

Kevin Meyer
Lieutenant Governor
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Triptaa Surve
Department of Health and Social Services

FROM: April Simpson, Office of the Lieutenant Governor
465.4081

A handwritten signature in blue ink, likely belonging to April Simpson, the sender of the memorandum.

DATE: July 31, 2019

RE: Filed Permanent Regulations: Department of Health and Social Services

Department of Health and Social Services Regulation re: Alaska Pioneers' Homes: Rates and Levels of Service (7 AAC 74.010 - .990)

Attorney General File:	2019200185
Regulation Filed:	7/31/2019
Effective Date:	8/30/2019
Print:	231, October 2019

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO REGULATIONS
OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES

The attached six pages of regulations, dealing with 7 AAC 74. AK Pioneers' Homes, Rates & Levels of Service, are adopted and certified to be a correct copy of the regulation changes that the Department of Health & Social Services adopts under the authority of AS 47.55.010, AS 47.55.020, AS 47.55.030, AS 47.55.035, AS 47.55.070, and AS 47.55.095, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Health & Social Services paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: July 30, 2019

Sana Efirid
Sana Efirid
Assistant Commissioner,
Department of Health & Social Services

FILING CERTIFICATION

April Simpson for Kevin Meyer

I, [name of lieutenant governor], Lieutenant Governor for the State of Alaska, certify that on

July 31, 2019, at 11:59pm., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

April Simpson (for)
Lieutenant Governor Kevin Meyer

Effective: August 30, 2019.

Register: 231, October 2019.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

**Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist**

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on December 11th, 2018.



Kevin Meyer

**KEVIN MEYER
LIEUTENANT GOVERNOR**



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

**Department of
Health and Social Services**

OFFICE OF THE COMMISSIONER

Anchorage

3601 C Street, Suite 902
Anchorage, Alaska 99503-5923
Main: 907.269.7800
Fax: 907.269.0060


Juneau

PO Box 110601
350 Main Street, Suite 404
Juneau, Alaska 99811-0601
Main: 907.465.3030
Fax: 907.465.3068

**LIMITED DELEGATION OF AUTHORITY
FOR ADOPTING REGULATIONS**

I, Adam Crum, Commissioner of the Alaska Department of Health and Social Services, under AS 44.17.010, delegate the authority and responsibility for adopting regulations of the Department of Health and Social Services under the Alaska Administrative Procedure Act dealing with the Alaska Pioneers' Home, 7 AAC 74, during the period from today, July 30, 2019, through 5:00 p.m. on August 2, 2019, to Sana Efird, Assistant Commissioner of the Alaska Department of Health and Social Services.

Date: 07/30/2019



Adam Crum, Commissioner

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

(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 services, medication management, and assistance with up to two activities of daily living; for assistance with activities of daily living, the resident performs the majority of the effort; during the night shift, the resident is independent in performing activities of daily living and capable of self-supervision;

(3) level III services are services where the resident provides the majority of the effort for assistance with activities of daily living; during the night shift, the resident is generally independent, with occasional assistance with activities of daily living, limited to an average of two times per week. ³ 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;

(B) level II and behavior management, excluding complex behaviors; or

(C) level II and nursing services as described in AS 47.33.020;

(4) level IV services are 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. ³ The level IV services include level I services, assistance with five or more activities of daily living, medication management, and one of the following:

(A) behavior management, excluding complex behaviors; or

(B) nursing services as described in AS 47.33.020;

(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 8 / 30 / 2019, Register 231)

Authority: AS 47.55.010 AS 47.55.020

7 AAC 74.025 ^(a) is amended to read:

~~7 AAC 74.025. Rates.~~ (a) To [PARTIALLY] 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) - (5) [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.**

7 AAC 74.025(b) is amended to read:

(b) To [EFFECTIVE JULY 1, 1997, TO PARTIALLY] compensate the state for the cost of day services described in 7 AAC 74.010(c)(6) [7 AAC 74.010(c)(4)], or respite services

described in 7 AAC 74.010(c)(7) [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 7/1/2009,

Register 190; am 3/8/2012, Register 201; am 2/1/2016, Register 217; am 4/1/2017, Register 221;

am 8 / 30 / 2019, Register 231)

Authority: AS 47.55.010 AS 47.55.020 AS 47.55.030

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 ability of the applicant and resident to pay and evaluate eligibility for other assistance.**

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 **apply for** [MAKE APPLICATION UNDER] the programs specified in (d)(1) - (4) of this section **within 60 days of a request from the** ^{department} ~~Division~~. 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; Register 171; am 12/31/2005, Register 176; am 8 / 30 / 2019, Register 231)

