



LAWS OF ALASKA

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Source
SCS HB 178(HES)

Chapter No.
76

AN ACT

Adding children under the age of 21 who are eligible for adoption assistance because of special needs to the optional Medicaid coverage list and revising the order of priority in which groups eligible for optional Medicaid coverage are eliminated; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: June 25, 1993

Actual Effective Date: AS 47.07.020(b)(11), added by section 1, and AS 47.07.035(23), amended by section 3, are conditional; section 2 takes effect June 26, 1993; remainder of Act takes effect July 1, 1993

AN ACT

1 Adding children under the age of 21 who are eligible for adoption assistance because of
2 special needs to the optional Medicaid coverage list and revising the order of priority in which
3 groups eligible for optional Medicaid coverage are eliminated; and providing for an effective
4 date.

5

6 *** Section 1.** AS 47.07.020(b) is amended to read:

7 (b) In addition to the persons specified in (a) of this section, the following
8 optional groups of persons for whom the state may claim federal financial participation
9 are eligible for medical assistance:

10 (1) persons eligible for but not receiving assistance under any plan of
11 the state approved under 42 U.S.C. 601 - 615 (Title IV-A, Social Security Act, Aid to
12 Families with Dependent Children) or 42 U.S.C. 1381 - 1383c (Title XVI, Social
13 Security Act, Supplemental Security Income);

14 (2) persons in a general hospital, skilled nursing facility₁ or intermediate

Chapter 76

1 care facility, who, if they left the facility, would be eligible for assistance under one
2 of the federal programs specified in (1) of this subsection;

3 (3) persons under age 21 who are under supervision of the department,
4 for whom maintenance is being paid in whole or in part from public funds, and who
5 are in foster homes or private child-care institutions;

6 (4) aged, blind, or disabled persons, who, because they do not meet
7 income and resources requirements, do not receive supplemental security income under
8 42 U.S.C. 1381 - 1383c (Title XVI, Social Security Act), and who do not receive a
9 mandatory state supplement, but who are eligible, or would be eligible if they were not
10 in a skilled nursing facility or intermediate care facility to receive an optional state
11 supplementary payment;

12 (5) persons under age 21 who are in an institution designated as an
13 intermediate care facility for the mentally retarded and who are financially eligible as
14 determined by the standards of the federal aid to families with dependent children
15 program;

16 (6) persons in a medical or intermediate care facility whose income
17 while in the facility does not exceed 300 percent of the supplemental security income
18 benefit rate under 42 U.S.C. 1381 - 1383c (Title XVI, Social Security Act) but who
19 would not be eligible for an optional state supplementary payment if they left the
20 hospital or other facility;

21 (7) persons under age 21 who are receiving active treatment in a
22 psychiatric hospital and who are financially eligible as determined by the standards of
23 42 U.S.C. 601 - 615 (Title IV-A, Social Security Act, Aid to Families with Dependent
24 Children);

25 (8) persons under age 21 and not covered under (a) of this section, who
26 would be eligible for benefits under the federal aid to families with dependent children
27 program, except that they have the care and support of both their natural and adoptive
28 parents;

29 (9) pregnant women not covered under (a) of this section and who meet
30 the income and resource requirements of the federal aid to families with dependent
31 children program;

1 (10) persons under age 21 not covered under (a) of this section who
2 the department has determined cannot be placed for adoption without medical
3 assistance because of a special need for medical or rehabilitative care and who the
4 department has determined are hard-to-place children eligible for subsidy under
5 AS 25.23.190 - 25.23.220;

6 (11) persons who can be considered under 42 U.S.C. 1396a(e)(3)
7 (Title XIX, Social Security Act, Medical Assistance) to be individuals with respect
8 to whom a supplemental security income is being paid under 42 U.S.C. 1381 -
9 1383c (Title XVI, Social Security Act) because they meet all of the following
10 criteria:

11 (A) they are 18 years of age or younger and qualify as
12 disabled individuals under 42 U.S.C. 1382c(a) (Title XVI, Social Security
13 Act);

14 (B) the department has determined that

15 (i) they require a level of care provided in a hospital,
16 nursing facility, or intermediate care facility for the mentally
17 retarded;

18 (ii) it is appropriate to provide their care outside of
19 an institution; and

20 (iii) the estimated amount that would be spent for
21 medical assistance for their individual care outside an institution is
22 not greater than the estimated amount that would otherwise be
23 expended individually for medical assistance within an appropriate
24 institution;

25 (C) if they were in a medical institution, they would be
26 eligible for medical assistance under other provisions of this chapter; and

27 (D) home and community-based services under a waiver
28 approved by the federal government are either not available to them under
29 this chapter or would be inappropriate for them [REPEALED].

