area
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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
Page 2

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.

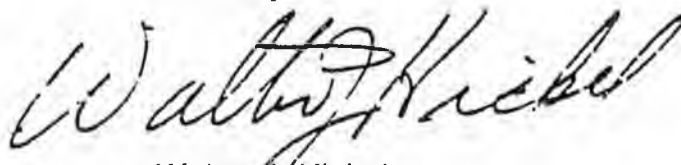
Section 1 of the bill also contains a lengthy list of residents' rights. These rights are designed to protect the residents' privacy and independence and to allow residents to be able to participate in grievance procedures or other remedial actions relating to resident complaints regarding how an assisted 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
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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, reading "Walter A. Hickel". The signature is written in dark ink and is positioned above the printed name and title.

Walter A. Hickel
Governor

HOMER



SENIOR

CITIZENS

February 16, 1994

Senator Steve Rieger, Chairman-HESS
State Capitol (MS 3100)
Juneau, Alaska 99801-1182

*Please share
with others
on the HESS
Committee.
Thanks!*

REF: Senate Bill 249

Dear Senator Rieger,

This Corporation has had the opportunity to review the suggested amendments to Senate Bill 249 that are being proposed by the Division of Senior Services. These suggested amendments are ones which will make it possible for this Corporation to receive a license for its proposed assisted living housing and manage the property to the benefit of seniors.

This corporation recommends your favorable review of these amendments.

Thank you for consideration in this matter.

Sincerely,

Velma Ellyson

Velma Ellyson
Executive Director

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SB249

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
CHANGES IN REVENUES	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0

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

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. [Signature]
 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

BILL NO. SB249

Revision Date: _____ Dept. Affected Health and Social Services
 Title: An Act relating to assisted living homes BRU: Medical Assistance Administration
repealing references to residential facilities... Component: Claims Processing
 Sponsor: Governor
 Requestor: Senate HESS 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	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

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

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

Approved by
 Commissioner: Margaret R. Lowe, M.Ed., Ed.S. ML
 Agency: Department of Health and Social Services

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		14.29%	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 SB249 AND HB377

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	\$8,786
Average cost per recipient	\$25,852

ASSUMPTIONS PERTAINING TO FISCAL ANALYSIS OF SB249 AND HB377

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.

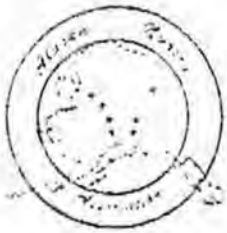
Medicaid Recipients at Assisted Living Homes & Facilities						
	FY95	FY96	FY97	FY98	FY99	FY00
Seniors >65	0	10	15	11	16	16
Adults >21 & <6	0	12	12	12	12	12
Total	0	22	27	23	28	28
Cumulative	0	22	48	72	100	128
Mod. impaired/		15	34	50	70	90
cost in thousands		\$206	\$482	\$750	\$1,098	\$1,478
Sev. impaired/		7	14	21	30	38
cost in thousands		\$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/	0	7	9	24	38	49
claims		707	909	2,424	3,838	4,949
Facilities/	0	14	18	48	62	79
claims		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



ALASKA NURSES ASSOCIATION

2211 3rd Avenue #3 Anchorage, AK 99501-2521
907-274-0827 FAX 907-272-0202

March 9, 1994

Senator Steve Rieger, Chair
Senate HESS Committee
Room 501-C
Capitol Building
Juneau, Alaska 99801-1182

Dear Senator Rieger:

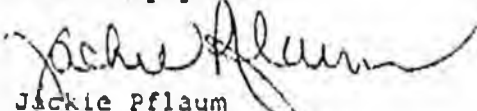
On behalf of the Alaska Nurses Association I would like to comment on SB 249, an act related to assisted living homes. The Nurses Association is primarily interested in the sections of the bill which refer to health-related services (Sec 47.33.20) and Article 2, Assisted Living Plan. We strongly endorse the references made in (Sec 47.33.20) to Alaska statute which refer to the regulation of nursing practice. We believe that the guidelines for delegation of nursing tasks in assisted living situations must be strictly followed and be carried out within the parameters of the Alaska Nurse Practice Act.

