

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 74.015. Eligibility for admission.
- 7 AAC 74.025. Rates.
- 7 AAC 74.040. Payment for services in a pioneers' home.
- 7 AAC 74.045. Payment assistance.
- 7 AAC 74.050. Personal needs allowance; priority of payments from income
- 7 AAC 74.990. Definitions.



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COMMENT PERIOD ENDS: December 7, 2020

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paragraph, or subparagraph is being added, or that an existing section, subsection, paragraph, or subparagraph is being repealed and readopted (replaced), *the new or replaced text is not bolded or underlined*.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. Quality and levels of service.**

7 AAC 74.010(c) is repealed and readopted to read: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; resident is independent in activities of daily living;

(2) level II services include level I services, medication management, and assistance with up to two activities of daily living; during the night shift, the resident is independent in performing activities of daily living and capable of self-supervision;

(3) level III services include level I services and medication management; during the night shift, the resident may receive assistance with activities of daily living limited to an average of two nights per week, and one of the following:

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

(B) assistance with up to two activities of daily living and behavior management, excluding complex behaviors; or

(C) assistance with up to two activities of daily living and nursing services as described in AS 47.33.020;

(4) level IV services include level I services, medication management, assistance with five or more activities of daily living, behavior management, excluding complex behaviors, and nursing services as described in AS 47.33.020; services will be provided 24 hours a day;

(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 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 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 74.015. Eligibility for admission.

7 AAC 74.015(a)(4) is amended to read:

(a) An applicant is eligible for admission to a pioneers' home on a space-available basis if the applicant

...

(4) is **60** [65] years of age or older; and

7 AAC 74.015(a)(5) is amended to read:

(5) either

(A) agrees to pay the **applicable** [APPROPRIATE] monthly rate set out in

7 AAC 74.025(a) **plus charges**; or

(B) if not financially able, applies to the department for payment

assistance in accordance with 7 AAC 74.045, and pays the **applicable** [APPROPRIATE]

monthly rate set out in 7 AAC 74.025(a) **plus charges**.

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

Authority: AS 47.55.010 AS 47.55.030 AS 47.55.900

AS 47.55.020 AS 47.55.035

7 AAC 74.025 is repealed and readopted to read:

7 AAC 74.025. Rates.

(a) The monthly rate for each level of service described in 7 AAC 74.010(c)(1)-(4) will be the maximum rate allowed under AS 47.55.030(f).

(b) The monthly rate for level V services described in 7 AAC 74.010(c)(5) will be \$15,000.

(c) The daily rate for day services described in 7 AAC 74.010(c)(6) or respite services described in 7 AAC 74.010(c)(7), that are provided under 7 AAC 74.020, will be the maximum rate allowed under AS 47.55.030(f).

(d) The rates in subsections (a) – (c) will be adjusted in accordance with AS 47.55.030(g) by a percentage equal to the percentage increase in the cost-of-living adjustment for the social security benefits. If consistent with the 90-day time period described in AS 47.55.030(g), new

rates will be published on the department’s website by the first day of January and implemented on the first day of February.

Editor’s Note: The current rates can be accessed online at the State of Alaska, Department of Health & Social Services, Alaska Pioneers’ Homes website at <http://dhss.alaska.gov/daph>; by calling (907) 465-4416; or by e-mailing alaskapioneerhomes@alaska.gov .

(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 **plus charges** 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(d) is amended to read:

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

...

(Eff. 8/1/2004, Register 171; am 12/31/2005, Register 176; am 8/30/2019, Register 231; am _____/_____/_____, Register _____)

Authority: AS 47.55.010 AS 47.55.030 AS 47.55.070
AS 47.55.020

7 AAC 74.045. Payment assistance.

7 AAC 74.045(c)(1)(A) 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:

(A) for purposes of AS 47.55.020(d)(1), the amount to be exempted is \$300 [\$200] a month;

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

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

...

(ii) the exemption for other real property not used as the primary residence of the resident's or recipient's spouse or dependent, and personal property, both tangible and intangible, is a total value of not more than the community spouse resource

allowance described in 7 AAC 100.519(4) [\$98,000]; property necessitated by the resident's or recipient's physical condition, such as a prosthetic device, is not subject to this value limitation;

7 AAC 74.045(d) is amended to read:

(d) In determining the resources of an applicant for payment assistance under this section, the department will include the value of any resources owned by the applicant within the 36 months preceding the date of the payment assistance application if the applicant gave away the resource, or sold or assigned it for less than fair market value. The department **will make the rebuttable presumption** [REBUTTABLY PRESUME] that any such transaction was for the purpose of reducing the applicant's ability to pay the state for services in a pioneers' home.

(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; am ____/____/____, Register ____)

Authority: AS 47.55.010 AS 47.55.020 AS 47.55.030

7 AAC 74.050. Personal needs allowance; priority of payments from income.

7 AAC 74.050(b) is amended to read:

(b) Except as otherwise provided by law or by a court or administrative order, a resident who is receiving payment assistance and who receives a total of more than **\$300** [\$200] in income in a month from all sources other than the department shall apply the excess income to payments for the listed purposes, in the following priority sequence:

...

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

Authority: AS 47.55.010 AS 47.55.020 AS 47.55.070

7 AAC 74.990. Definitions.

7 AAC 74.990(a)(5) is amended to read:

(5) "day services" means services described in 7 AAC 74.010(c)~~(6)~~ [(4)];

7 AAC 74.990(a)(9) is amended to read:

(9) "financially able" means that an applicant, resident, or recipient has

(A) enough monthly income or resources, after excluding the items listed in 7 AAC 74.045(c), to pay the appropriate monthly or daily rate under 7 AAC 74.025 and ancillary charges; and

(B) income of at least **\$300** [\$200] a month left for personal use after paying the appropriate monthly or daily rate and ancillary charges;

7 AAC 74.990(a)(20) is amended to read:

(20) "respite services" means services described in 7 AAC 74.010(c)~~(7)~~ [(5)]; [.]

(Eff. 8/1/2004, Register 171; am 3/8/2012, Register 201; am 8/30/2019, Register 231; am _____/_____/_____, Register _____)

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