LAWS OF ALASKA

2022

Source
SCS HB 168(FIN)

Chapter No.
_____

AN ACT

Requiring the Department of Health to provide and allow submission of an electronic application for certain state benefits; and providing for an effective date.

_____

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

Requiring the Department of Health to provide and allow submission of an electronic application for certain state benefits; and providing for an effective date.

*** Section 1.** AS 47.05.010, as amended by sec. 41 of Executive Order 121, is amended to read:

Sec. 47.05.010. Duties of Department of Health. The Department of Health shall

(1) administer adult public assistance, the Alaska temporary assistance program, and all other assistance programs, and receive and spend money made available to it;

(2) adopt regulations necessary for the conduct of its business and for carrying out federal and state laws granting adult public assistance, temporary cash assistance, diversion payments, or self-sufficiency services for needy families under the Alaska temporary assistance program, and other assistance;

(3) establish minimum standards for personnel employed by the department and adopt necessary regulations to maintain those standards;

(4) require those bonds and undertakings from persons employed by it that, in its judgment, are necessary, and pay the premiums on them;

(5) cooperate with the federal government in matters of mutual concern pertaining to adult public assistance, the Alaska temporary assistance program, and other forms of public assistance;

(6) make the reports, in the form and containing the information, that the federal government from time to time requires;

(7) cooperate with the federal government in adopting state plans to make the state eligible for federal matching in appropriate categories of assistance, and in all matters of mutual concern, including adoption of the methods of administration that are found by the federal government to be necessary for the efficient operation of welfare programs;

(8) adopt regulations, not inconsistent with law, defining need, prescribing the conditions of eligibility for assistance, and establishing standards for determining the amount of assistance that an eligible person is entitled to receive; the amount of the assistance is sufficient when, added to all other income and resources available to an individual, it provides the individual with a reasonable subsistence compatible with health and well-being; an individual who meets the requirements for eligibility for assistance shall be granted the assistance promptly upon application for it;

(9) grant to a person claiming or receiving assistance and who is aggrieved because of the department's action or failure to act, reasonable notice and an opportunity for a fair hearing by the office of administrative hearings (AS 44.64.010), and the department shall adopt regulations relative to this;

(10) enter into reciprocal agreements with other states relative to public assistance that are considered advisable;

(11) establish the requirements of residence for public assistance that are considered advisable, subject to the limitations of other laws of the state, or law or regulation imposed as conditions for federal financial participation;

(12) establish the divisions and local offices that are considered necessary or expedient to carry out a duty or authority assigned to it and appoint and employ the assistants and personnel that are necessary to carry on the work of the divisions and offices, and fix the compensation of the assistants or employees, except that a person engaged in business as a retail vendor of general merchandise, or a member of the immediate family of a person who is so engaged, may not serve as an acting, temporary, or permanent local agent of the department, unless the commissioner of health certifies in writing to the governor, with relation to a particular community, that no other qualified person is available in the community to serve as local welfare agent; for the purposes of this paragraph, a "member of the immediate family" includes a spouse, child, parent, brother, sister, parent-in-law, brother-in-law, or sister-in-law;

(13) provide education and health-related services and referrals designed to reduce the number of out-of-wedlock pregnancies and the number of induced pregnancy terminations in the state;

(14) investigate reports of abuse, neglect, or misappropriation of property by certified nurse aides in facilities licensed by the department under AS 47.32;

(15) establish state policy relating to and administer federal programs subject to state control as provided under 42 U.S.C. 3001 - 3058ee (Older Americans Act of 1965), as amended, and related federal regulations;

(16) administer the older Alaskans service grants under AS 47.65.010 - 47.65.050 and the adult day care and family respite care grants under AS 47.65.100**;**

(17) establish an electronic application process for all assistance programs administered by the department and allow an applicant to submit either a written or an electronic application; the electronic application must inform an applicant that a false statement made on the application will be investigated and is punishable under AS 11.56.210; in this paragraph, "electronic application" means an application for benefits or renewal of benefits, whether the department exclusively administers the benefits or administers the benefits in coordination with another state agency or federal agency, electronically

completed and submitted through the department's Internet website.

