

DEPARTMENT OF HEALTH



PROPOSED CHANGES TO REGULATIONS.

General Relief Assisted Living Home Care.

7 AAC 47. General Relief.



PUBLIC REVIEW DRAFT.

December 6, 2023.

COMMENT PERIOD ENDS: January 26, 2024.

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paragraph, or subparagraph is being added, or that an existing section, subsection, paragraph, or subparagraph is being repealed and readopted (replaced), *the new or replaced text is not bolded or underlined*.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 47. General Relief.

Article 2. General Relief Assisted Living Home Care.

7 AAC 47.300 is repealed and readopted to read:

7 AAC 47.300. Applicability. The department has determined that a need exists among the state's adult population for the availability of nonmedical residential care. The purpose of the program described under 7 AAC 47.300 - 7 AAC 47.535 is to provide temporary financial assistance to eligible adults, including vulnerable adults, who require the protective oversight of an assisted living home. The program objective is to enable those adults to receive assistance with activities of daily living and instrumental activities of daily living necessary for the health, safety, and welfare of the individual. (Eff. 11/23/80, Register 76; am 1/14/2000, Register 153; am 6/8/2002, Register 162; am 6/24/2004, Register 170; am ____/____/_____, Register _____)

Authority: AS 47.05.010 AS 47.25.120 **AS 47.25.170**
AS 47.24.011 **AS 47.25.130** [AS 47.33.920]
AS 47.24.017

7 AAC 47.330 is repealed and readopted to read:

7 AAC 47.330. Eligible individuals. (a) Assistance under 7 AAC 47.300 - 7 AAC 47.535 is available to an individual who

(1) is a resident of the state;

(2) is 18 years of age or older;

(3) has been assessed for eligibility by a case manager or other person approved by the department;

(4) has

(A) a disability that is attributable to a severe and persistent mental illness, an intellectual or developmental disability, or another condition closely related to an intellectual disability or developmental disability that includes a significant deficit in the daily living skills necessary to function without supervision or support;

(B) a hearing, speech, visual, orthopedic, or other major health impairment such as cerebral palsy, epilepsy, or autism, that significantly impedes participation in the social, economic, educational, recreational, and other activities generally available to the individual's peers in the community; or

(C) a significant deficit in adaptive behavior in the area of self-care, communication of needs, mobility, or independent living that may be the result of the aging process, a major health impairment, an emotional health disturbance, or alcohol or drug dependence;

(5) is at risk of self-neglect, abuse, neglect, or exploitation by others without assisted living care;

(6) does not have an income in excess of the amount permitted by 7 AAC 47.340;

(7) does not possess resources in excess of the amount permitted by 7 AAC 47.350; and

(8) has applied for financial assistance from other agencies, organizations, or programs as required by 7 AAC 47.370 [,].

(b) Assistance under 7 AAC 47.300 - 7 AAC 47.535 is not available to an individual who

(1) is enrolled to receive home and community-based waiver services (7 AAC 130) and has a support plan under 7 AAC 130.217 that includes department approval to live full-time in a licensed residential setting under 7 AAC 130.255 or 7 AAC 130.265;

(2) requires intermittent or delegated nursing duties under AS 47.33.020(d) - (h);
or

(3) has health, safety, and welfare needs that exceed the scope of services, except as described in AS 47.33.020(a) - (c) and 7 AAC 75. (Eff. 11/23/80, Register 76; am 6/18/82, Register 82; am 1/14/2000, Register 153; am 6/28/2002, Register 162; am 6/24/2004, Register 170; am 6/24/2004, Register 170; am ____/____/_____, Register _____)

Authority: AS 47.05.010 AS 47.24.017 AS 47.25.130
AS 47.24.011 AS 47.25.120 [AS 47.33.920]

7 AAC 47.340(a) is amended to read:

(a) Subject to allowable exclusions, to be eligible to receive services under **7 AAC 47.300 - 7 AAC 47.535** [7 AAC 47.300 - 7 AAC 47.525], the total monthly countable income [, IF ANY,] of an individual described in 7 AAC 47.330 may not exceed **175 percent of the annual federal poverty line for this state, as determined by the United States Department of**

Health and Human Services and revised under 42 U.S.C. 9902(2), adopted by reference in 7 AAC 160.900 [THE MINIMUM DAILY RATE SET UNDER 7 AAC 47.470].