Authority: AS 47.55.010 AS 47.55.030 AS 47.55.070
AS 47.55.020

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

(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 7 AAC 100.560(a), 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 8 / 30 / 2019, Register 231)

Authority: AS 47.55.010 AS 47.55.020 AS 47.55.030

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

(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 8 / 30 / 2019, Register 231)

Authority: AS 47.55.010 AS 47.55.020

7 AAC 74.990(a) is amended by adding new paragraphs to read:

(21) “behavior management” means non-pharmacological staffing assistance to structure the environment, increase safety, and decrease triggers of maladaptive behavior for a person who can no longer regulate their own behavior due to the dementia-disease process, but excludes complex behaviors.

(22) “complex behaviors” means those behaviors exhibited by a resident of Alaska that is sixty-five years old or older with a primary diagnosis of dementia and related disorders, with the level of severity described in this paragraph. st 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. st The person must have difficulty articulating their basic needs and must display behavior that includes neglect of self or harm to self or others that is not purposeful or planned, but is reactive to the environment and caused by the dementia disease process;

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

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

(25) “maximum community spouse monthly maintenance allowance” has the meaning given in 7 AAC 100.560(a);

(26) “nursing services” means nursing duties under 12 AAC 44.970 that require the exercise of professional nursing knowledge or judgment, or complex nursing skills that must not be delegated. (Eff. 8/1/2004, Register 171; am 3/8/2012, Register 201; am 8 / 30 / 2019, Register 231)

Authority: AS 47.55.010 AS 47.55.030 AS 47.55.095

AS 47.55.020

AS 47.55.070

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: July 31 2019

File No.: 2019200185

Tel. No.: 465-3600

From: Susan R. Pollard *SRP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

Re: Department of Health and Social
Services Regulation re: 7 AAC
74.010 -.990: Alaska Pioneers'
Homes: Rates and Levels of Service

The Department of Law has reviewed the attached regulations of the Department of Health and Social Services against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Department of Health and Social Services after the close of the public comment period. The regulations concern levels of care, rates for residents, financial verification, application requirements, the community spouse allowance for individuals applying for payment assistance, and the amount of time before returning to the active waiting list. *The client requests these be filed in order to be in effect by September 1, 2019.*

The April 9, 2019, public notice, the April 16, 2019, supplemental notice, and the July 30, 2019, adoption order state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

In addition to the normal regulatory requirements, an amendment of the regulations setting the rates at the Pioneer Homes has additional requirements under AS 47.55.030. These additional requirements include that the department must provide written notice of the proposed rate change to all residents of the home and that the department must hold an oral hearing to accept comments regarding the proposed change. The notice provided to residents must be provided at least 60 days before the regulation change is adopted, the notice must give notice of the oral hearing, and the oral hearing must occur at least 30 days before the change is adopted. It appears that all of these requirements were met in this case. An Affidavit of Providing Notice to Residents, which includes a copy of the letter sent to residents on April 18, 2019, is included showing that these requirements have been met. Further, the department held a public hearing on this regulation change on May 28, 2019, at Pioneers' Homes locations across the state connected by teleconference.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SRP:sjw

cc: Honorable Adam Crum, Commissioner
Department of Health and Social Services
Sana Efird, Assistant Commissioner
Department of Health and Social Services
Clinton Lasley, Director, Division of Alaska Pioneer Homes
Department of Health and Social Services
Triptaa Surve, Regulations Contact
Department of Health and Social Services
Alex Hildebrand, Assistant Attorney General
Department of Law

AFFIDAVIT OF PROVIDING NOTICE TO RESIDENTS

I, Clinton Lasley, Division Director, for the Department of Health and Social Services, Division of Alaska Pioneer Homes, being duly sworn, state the following:

In compliance with AS 47.55.030, the Department of Health and Social Services has provided written notice to all residents of the Alaska Pioneers' Homes of the proposed change in 7 AAC 74.010, 7 AAC 74.025, 7AAC 74.040, 7 AAC 74.045, 7 AAC 74.060, and 7 AAC 74.060, changing levels of service, increasing the monthly rates charged for care, payments for services, payment assistance, admission and discharge, and definitions. Not less than 60 days before adoption of the regulations, written notice of the proposed change was provided to the residents in a letter on April 11, 2019, a copy of which is attached to this affidavit as Exhibit A. This written notice included the time, date, and place of the oral hearing that occurred in compliance with AS 47.55.030(d) on May 28, 2019, at 1 p.m., not less than 30 days before adoption of the regulations, in order to allow residents and interested parties to submit written or oral testimony, statements, arguments, or contentions related to the proposed rate change.