*** Sec. 2.** AS 47.08.150(b) is amended to read:

(b) A needy person suffering from a chronic or an acute medical condition who is eligible for general relief assistance under AS 47.25.120 and is not eligible for the medical assistance program under AS 47.07 may apply for assistance under this section. The department shall make a determination of eligibility based on a general relief assistance application. The requirements of AS 47.08.020 - 47.08.140 do not apply to assistance sought under this section, except that, notwithstanding (c) of this section, neither reimbursement nor assistance may be paid by the department for services that are listed in AS 47.08.050 as those services are defined in AS 47.08.140. **The department shall establish an electronic application for assistance under this section. The department shall allow an applicant to complete and submit a secure electronic application for assistance through the department's Internet website. The electronic application must inform an applicant that a false statement made on the application will be investigated and is punishable under AS 11.56.210.**

*** Sec. 3.** AS 47.25.001(a) is amended to read:

(a) The department shall

(1) implement and administer a program to assist in providing day care for the children of low and moderate income families according to the requirements of AS 47.25.001 - 47.25.095;

(2) establish standards of eligibility for day care benefits;

(3) contract for the care of children of eligible families;

(4) establish procedures to periodically review the needs of families receiving day care benefits;

(5) provide notification to the local government body of the request for a contract with a day care facility**;**

(6) establish an electronic application for assistance and allow an applicant to submit an application in electronic format or in other formats required by state and federal law; the electronic application must inform an applicant that a false statement made on the application will be investigated and is punishable under AS 11.56.210.

*** Sec. 4.** AS 47.25.071(e) is amended to read:

(e) An application for a grant under this section shall be made in **a format** [THE FORM] established by the department. **The department shall establish an electronic application for a grant and allow an applicant to submit an application in electronic format or in other formats required by state and federal law. The electronic application must inform an applicant that a false statement made on the application will be investigated and is punishable under AS 11.56.210.**

*** Sec. 5.** AS 47.25.095 is amended by adding a new paragraph to read:

(7) "electronic application" means an application for benefits or renewal of benefits electronically completed and submitted through the department's Internet website.

*** Sec. 6.** AS 47.25.150 is amended to read:

Sec. 47.25.150. Application for assistance. A person requesting assistance shall apply for it, either personally or through another person, **in a format and manner prescribed in** [UPON FORMS FURNISHED AND UNDER] regulations adopted by the department. **Regulations adopted under this section must establish an electronic application for assistance and allow an applicant to submit an application in electronic format or in other formats required by state and federal law. The electronic application must inform an applicant that a false statement made on the application will be investigated and is punishable under AS 11.56.210. In this section, "electronic application" means an application for benefits or renewal of benefits, whether the department exclusively administers the benefits or administers the benefits in coordination with another state agency or federal agency, electronically completed and submitted through the department's Internet website.**

*** Sec. 7.** AS 47.25.440 is amended to read:

Sec. 47.25.440. Application for assistance. A person requesting assistance shall apply for it, either personally or through another, **in a format and manner prescribed in** [UPON FORMS FURNISHED AND UNDER] regulations adopted by the department. **Regulations adopted under this section must establish an electronic application for assistance and allow an applicant to submit an**

application in electronic format or in other formats required by state and federal law. The electronic application must inform an applicant that a false statement made on the application will be investigated and is punishable under AS 11.56.210. In this section, "electronic application" means an application for benefits or renewal of benefits, whether the department exclusively administers the benefits or administers the benefits in coordination with another state agency or federal agency, electronically completed and submitted through the department's Internet website.