7 AAC 47.340(b) is amended to read:

(b) Unless otherwise specified in **7 AAC 47.300 - 7 AAC 47.535** [7 AAC 47.340 - 7 AAC 47.367], income not received in cash is valued at the current fair market value of that which is received.

7 AAC 47.340(c) is amended to read:

(c) Income is determined on a monthly basis, except that earnings from self-employment are computed on a yearly basis and then divided by 12 to determine monthly income. Unless otherwise specified, any property, money, or service described in the definition of "income" set out in **7 AAC 47.535** [7 AAC 47.367] is considered income in the month **the property, money, or service is received. Property, money, or a service under this subsection** [OF RECEIPT BUT] is considered a resource **as described in 7 AAC 47.535** in any calendar month after the month of receipt.

(Eff. 11/23/80, Register 76; am 6/28/2002, Register 162; am ____/____/_____, Register _____)

Authority: AS 47.05.010 AS 47.25.120 AS 47.25.130

The section heading of 7 AAC 47.345 is changed to read:

7 AAC 47.345. Income exclusions and disregards.

7 AAC 47.345(a)(30) is amended to read:

(30) **court ordered income garnishments**; [BURIAL SPACES OWNED BY THE INDIVIDUAL AND INTENDED FOR USE BY THE INDIVIDUAL OR THE INDIVIDUAL'S SPOUSE OR DEPENDENT; OR]

7 AAC 47.345(a)(31) is amended to read:

(31) **expenses incurred for guardian and conservator fees, not to exceed \$100 a month** [THE INCOME OF THE INDIVIDUAL'S SPOUSE, IF ANY, THAT IS PROTECTED UNDER 7 AAC 47.360 AND, IF THE SPOUSE'S INCOME IS LESS THAN \$2,000 A MONTH, SO MUCH OF THE INDIVIDUAL'S INCOME AS WILL BRING THE SPOUSE'S INCOME UP TO \$2,000 A MONTH.];

7 AAC 47.345(a) is amended by adding new paragraphs to read:

(32) payments for insurance premium allowance for the individual;

(33) payments for unpaid medical expenses that are not subject to payment by a third party; and

(34) payments for home maintenance if a physician certifies the individual assisted living home stay will be six months or less.

(Eff. 6/28/2002, Register 162; am ____/____/_____, Register _____)

Authority: AS 47.05.010 AS 47.25.120 AS 47.25.130

The introductory language of 7 AAC 47.350(a) is amended to read:

(a) Subject to allowable exclusions, to be eligible for assistance under **7 AAC 47.300 - 7 AAC 47.535** [7 AAC 47.300 - 7 AAC 47.525], the total resources [, IF ANY,] of an individual

described in 7 AAC 47.330 may not exceed

...

7 AAC 47.350(a)(2) is amended to read:

(2) \$3,000 for an individual living with a spouse, regardless of whether [OR NOT] the spouse is eligible for assistance under 7 AAC 47.300 - 7 AAC 47.535 [7 AAC 47.300 - 7 AAC 47.525].

(Eff. 11/23/80, Register 76; am 6/28/2002, Register 162; am ____/____/_____, Register _____)

Authority: AS 47.05.010 AS 47.25.120 AS 47.25.130

7 AAC 47.355(a)(12) is amended to read:

(12) the value of the food stamp allotment provided under 7 U.S.C. 2011 - 2036 (Supplemental Nutrition Assistance Program) [7 U.S.C. 2011 - 7 U.S.C. 2036 (FOOD STAMP PROGRAM)]; the value of assistance provided under 42 U.S.C. 1751 - 1769h (school lunch programs) [42 U.S.C. 1751 - 42 U.S.C. 1769h (School Lunch Programs)]; the value of assistance provided under 42 U.S.C. 1771 - 1791 (child nutrition) [42 U.S.C. 1771 - 42 U.S.C. 1791 (Child Nutrition)]; and the value of federally donated foods distributed under 7 C.F.R. Part 250, 7 C.F.R. Part 251, sec. 32 of Public Law 74-320, or 7 U.S.C. 1431 (sec. 416 of the Agriculture Act of 1949);

7 AAC 47.355(a) is amended by adding a new paragraph to read:

(18) burial spaces owned by the individual and intended for use by the individual or the individual's spouse or dependent.

