

# DEPARTMENT OF HEALTH & SOCIAL SERVICES



## PROPOSED CHANGES TO REGULATIONS

### 7 AAC 74. ALASKA PIONEERS' HOMES- RATES & LEVELS OF SERVICE

- 7 AAC 74.010. Quality and levels of service.
- 7 AAC 74.025. Rates.
- 7 AAC 74.040. Payment for services in a pioneers' home.
- 7 AAC 74.045. Payment assistance.
- 7 AAC 74.060. Admission and discharge.
- 7 AAC 74.990. Definitions.



**PUBLIC REVIEW DRAFT**  
**April 8, 2019**

**COMMENT PERIOD ENDS: June 28, 2019**

**Please see the public notice for details about how to  
comment on these proposed changes.**

**Notes to reader:**

1. Except as discussed in note 2, new text that amends an existing regulation is **bolded and underlined**.
2. If the lead-in line above the text of each section of the regulations states that a new section, subsection, paragraph, or subparagraph is being added, or that an existing section, subsection, paragraph, or subparagraph is being repealed and readopted (replaced), *the new or replaced text is not bolded or underlined*.
3. [ALL-CAPS TEXT WITHIN BRACKETS] indicates text that is to be deleted.
4. When the word “including” is used, Alaska Statutes provide that it means “including, but not limited to.”
5. Only the text that is being changed within a section of the current regulations is included in this draft. Refer to the text of that whole section, published in the current Alaska Administrative Code, to determine how a proposed change relates within the context of the whole section and the whole chapter.

**Title 7 Health and Social Services.**

**Chapter 74. Alaska Pioneers' Homes.**

7 AAC 74.010(c) is repealed and readopted to read:

**7 AAC 74.010. Quality and levels of service.**

(c) The service levels provided at a pioneers' home are as follows:

(1) level I services include housing, meals, emergency assistance, opportunities for recreation, and required transportation for recreation;

(2) level II services include level I and assistance with up to two activities of daily living, the resident performs the majority of the effort, and a staff member manages the medication;

(3) level III services, in which the resident provides the majority of the effort for the activities of daily living; occasional assistance, limited to an average of two times per week may be provided overnight. The level III services include level I services, medication management, and any one of the following:

(A) assistance with up to four activities of daily living; or

(B) level II and behavior management; or

(C) level II and daily nursing services;

(4) level IV services in which assistance provided by a staff member includes hands-on assistance, with the staff member performing the majority of the effort; services will be provided 24 hours a day. The level IV services include level 1 services and assistance with five or more activities of daily living, medication management, and one of the following:

(A) behavior management, excluding complex behaviors; or

(B) daily nursing services;

(5) level V services include all services that exceed level IV services;

(6) day services include services provided in a pioneers' home to a recipient who requires level III or IV services for up to eight hours a day between 6:00 a.m. and 6:00 p.m., including meals scheduled during the period the recipient is receiving day services;

(7) respite services include room and board provided in a pioneers' home to a recipient who requires level III or level IV services for up to 14 consecutive days, 24 hours a day.

(Eff. 8/1/2004, Register 171; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 47.55.010 AS 47.55.020

7 AAC 74.025 is amended to read:

**7 AAC 74.025. Rates.**

(a) To compensate the state for the cost of services, the monthly rate charged a resident, in addition to ancillary charges as prescribed by the department, for the appropriate level of service described in 7 AAC 74.010(c)(1) - (3) is as follows:

(1) level I services: **\$3,623** [\$2,588];

(2) level II services: **\$6,569** [\$4,692];

(3) level III services: **\$11,185** [\$6,795];

**(4) level IV services: \$13,333;**

**(5) level V services: 15,000.**

(b) Effective **July 1, 2019**, [JULY 1, 1997,] to compensate the state for the cost of day services described in 7 AAC 74.010(c)(4), or respite services described in 7 AAC 74.010(c)(5), that are provided under 7 AAC 74.020, the daily rates are as follows:

(1) day services: **\$161** [\$70];

(2) respite services: **\$322** [\$100].