30 * Sec. 2. AS 47.07.030 is amended by adding a new subsection to read:

31 (c) Notwithstanding (b) of this section, the department may offer a service for

Chapter 76

1 which the department has received a waiver from the federal government if the
2 department was authorized, directed, or requested to apply for the waiver by law or by
3 a concurrent or joint resolution of the legislature. The department shall annually
4 submit to the legislature its recommendations about where a service offered under this
5 subsection should be placed on the priority list in AS 47.07.035.

6 * **Sec. 3.** AS 47.07.035 is amended to read:

7 Sec. 47.07.035. **PRIORITY OF MEDICAL ASSISTANCE.** If the department
8 finds that the cost of medical assistance for all persons eligible under this chapter will
9 exceed the amount allocated in the state budget for that assistance for the fiscal year,
10 the department shall eliminate coverage for optional medical services and optionally
11 eligible groups of individuals in the following order:

- 12 (1) clinical social workers' services;
- 13 (2) psychologists' services;
- 14 (3) chiropractic services;
- 15 (4) advanced nurse practitioner services;
- 16 (5) adult dental services;
- 17 (6) emergency hospital services;
- 18 (7) treatment of speech, hearing, and language disorders;
- 19 (8) optometrists' services and eyeglasses;
- 20 (9) occupational therapy;
- 21 (10) mammography screening;
- 22 (11) prosthetic devices;
- 23 (12) medical supplies and equipment;
- 24 (13) targeted case management services;
- 25 (14) rehabilitative services for substance abusers and emotionally
26 disturbed or chronically mentally ill adults;
- 27 (15) clinic services;
- 28 (16) physical therapy;
- 29 (17) personal care services in a recipient's home;
- 30 (18) prescribed drugs;
- 31 (19) long-term care noninstitutional services;

1 (20) inpatient psychiatric facility services;

2 (21) intermediate care facility services for the mentally retarded;

3 (22) intermediate care facility services;

4 (23) individuals described in AS 47.07.020(b)(11);

5 (24) individuals under age 21 who are not eligible for benefits under
6 the federal aid to families with dependent children program because they are not
7 deprived of one or more of their natural or adoptive parents;

8 (25) [(24)] skilled nursing facility services for persons under age 21;

9 (26) [(25)] aged, blind, and disabled individuals who, because they do
10 not meet the income requirements, do not receive supplemental security income under
11 Title XVI of the Social Security Act, but who are eligible, or would be eligible if they
12 were not in a skilled nursing facility or intermediate care facility, to receive an
13 optional state supplementary payment;

14 (27) [(26)] individuals in a hospital, skilled nursing facility, or
15 intermediate care facility whose income while in the facility does not exceed 300
16 percent of the supplemental security income benefit rate under Title XVI of the Social
17 Security Act, but who, because of income, are not eligible for the optional state
18 supplementary payment;

19 (28) [(27)] individuals under age 21 under supervision of the
20 department, for whom maintenance is being paid in whole or in part from public
21 money and who are in foster homes or private child-care institutions;

22 (29) individuals under age 21 who the department has determined
23 cannot be placed for adoption without medical assistance because of a special
24 need for medical or rehabilitative care and who the department has determined
25 are hard-to-place children eligible for subsidy under AS 25.23.190 - 25.23.220.

26 * Sec. 4. (a) AS 47.07.020(b)(11), added by sec. 1 of this Act, and AS 47.07.035(23),
27 amended by sec. 3 of this Act, take effect on the 180th day after the effective date of
28 Medicaid plan amendments approved by the federal government under which the state would
29 implement a waiver for home and community-based services under 42 U.S.C. 1396n for
30 persons who are Medicaid eligible and who would otherwise require a level of care provided
31 in a hospital, nursing facility, or intermediate care facility for the mentally retarded in the

Chapter 76

1 absence of home and community-based services.

2 (b) The Department of Health and Social Services shall notify the revisor of statutes
3 as to the effective date of the plan amendments referred to in (a) of this section.

4 * Sec. 5. Section 2 of this Act takes effect immediately under AS 01.10.070(c).

5 * Sec. 6. Except as provided in secs. 4 and 5 of this Act, this Act takes effect July 1, 1993.