(Eff. 6/28/2002, Register 162; am ____/____/_____, Register _____)

Authority: AS 47.05.010 AS 47.25.120 AS 47.25.130

((Publisher: Please move the "and" connector at the end of 7 AAC 47.355(a)(16) to the end of 7 AAC 47.355(a)(17) and change the period at the end of (a)(17) to a semi-colon.))

7 AAC 47.360(a) is amended to read:

(a) Subject to allowable exclusions, the income and resources of a spouse who is living with an individual seeking assistance under 7 AAC 47.300 - 7 AAC 47.535 [7 AAC 47.300 - 7 AAC 47.525] are considered available to the individual for purposes of computing the amount of the individual's income under 7 AAC 47.365. The department will apply the standards to prevent spousal impoverishment established under the Medicaid requirements of 42 U.S.C. 1396r-5 (Title XIX of the Social Security Act, as amended) or a regulation adopted under that statute.

7 AAC 47.360(b)(10) is amended to read:

(10) income that is not listed in this subsection, but is excluded under 7 AAC 47.345(a) [7 AAC 47.345(a)(1) - (30)].

(Eff. 11/23/80, Register 76; am 1/14/2000, Register 153; am 6/28/2002, Register 162; am ____/____/_____, Register _____)

Authority: AS 47.05.010 AS 47.25.230 [AS 47.33.920]
AS 47.25.120 AS 47.25.240

7 AAC 47.365(2) is amended to read:

(2) [FROM THE AMOUNTS IDENTIFIED UNDER (1) OF THIS SECTION ARE SUBTRACTED] any amounts excluded under 7 AAC 47.345, [OR] 7 AAC 47.360, **or 7 AAC 47.450 are subtracted from the amounts identified under (1) of this section;**

(Eff. 6/28/2002, Register 162; am ____/____/_____, Register _____)

Authority: AS 47.05.010 AS 47.25.120 AS 47.25.130

7 AAC 47.367 is repealed:

7 AAC 47.367. Definitions for terms used in 7 AAC 47.340 - 7 AAC 47.365. Repealed.

(Eff. 6/28/2002, Register 162; repealed ____/____/_____, Register _____)

7 AAC 47.370(a) is amended to read:

(a) **Not later than 30 days after an** [AN] individual [WHO] applies for assistance under **7 AAC 47.300 - 7 AAC 47.535**, [7 AAC 47.300 - 7 AAC 47.525] **the individual** must also submit an application to each agency, organization, or program that provides financial assistance for which the individual may be eligible. **The department, or a responsible person acting on the individual's behalf, may assist the individual in submitting each application. If the individual fails to apply for each program under this subsection, assistance under 7 AAC 47.300 - 7 AAC 47.535 will be denied unless the department determines that the individual is ineligible for a specified program. Under this subsection, an individual must apply for each of the following programs:**

(1) Social Security; [, INCLUDING SOCIAL SECURITY,]

(2) Supplemental Security Income (SSI); [SSI,]

(3) Medicaid; [,]

(4) **adult public assistance** [ADULT PUBLIC ASSISTANCE] (APA) **under 7 AAC 40; and** [,]

(5) the home and community-based waiver services program under **7 AAC 130**[7 AAC 43.1000 - 7 AAC 43.1110, AND

THE PROGRAMS LISTED IN 7 AAC 47.380(a) AND (b). EACH APPLICATION MUST BE SUBMITTED WITHIN 30 DAYS AFTER FILING AN APPLICATION FOR ASSISTANCE UNDER 7 AAC 47.300 - 7 AAC 47.525. THE DEPARTMENT, OR A RESPONSIBLE PERSON ACTING ON THE INDIVIDUAL'S BEHALF, MAY ASSIST THE INDIVIDUAL IN SUBMITTING EACH APPLICATION. THE INDIVIDUAL'S FAILURE TO APPLY FOR EACH PROGRAM WILL RESULT IN DENIAL OF ASSISTANCE UNDER 7 AAC 47.300 - 7 AAC 47.525, UNLESS THE DEPARTMENT DETERMINES THAT THE INDIVIDUAL IS INELIGIBLE FOR A SPECIFIED PROGRAM.].