Date: 7/18/19

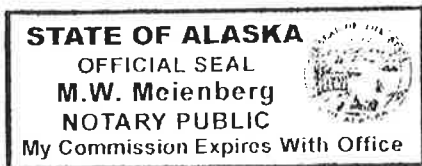


Clinton Lasley, Director.

Subscribed and sworn to before me at State Building, Fairbanks, AK on
July 18, 2019
(date)



Notary Public in and for the State of Alaska





THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

Department of Health and Social Services

ALASKA PIONEER HOMES
Central Office

P.O. Box 110690
Juneau, AK 99811-0690

Central Office: 907.465.4416
Toll Free: 1.888.355.3117
Fax: 907.465.4108

Email: alaskapioneerhomes@alaska.gov

April 18, 2019

Notice of proposed regulation change:

The Department of Health & Social Services proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with the rates charged to residents, levels of service, payment assistance, and admission to an Alaska Pioneers' Home, including the following:

- (1) **7 AAC 74.010. Quality and levels of service**, is proposed to be changed as follows: Increase the level of service from three to five levels.
- (2) **7 AAC 74.025. Rates**, is proposed to be changed as follows: Increase the rate charged for each level of service to align with the actual cost of providing the service.
- (3) **7 AAC 74.040. Payment for services in a pioneers' home**, is proposed to be changed as follows: Require every applicant and resident to provide income and resource verification; include a deadline to complete the required forms.
- (4) **7 AAC 74.045. Payment assistance**, is proposed to be changed as follows: Use the rate set by the Department's Division of Public Assistance for Long Term Care Standards for the maximum community spouse resource allowance.
- (5) **7 AAC 74.060. Admission and discharge**, is proposed to be changed as follows: Increase the length of time that an applicant will remain on the inactive waiting list before applying for a transfer to the active waiting list.
- (6) **7 AAC 74.990. Definitions**, is proposed to be changed as follows: Add definitions for complex behaviors, level of service, and maximum community spouse monthly maintenance allowance.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Department of Health & Social Services, Division of Alaska Pioneer Homes, RE- Regulation Change, at P.O. Box 110690, Juneau, AK 99811. Additionally, the Department of Health & Social Services will accept comments by facsimile at (907) 465-4108 and by electronic mail at alaskapioneerhomes@alaska.gov. The comments must be received not later than 5:00 p.m. on June 28, 2019.

Oral or written comments also may be submitted at a hearing to be held on May 28, 2019. The hearing will be held at the six Pioneer Homes and telephonically. The hearing will be held from

Alaska Pioneer Homes: Providing elder Alaskans a home and community, celebrating life through its final breath.

1:00 p.m. to 4:00 p.m., and might be extended to accommodate those present before 2:30 p.m. who did not have an opportunity to comment. Those parties who would like to submit verbal comments at the hearing must be present by 2:30 p.m. and sign up before 2:30 p.m. via (1) the Pioneer Home from where they participate or (2) via email to alaskapioneerhomes@alaska.gov if they choose to participate from a non-Pioneer Home location. To participate in the public hearing, please, go to one of the six Pioneer Homes or call 1-888-227-5857.

Anchorage Pioneer Home, 923 W 11th Ave., Anchorage, AK 99501-4306

Fairbanks Pioneer Home, 2221 Eagan Ave., Fairbanks, AK 99701-5709

Juneau Pioneer Home, 4675 Glacier Hwy., Juneau, AK 99801-9518

Ketchikan Pioneer Home, 141 Bryant St., Ketchikan, AK 99901-5534

Alaska Veterans and Pioneers Home, 250 E Fireweed Ave., Palmer, AK 99645-6638

Sitka Pioneer Home, 120 Katlian St., Sitka, AK 99835-7525

You may submit written questions relevant to the proposed action to Mr. Clinton Lasley, at clinton.lasley@alaska.gov, or at 333 Willoughby Avenue, Suite 757, Juneau, AK 99801. The questions must be received at least 10 days before the end of the public comment period. The Department of Health & Social Services will aggregate its response to substantially similar questions and make the questions and response available on <http://dhss.alaska.gov/daph/Pages/default.aspx> and the Alaska Online Public Notice System at <https://aws.state.ak.us/OnlinePublicNotices/default.aspx>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Ms. Emily Palmer, at emily.palmer@alaska.gov, or at (907) 465-2160 not later than May 15, 2019, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Ms. Emily Palmer, at emily.palmer@alaska.gov, or at (907) 465-2160.