*** Sec. 8.** AS 47.25.622, as amended by sec. 134(81) of Executive Order 121, is amended to read:

Sec. 47.25.622. Duties. The Department of Health shall

(1) administer the Alaska affordable heating program provided under AS 47.25.621;

(2) adopt regulations under AS 44.62 (Administrative Procedure Act) to carry out the purpose of the program;

(3) coordinate payments among other heating assistance programs to avoid duplication of payments**;**

(4) establish an electronic application for the Alaska affordable heating program and allow an applicant to submit an application in electronic format or in other formats required by state and federal law; the electronic application must inform an applicant that a false statement made on the application will be investigated and is punishable under AS 11.56.210; in this paragraph, "electronic application" means an application for benefits or renewal of benefits, whether the department exclusively administers the benefits or administers the benefits in coordination with another state agency or federal agency, electronically completed and submitted through the department's Internet website.

*** Sec. 9.** AS 47.25.980(a) is amended to read:

(a) The department shall

(1) adopt regulations necessary to carry out the food stamp program;

(2) cooperate with the federal government and do all things necessary

to continue state eligibility under the food stamp program;

(3) comply with the requirements of 7 U.S.C. 2011 - 2036 (Food Stamp Program)**;**

(4) establish an electronic application for the food stamp program and allow an applicant to submit an application in electronic format or in other formats required by state and federal law; the electronic application must inform an applicant that a false statement made on the application will be investigated and is punishable under AS 11.56.210; in this paragraph, "electronic application" means an application for benefits or renewal of benefits, whether the department exclusively administers the benefits or administers the benefits in coordination with another state agency or federal agency, electronically completed and submitted through the department's Internet website.

*** Sec. 10.** AS 47.27.020(a) is amended to read:

(a) An applicant under the Alaska temporary assistance program shall complete an application in writing, or by electronic means, and in a **format** [FORM] specified **in regulations adopted** by the department. **Regulations adopted under this subsection must establish an electronic application for the program and allow an applicant to submit an application in electronic format or in other formats required by state and federal law.** The applicant must be a pregnant woman or an individual who has physical custody of the dependent child or children. The application must be complete and must provide all of the information about the family and the child or children that is requested by the department. The applicant shall provide all supporting documentation for verification that the department determines to be necessary to establish eligibility. **The electronic application must inform an applicant that a false statement made on the application will be investigated and is punishable under AS 11.56.210. In this subsection, "electronic application" means an application for benefits or renewal of benefits, whether the department exclusively administers the benefits or administers the benefits in coordination with another state agency or federal agency, electronically completed and submitted through the department's Internet website.**

*** Sec. 11.** AS 47.45.302(a) is amended to read:

(a) An individual is eligible for a cash assistance benefit under the program if the individual

(1) is 65 years of age or older;

(2) is a resident of the state;

(3) is a citizen of the United States or a qualified alien under 8 U.S.C. 1613 and 1641;

(4) has a household income that does not exceed 175 percent of the annual federal poverty line for Alaska, as determined by the United States Department of Health and Human Services and revised under 42 U.S.C. 9902(2);

(5) has not received a longevity bonus payment under AS 47.45.010 - 47.45.160 for the same period; and

(6) applies in the format prescribed by the department; the department may use an abbreviated form for an individual who received a payment under an assistance program for seniors that paid $120 a month and was administered by the department on or before July 29, 2007**; the department shall establish an electronic application for a cash assistance benefit and allow an applicant to submit an application in electronic format or in other formats required by state and federal law; the electronic application must inform an applicant that a false statement made on the application will be investigated and is punishable under AS 11.56.210; in this paragraph, "electronic application" means an application for benefits or renewal of benefits, whether the department exclusively administers the benefits or administers the benefits in coordination with another state agency or federal agency, electronically completed and submitted through the department's Internet website**.

*** Sec. 12.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION: REGULATIONS. The Department of Health and Social Services, or the Department of Health, as appropriate, may adopt regulations necessary to implement the changes made by this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before July 1, 2022.

*** Sec. 13.** Section 12 of this Act takes effect immediately under AS 01.10.070(c).

*** Sec. 14.** Except as provided in sec. 13 of this Act, this Act takes effect July 1, 2022.