We support language in Article 2 which provides for the development of assisted living plans which specifically include the description of any physical disabilities and impairments, and the medical, health, emotional, mental health or other problems that are relevant to the services needed by the resident; the resident's need for health related services and how that need will be met. We strongly endorse language which ensures that a registered nurse licensed under AS 08.68 reviews the portion of an assisted living plan that describes how the resident's need for health related services will be met. Additionally, we support the plan to do an evaluation of the assisted living plan at three month intervals and suggest that a registered nurse licensed under AS08.68 participate in the evaluation of the plan. We believe that regular evaluations will contribute to the maintenance of the highest quality of care for these individuals.

SB 249 also appears to provide for maintaining the rights of the residents who occupy assisted living homes and incorporates mechanisms for individuals to be notified of his/her rights and includes a resident grievance procedure if a resident has complaints. These provisions advocate for the autonomy of the residents. We are strongly in support of these provisions.

The Alaska Nurses Association is available to offer further comments if you have questions. Thank you.

Sincerely yours,


Jackie Pflaum
Legislative Chair

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION

WALTER J. HICKEL, GOVERNOR

DIVISION OF PIONEERS' BENEFITS
PIONEERS' HOME — LONGEVITY BONUS

P.O. BOX 110211
JUNEAU, ALASKA 99811-0211
PHONE (907) 465-4400

March 9, 1994

The Honorable Bert M. Sharp
The State Senate
Room 514
State Capitol
Juneau, AK 99801-1182

Dear Senator Sharp,

I am in support of SB249. As you know, at the Fairbanks Pioneers' Home, we have converted fifteen nursing beds and six residential beds to assisted living beds. This was done over a year ago (December 1992). We involved residents, families, staff, and the community in this process. Newsletters were sent out, meetings were held, legislators were informed.

The unit has been most successful. Residents, families, and friends are most supportive.

There seems to be some misunderstanding about CNA's (certified nursing assistants) being allowed to give medications as a result of this bill. The Board of Nursing Position Paper already permits this practice. I participated in the Board's task force which developed that position paper. It was very clear that this practice was intended for many settings, including assisted living. Representatives of Mary Conrad Center and the Pioneers' Homes addressed the task force about the need for unlicensed assistive personnel to give medications in assisted living settings.

All our assisted living residents who need help with medications have a medi-set which is prepared by a licensed nurse. They either take the medication from the medi-set themselves or with reminders from the CNA. We have one resident whose dementia is so severe, she needs the CNA to take the pill out of the medi-set and put it in her mouth. We are presently training our CNA's to do this.

We have several residents in assisted living who get eyedrops or nitroglycerine patches. They lack the coordination to put the eyedrops in their eyes or place the patches on their skin. The CNA

ANCHORAGE PIONEERS' HOME
923 WEST ELEVENTH AVENUE
ANCHORAGE, ALASKA 99501-4399
PHONE: (907) 276-3414

FAIRBANKS PIONEERS' HOME
2221 EAGAN AVENUE
FAIRBANKS, ALASKA 99701-5797
PHONE: (907) 455-4372

JUNEAU PIONEERS' HOME
4675 GLACIER HIGHWAY
JUNEAU, ALASKA 99801-9518
PHONE: (907) 780-6322

KETCHIKAN PIONEERS' HOME
141 BRYANT STREET
KETCHIKAN, ALASKA 99901-5575
PHONE: (907) 225-4111

PALMER PIONEERS' HOME
250 EAST FIREWEED
PALMER, ALASKA 99645-6638
PHONE: (907) 745-4241

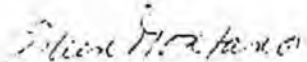
SITKA PIONEERS' HOME
120 KATLIAN STREET
SITKA, ALASKA 99835-7501
PHONE: (907) 747-3213

Senator Bert Sharp
March 9, 1994
Page 2

would take the bottle of eyedrops or the patches (labeled by the licensed nurse and placed by the licensed nurse in the residents' locked medication boxes in their rooms) and help the residents administer them. This entire process would be audited by the registered nurse who is the coordinator of the assisted living unit. I believe this will be a safe practice with many controls and safeguards.

I urge your support of this bill. We already have assisted living at the Homes and in the community. We need standards and regulations for these facilities to ensure quality care and safeguarding of the public interest.

Sincerely,



Eileen Montano, R.N., M.S.N., LNHA
Administrator
(Also, former member of the Board of Nursing 1975-1985, Chairperson
1977, 1980, 1984, 1985)

EM:ss