A copy of material proposed for adoption by reference may be viewed at the agency's office at 333 Willoughby Avenue, Suite 757, Juneau, AK 99801.

After the public comment period ends, the Department of Health & Social Services will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.**

Statutory authority: AS 47.55.010; AS 47.55.020; AS 47.55.030; AS 47.55.035; AS 47.55.070; AS 47.55.095.

Statutes being implemented, interpreted, or made specific: AS 47.55.010; AS 47.55.020; AS 47.55.030; AS 47.55.035; AS 47.55.070; AS 47.55.095.

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

Alaska Pioneer Homes: Providing elder Alaskans a home and community, celebrating life through its final breath.

Sincerely,



Clinton Lasley
Division Director

cc: Adam Crum,
Commissioner
Department of Health & Social Services

NOTICE OF PROPOSED CHANGES ON THE ALASKA PIONEERS' HOMES RATES & LEVELS OF SERVICE, IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES.

BRIEF DESCRIPTION

The Department of Health & Social Services proposes to change regulations on the rates charged to residents, levels of service, payment assistance, and admission to an Alaska Pioneers' Home.

The Department of Health & Social Services proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with the rates charged to residents, levels of service, payment assistance, and admission to an Alaska Pioneers' Home, including the following:

(1) **7 AAC 74.010. Quality and levels of service**, is proposed to be changed as follows: Increase the level of service from three to five levels.

(2) **7 AAC 74.025. Rates**, is proposed to be changed as follows: Increase the rate charged for each level of service to align with the actual cost of providing the service.

(3) **7 AAC 74.040. Payment for services in a pioneers' home**, is proposed to be changed as follows: Require every applicant and resident to provide income and resource verification; include a deadline to complete the required forms.

(4) **7 AAC 74.045. Payment assistance**, is proposed to be changed as follows: Use the rate set by the Department's Division of Public Assistance for Long Term Care Standards for the maximum community spouse resource allowance.

(5) **7 AAC 74.060. Admission and discharge**, is proposed to be changed as follows: Increase the length of time that an applicant will remain on the inactive waiting list before applying for a transfer to the active waiting list.

(6) **7 AAC 74.990. Definitions**, is proposed to be changed as follows: Add definitions for complex behaviors, level of service, and maximum community spouse monthly maintenance allowance.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Department of Health & Social Services, Division of Alaska Pioneer Homes, RE- Regulation Change, at P.O. Box 110690, Juneau, AK 99811. Additionally, the Department of Health & Social Services will accept comments by facsimile at (907) 465-4108 and by electronic mail at alaskapioneerhomes@alaska.gov. The comments must be received not later than 5:00 p.m. on June 28, 2019.

Oral or written comments also may be submitted at a hearing to be held on May 28, 2019. The hearing will be held at the six Pioneer Homes and telephonically. The hearing will be held from 1:00 p.m. to 4:00 p.m., and might be extended to accommodate those present before 2:30 p.m. who did not have an opportunity to comment. Those parties who would like to submit verbal comments at the hearing must be present by 2:30

p.m. and sign up before 2:30 p.m. via (1) the Pioneer Home from where they participate or (2) via email to alaskapioneerhomes@alaska.gov if they choose to participate from a non-Pioneer Home location. To participate in the public hearing, please, go to one of the six Pioneer Homes or call 1-888-227-5857.

- Anchorage Pioneer Home, 923 W 11th Ave., Anchorage, AK 99501-4306
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- Ketchikan Pioneer Home, 141 Bryant St., Ketchikan, AK 99901-5534
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If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Ms. Emily Palmer, at emily.palmer@alaska.gov, or at (907) 465-2160 not later than May 15, 2019, to ensure that any necessary accommodations can be provided.

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After the public comment period ends, the Department of Health & Social Services will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.**


Statutory authority: AS 47.55.010; AS 47.55.020; AS 47.55.030; AS 47.55.035; AS 47.55.070; AS 47.55.095.

Statutes being implemented, interpreted, or made specific: AS 47.55.010; AS 47.55.020; AS 47.55.030; AS 47.55.035; AS 47.55.070; AS 47.55.095.

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

The Division of Alaska Pioneer Homes keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Department of Health and Social Services, Division of Alaska Pioneer Homes notices of proposed regulation changes. To be added to or removed from the list, send a request to the Department of Health and Social Services, Division of Alaska Pioneer Homes, RE- Regulation Change, at P.O. Box 110690, Juneau, AK 99811, or (907) 465-4416, giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

DATE: April 9, 2019


Adam Crum
Commissioner,
Department of Health & Social Services

NOTICE OF PROPOSED CHANGES ON THE ALASKA PIONEERS' HOMES RATES & LEVELS OF SERVICE, IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES.