(Eff. 8/1/2004, Register 171; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 47.55.010 AS 47.55.020 AS 47.55.030

**7 AAC 74.040. Payment for services in a pioneers' home.**

7 AAC 74.040(a) is amended to read:

(a) Every resident and recipient shall pay the appropriate monthly or daily rate if financially able to do so. **Every applicant and resident shall provide income and resource verification to the department before admission, annually while residing in a pioneers' home, and if there is a change in the level of service. The department will use the income and resource verification to determine the applicant and resident ability to pay and evaluate eligibility of for other assistance.**

7 AAC 74.040(d) is amended to read:

(d) A person applying or receiving payment assistance as a resident or a recipient under AS 47.55 **must** [SHALL] apply for the following state or federally sponsored programs that may reduce the amount of payment assistance under AS 47.55:

...

7 AAC 74.040(e) is amended to read:

(e) To meet the requirement of (d) of this section, the person shall complete any forms necessary to make application under the programs specified in (d)(1) - (4) of this section **within 60 days**. If the person is unable to complete those forms, the department may designate staff to complete the forms on the person's behalf.

(Eff. 8/1/2004, Register 171; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 47.55.010 AS 47.55.030 AS 47.55.035  
AS 47.55.020

**7 AAC 74.045. Payment assistance.**

7 AAC 74.045(c)(1)(D)(i) is amended to read:

(c) A resident's or a recipient's income and resources, up to the full amount of the income and resources if necessary, must be applied to the appropriate monthly or daily rate established by 7 AAC 74.025 and to ancillary charges. However, the value of the following items held by a resident or recipient is exempt for the purpose of determining eligibility for payment assistance:

(1) any income or asset listed in AS 47.55.020(d)(1) - (9), subject to the following:

...

(D) for purposes of AS 47.55.020(d)(8), and (9), for a resident or recipient with a spouse or dependent,

...

(iv) notwithstanding (ii) of this subparagraph, the department will consider the following to be disregarded personal property: the portion of the resident's or recipient's income that will bring the income of the resident's or recipient's spouse up to **the maximum community spouse monthly maintenance allowance authorized under 42 U.S.C. 1396r-5(d)(3), without exceeding that allowance**, [\$2,000 A MONTH], if that portion is accumulated as personal property in an account to pay for expenses related to the home or real property described in (i) of this subparagraph and if the spouse's income would otherwise be less than **the maximum community spouse monthly maintenance allowance** [\$2,000] a month; and

(Eff. 8/1/2004, Register 171; am 10/15/2004, Register 172; am 12/31/2005, Register 176; am 3/8/2012, Register 201; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 47.55.010 AS 47.55.020 AS 47.55.030

**7 AAC 74.060. Admission and discharge.**

7 AAC 74.060(f)(7) is amended to read:

(f) For applicants for admission as a pioneers' home resident, the department will

...

(7) require an applicant who is transferred to the inactive waiting list under (6) of this subsection to remain on that list for at least **180** [90] days before applying for a transfer to the active waiting list under (5) of this subsection.

(Eff. 8/1/2004, Register 171; am 3/8/2012, Register 201; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 47.55.010 AS 47.55.020

**7 AAC 74.990. Definitions.**

7 AAC 74.990(a) is amended to read:

(a) In this chapter,

(20) "respite services" means services described in 7 AAC 74.010(c)(5);

**(21) “complex behaviors” means a resident of Alaska that is sixty-five years old or older with a primary diagnosis of dementia and related disorders. The dementia must significantly affect the person’s orientation to time and place, and the person’s ability to start or finish activities of daily living. The person must have difficulty articulating their basic needs and must display behavior that includes neglect of self, harm to self and others that is not purposeful or planned, but is reactive to the environment and caused by the dementia disease process. The person’s complex care needs must exceed the services offered in a standard Alzheimer's disease or related dementia (ADRD) assisted living home;**

**(22) “level IV services” means services described in 7 AAC 74.010(c)(4);**

**(23) “level V services” means services described in 7 AAC 74.010(c)(5);**

**(24) “maximum community spouse monthly maintenance allowance” has the meaning given in 7 AAC 100.560.**

(Eff. 8/1/2004, Register 171; am 3/8/2012, Register 201; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 47.55.010 AS 47.55.030 AS 47.55.095  
AS 47.55.020 AS 47.55.070