The Department of Health & Social Services proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with the rates charged to residents, levels of service, payment assistance, and admission to an Alaska Pioneers' Home, including the following:

(1) **7 AAC 74.010. Quality and levels of service**, is proposed to be changed as follows: Increase the level of service from three to five levels.

(2) **7 AAC 74.025. Rates**, is proposed to be changed as follows: Increase the rate charged for each level of service to align with the actual cost of providing the service.

(3) **7 AAC 74.040. Payment for services in a pioneers' home**, is proposed to be changed as follows: Require every applicant and resident to provide income and resource verification; include a deadline to complete the required forms.

(4) **7 AAC 74.045. Payment assistance**, is proposed to be changed as follows: Use the rate set by the Department's Division of Public Assistance for Long Term Care Standards for the maximum community spouse resource allowance.

(5) **7 AAC 74.060. Admission and discharge**, is proposed to be changed as follows: Increase the length of time that an applicant will remain on the inactive waiting list before applying for a transfer to the active waiting list.

(6) **7 AAC 74.990. Definitions**, is proposed to be changed as follows: Add definitions for complex behaviors, level of service, and maximum community spouse monthly maintenance allowance.

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Oral or written comments also may be submitted at a hearing to be held on May 28, 2019. The hearing will be held at the six Pioneer Homes and telephonically. The hearing will be held from 1:00 p.m. to 4:00 p.m., and might be extended to accommodate those present before 2:30 p.m. who did not have an opportunity to comment. Those parties who would like to submit verbal comments at the hearing must be present by 2:30 p.m. and sign up before 2:30 p.m. via (1) the Pioneer Home from where they participate or (2) via email to alaskapioneerhomes@alaska.gov if they choose to participate from a non-Pioneer Home location. To participate in the public hearing, please, go to one of the six Pioneer Homes or call 1-888-227-5857.

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- Fairbanks Pioneer Home, 2221 Eagan Ave., Fairbanks, AK 99701-5709

- Juneau Pioneer Home, 4675 Glacier Hwy., Juneau, AK 99801-9518
- Ketchikan Pioneer Home, 141 Bryant St., Ketchikan, AK 99901-5534
- Alaska Veterans and Pioneers Home, 250 E Fireweed Ave., Palmer, AK 99645-6638
- Sitka Pioneer Home, 120 Katlian St., Sitka, AK 99835-7525

You may submit written questions relevant to the proposed action to Mr. Clinton Lasley, at clinton.lasley@alaska.gov, or at 333 Willoughby Avenue, Suite 757, Juneau, AK 99801. The questions must be received at least 10 days before the end of the public comment period. The Department of Health & Social Services will aggregate its response to substantially similar questions and make the questions and response available on <http://dhss.alaska.gov/daph/Pages/default.aspx> and the Alaska Online Public Notice System at <https://aws.state.ak.us/OnlinePublicNotices/default.aspx>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Ms. Emily Palmer, at emily.palmer@alaska.gov, or at (907) 465-2160 not later than May 15, 2019, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Ms. Emily Palmer, at emily.palmer@alaska.gov, or at (907) 465-2160.

A copy of material proposed for adoption by reference may be viewed at the agency's office at 333 Willoughby Avenue, Suite 757, Juneau, AK 99801.

After the public comment period ends, the Department of Health & Social Services will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.**

Statutory authority: AS 47.55.010; AS 47.55.020; AS 47.55.030; AS 47.55.035; AS 47.55.070; AS 47.55.095.

Statutes being implemented, interpreted, or made specific: AS 47.55.010; AS 47.55.020; AS 47.55.030; AS 47.55.035; AS 47.55.070; AS 47.55.095.

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

The Division of Alaska Pioneer Homes keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Department of Health and Social Services, Division of Alaska Pioneer Homes notices of proposed regulation changes. To be added to or removed from the list, send a request to the Department of Health and Social Services, Division of Alaska

Pioneer Homes, RE- Regulation Change, at P.O. Box 110690, Juneau, AK 99811, or (907) 465-4416, giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

DATE: April 9, 2019.



Adam Crum
Commissioner,
Department of Health & Social Services

SUPPLEMENTAL NOTICE OF PROPOSED CHANGES ON THE ALASKA PIONEERS' HOMES RATES &
LEVELS OF SERVICE, IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL
SERVICES.

BRIEF DESCRIPTION

The Department of Health & Social Services proposes to change regulations on the rates charged to residents, levels of service, payment assistance, and admission to an Alaska Pioneers' Home.

The Department of Health & Social Services proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with the rates charged to residents, levels of service, payment assistance, and admission to an Alaska Pioneers' Home, including the following:

- (1) **7 AAC 74.010. Quality and levels of service**, is proposed to be changed as follows: Increase the level of service from three to five levels.
- (2) **7 AAC 74.025. Rates**, is proposed to be changed as follows: Increase the rate charged for each level of service to align with the actual cost of providing the service.
- (3) **7 AAC 74.040. Payment for services in a pioneers' home**, is proposed to be changed as follows: Require every applicant and resident to provide income and resource verification; include a deadline to complete the required forms.
- (4) **7 AAC 74.045. Payment assistance**, is proposed to be changed as follows: Use the rate set by the Department's Division of Public Assistance for Long Term Care Standards for the maximum community spouse resource allowance.
- (5) **7 AAC 74.060. Admission and discharge**, is proposed to be changed as follows: Increase the length of time that an applicant will remain on the inactive waiting list before applying for a transfer to the active waiting list.
- (6) **7 AAC 74.990. Definitions**, is proposed to be changed as follows: Add definitions for complex behaviors, level of service, and maximum community spouse monthly maintenance allowance.

This is a SUPPLEMENTAL NOTICE adding to the NOTICE OF PROPOSED CHANGES that was issued on April 9, 2019, concerning these proposed regulation revisions contained in the Department of Law file number 2019200185. This SUPPLEMENTAL NOTICE is being issued to include the correct e-mail address to submit written questions relevant to the proposed action.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Department of Health & Social Services, Division of Alaska Pioneer Homes, RE- Regulation Change, at P.O. Box 110690, Juneau, AK 99811. Additionally, the Department of Health & Social Services will accept comments by facsimile at (907) 465-4108 and by electronic mail at alaskapioneerhomes@alaska.gov. The comments must be

received not later than 5:00 p.m. on June 28, 2019.

Oral or written comments also may be submitted at a hearing to be held on May 28, 2019. The hearing will be held at the six Pioneer Homes and telephonically. The hearing will be held from 1:00 p.m. to 4:00 p.m., and might be extended to accommodate those present before 2:30 p.m. who did not have an opportunity to comment. Those parties who would like to submit verbal comments at the hearing must be present by 2:30 p.m. and sign up before 2:30 p.m. via (1) the Pioneer Home from where they participate or (2) via email to alaskapioneerhomes@alaska.gov if they choose to participate from a non-Pioneer Home location. To participate in the public hearing, please, go to one of the six Pioneer Homes or call 1-888-227-5857.

- Anchorage Pioneer Home, 923 W 11th Ave., Anchorage, AK 99501-4306
- Fairbanks Pioneer Home, 2221 Eagan Ave., Fairbanks, AK 99701-5709
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You may submit written questions relevant to the proposed action to Mr. Clinton Lasley, at clinton.lasley@alaska.gov, or at 333 Willoughby Avenue, Suite 757, Juneau, AK 99801. The questions must be received at least 10 days before the end of the public comment period. The Department of Health & Social Services will aggregate its response to substantially similar questions and make the questions and response available on <http://dhss.alaska.gov/daph/Pages/default.aspx> and the Alaska Online Public Notice System at <https://aws.state.ak.us/OnlinePublicNotices/default.aspx>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Ms. Emily Palmer, at emily.palmer@alaska.gov, or at (907) 465-2160 not later than May 15, 2019, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Ms. Emily Palmer, at emily.palmer@alaska.gov, or at (907) 465-2160.

A copy of material proposed for adoption by reference may be viewed at the agency's office at 333 Willoughby Avenue, Suite 757, Juneau, AK 99801.

After the public comment period ends, the Department of Health & Social Services will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.**

Statutory authority: AS 47.55.010; AS 47.55.020; AS 47.55.030; AS 47.55.035; AS 47.55.070; AS


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Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

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DATE: April 16, 2019.


Adam Crum
Commissioner,
Department of Health & Social Services

SUPPLEMENTAL NOTICE OF PROPOSED CHANGES ON THE ALASKA PIONEERS' HOMES RATES &
LEVELS OF SERVICE, IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL
SERVICES.

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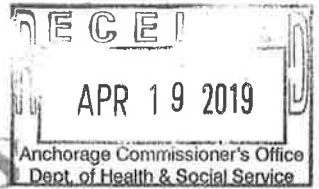
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DATE: April 16, 2019.



Adam Crum
Commissioner,
Department of Health & Social Services



ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 270229

ST OF AK/DHSS/COMMISSIONERS
3601 C STREET STE 902
ANCHORAGE, AK 99503

Order# 0001436902
Cost \$667.34

Product ADN-Anchorage Daily News
Placement 0300
Position 0301

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Joleesa Stepetin

being first duly sworn on oath deposes and says that he/she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

April 14, 2019

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed Joleesa Stepetin
Joleesa Stepetin

Subscribed and sworn to before me
this 15th day of April, 2019

Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska

MY COMMISSION EXPIRES

7/14/2020



CATEGORICAL EXCLUSION PUBLIC NOTICE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
ALASKA CLEAN WATER REVOLVING LOAN FUND
Notice is hereby given that the Department of Environmental Conservation, as provided by 18 AAC 76.040, finds the following project qualifies for a Categorical Exclusion (CE) to the Environmental Review Procedures of the Alaska Clean Water Loan Fund:
Anchorage Water and Wastewater Utility (AWWU)

LOWER KUSKOKWIM REQUEST FOR PROPOSALS PERCENT FOR ART ANNOUNCEMENT KWETHLUK K-12 REPLACEMENT SCHOOL
The Lower Kuskokwim School District (LKSD) is requesting proposals from qualified artists to provide professional services for the Kwethluk K-12 Replacement School Percent for Art project.
PROPOSAL DOCUMENTS may be **obtained** from Dennis Cobos at (907) 543-4919 or at dennis_cobos@lkspd.org.
PROPOSAL QUESTIONS should be directed to Dennis Cobos at (907) 543-4919 or at dennis_cobos@lkspd.org.
PROPOSAL DOCUMENTS must be **mailed** to:
Dennis Cobos
Contract Manager
Capital Projects Division
Lower Kuskokwim School District
P.O. Box 305
Bethel, Alaska 99559-0305
Note: For artists who wish to **deliver** proposals in person the location for delivery is:
Dennis Cobos
District Office, Room 232
Lower Kuskokwim School District
1004 Ron Edwards Way
Bethel, AK 99559-0305
Original proposals will be received until 3:00 p.m. local time on **May 10, 2019**. The proposals will then be distributed to the Selection Committee for evaluation. This committee's individual evaluations of the proposals will be presented to the Contract Manager of Capital Projects within 15 business days of the proposal due date. The winning artist will be notified by **May 31, 2019**.
Disadvantaged Business Enterprises are encouraged to respond.
Published: April 7, 14, 21, 2019

REGULATORY COMMISSION OF ALASKA
Stephen McAlpine
Chairman
Published: April 14, 2019
DATED at Anchorage, Alaska, this 12th day of April, 2019.

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 270229
ST OF AK/DHSS/COMMISSIONERS
3601 C STREET STE 902
ANCHORAGE, AK 99503

Order# 0001437118
Cost \$687.26

Product ADN-Anchorage Daily News
Placement 0300
Position 0301

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Joleesa Stepetin
being first duly sworn on oath deposes and says that he/she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

April 21, 2019

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed Joleesa Stepetin
Joleesa Stepetin

Subscribed and sworn to before me
this 22nd day of April, 2019

[Signature]
Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska

MY COMMISSION EXPIRES
7/1/2022

STATE OF ALASKA
NOTARY
PUBLIC
Jada L. Nowling

SUPPLEMENTAL NOTICE OF PROPOSED CHANGES ON THE ALASKA PIONEERS' HOMES RATES & LEVELS OF SERVICE, IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES.

Notice is hereby given that Ross R. Jardine died on December 24, 2010, and Alice M. Jardine died on January 11, 2019. Ross R. Jardine and Alice M. Jardine were the trustees of the Ross R. & Alice M. Jardine Joint Revocable Trust dated July 1, 1999. The Article VII Trust (Surviving Spouse's Trust) and the Article VIII (Credit Shelter Trust) were both created under the Ross R. & Alice M. Jardine Joint Revocable Trust after the death of Ross R. Jardine, Jill B. Jardine is Trustee of all of the above-referenced trusts. Pursuant to AS 13.36.368(b)(3), all interested persons having an interest in the Estate of those having claims against the said deceased or the above trusts are required to present their claims to the Trustee, c/o Peter B. Brautgam, 1127 W. 7th Avenue, Anchorage, AK 99501 within four (4) months after the date of first publication of this notice or said claims will be forever barred. Alaska Statute 13.06.050(26) states that "Interested person" includes heirs, devisees, children, estates, trusts, or persons having a claim against the estate of the decedent.

NOTICE TO CREDITORS AND OTHER INTERESTED PERSONS
IN THE MATTER OF THE STANLEY J. THOMPSON AMENDED AND RESTATED DECLARATION OF TRUST AS DATED APRIL 20, 2006, AS FURTHER AMENDED
302
Notice To Creditors

LEGAL ADVERTISING
To place your legal ad please call 257-4584, fax to 279-8170 or email to: legalads@adn.com
302
Notice To Creditors

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To place your legal ad please call 257-4584, fax to 279-8170 or email to: legalads@adn.com
302
Notice To Creditors

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Department of Health & Social Services
2. General subject of regulation: Alaska Pioneers' Homes, Rates & Levels of Service
3. Citation of regulation (may be grouped): 7 AAC 74.010, .025, .040, .045, .060, .990.
4. Department of Law file number, if any: 2019200185

5. Reason for the proposed action:
 Compliance with federal law or action (identify): _____
 Compliance with new or changed state statute
 Compliance with federal or state court decision (identify): _____
 Development of program standards
 Other (identify): Increase rates, align payment assistance with Medicaid long term care standards.

6. Appropriation/Allocation: N/A

7. Estimated annual cost to comply with the proposed action to:
A private person: Level I= \$43,476, Level II= \$78,828, Level III= \$134,220, Level IV= \$159,999.96, Level V= \$180,000.
Another state agency: 0.
A municipality: 0.

8. Cost of implementation to the state agency and available funding (in thousands of dollars): 0.

	Initial Year FY _____	Subsequent Years
Operating Cost	\$ _____	\$ _____
Capital Cost	\$ _____	\$ _____
1002 Federal receipts	\$ _____	\$ _____
1003 General fund match	\$ _____	\$ _____
1004 General fund	\$ _____	\$ _____
1005 General fund/ program	\$ _____	\$ _____
Other (identify)	\$ _____	\$ _____

9. The name of the contact person for the regulation:

Name: Clinton Lasley

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Clinton Lasley, Director, of the Department of Health & Social Services, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 7 AAC 74. AK Pioneers' Homes, Rates & Levels of Service, has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to every person who has filed a request for notice of proposed action with the state agency;
- (3) furnished to appropriate state officials;
- (4) furnished to interested persons;
- (5) furnished to the Department of Law, along with a copy of the proposed regulation;
- (6) furnished electronically to incumbent State of Alaska legislators;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1).

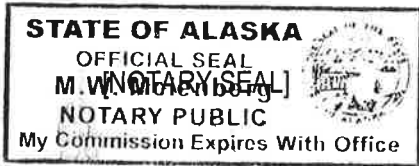
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: 7/3/2019


Clinton Lasley, Director

Subscribed and sworn to before me at 1445 in Juneau AK
on July 3, 2019
(date)


Notary Public in and for the State of Alaska



AFFIDAVIT OF ORAL HEARING

I, Clinton Lasley, Director, of the Department of Health & Social Services, being sworn, state the following:

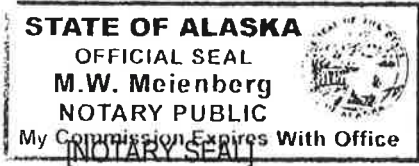
On May 28, 2019, at 1 p.m., in the 5th floor Tundra Lounge of the Anchorage Pioneer Home, 923 West 11th Avenue, Anchorage AK 99501, I presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to 7 AAC 74. AK Pioneers' Homes, Rates & Levels of Service.

Date: 7/3/2019



Clinton Lasley, Director

Subscribed and sworn to before me at 1445 in Fairbanks, AK
on July 3, 2019
(date)





Notary Public in and for the State of Alaska

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Clinton Lasley, Director, of the Department of Health & Social Services, being sworn, state the following:

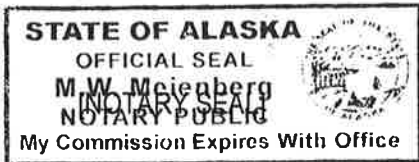
In compliance with AS 44.62.215, the Department of Health & Social Services has kept a record of its use or rejection of factual or other substantive information that was submitted in writing and orally as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Health & Social Services regulation on 7 AAC 74. AK Pioneers' Homes, Rates & Levels of Service,

Date: 7/3/2019



Clinton Lasley, Director

Subscribed and sworn to before me at 1445 in Juneau AK
on July 3, 2019
(date)





Notary Public in and for the State of Alaska