7 AAC 47.370(b) is amended to read:

(b) **In addition to the requirements of (a) of this section, the** [THE] department may [ALSO] require an individual to apply for other benefits for which the department believes the individual is eligible, **including** [. THESE BENEFITS INCLUDE] veteran's and disability insurance benefits, worker's compensation, unemployment compensation, retirement system benefits, awards, **or** [AND] annuities. **The department will provide 30 days' written notice to the individual if additional program applications are required. If the individual fails** [THE INDIVIDUAL'S FAILURE] to apply for the benefits **set out in the written notice,** [, AFTER BEING GIVEN 30 DAYS' WRITTEN NOTICE OF THE REQUEST, MAY RESULT IN

DENIAL OF] assistance under **7 AAC 47.300 – 7 AAC 47.535 may be denied** [7 AAC 47.300 - 7 AAC 47.525]. **If the individual is a resident of an assisted living home when written notice is issued under this subsection, the** [THE] department will provide **a copy of the written notice** to the assisted living home [A COPY OF THE WRITTEN NOTICE IF THE INDIVIDUAL IS A RESIDENT WHEN NOTICE IS GIVEN]. An assisted living home that receives a notice under this subsection may choose to immediately issue a notice **to the individual** under 7 AAC 47.490, advising that the individual may be subject to involuntary discharge from the home if the individual fails to apply for benefits as requested by the department [UNDER THIS SUBSECTION].

7 AAC 47.370(c)(2)(A) is amended to read:

(A) any retroactive payments received, up to the amount the department has provided for that resident under **7 AAC 47.300 - 7 AAC 47.535** [7 AAC 47.300 - 7 AAC 47.525], if the additional assistance received is intended to cover any portion of the same care that the assistance under **7 AAC 47.300 - 7 AAC 47.535** [7 AAC 47.300 - 7 AAC 47.525] covered for that resident; and

7 AAC 47.370(d) is amended to read:

(d) If an assisted living home receives a payment, including a retroactive payment, from another agency, organization, or program, or from a family member, relative, or other person [,] for providing care to a resident receiving assistance under **7 AAC 47.300 - 7 AAC 47.535** [7 AAC 47.300 - 7 AAC 47.525], the administrator shall reimburse the department [,] up to the amount the department has provided for that resident under **7 AAC 47.300 - 7 AAC 47.535**

[7 AAC 47.300 - 7 AAC 47.525,] if the additional assistance received is intended to cover any portion of the same care that the assistance under 7 AAC 47.300 - 7 AAC 47.535 [7 AAC 47.300 - 7 AAC 47.525] covered for that resident.

7 AAC 47.370(e) is amended to read:

(e) The department may require an assignment of rights to bill for and receive reimbursement for assistance provided under 7 AAC 47.300 - 7 AAC 47.535 [7 AAC 47.300 - 7 AAC 47.525] from

(1) a resident receiving assistance under 7 AAC 47.300 - 7 AAC 47.535 [7 AAC 47.300 - 7 AAC 47.525]; or

(2) an assisted living home that is entitled to receive a retroactive payment from another agency, organization, or program for providing care to a resident receiving assistance under 7 AAC 47.300 - 7 AAC 47.535 [7 AAC 47.300 - 7 AAC 47.525] for financial assistance received that is intended to cover any portion of the same care that the assistance under 7 AAC 47.300 - 7 AAC 47.535 [7 AAC 47.300 - 7 AAC 47.525] covered for that resident. (Eff. 11/23/80, Register 76; am 6/18/82, Register 82; am 1/14/2000, Register 153; am 6/28/2002, Register 162; am ____/____/_____, Register _____)

Authority: AS 47.05.010 AS 47.25.120 [AS 47.33.920]

7 AAC 47.380 is repealed:

7 AAC 47.380. Alternative financial assistance. Repealed. (Eff. 11/23/80, Register 76; am 6/18/82, Register 82; am 1/14/2000, Register 153; am 6/28/2002, Register 162; repealed ____/____/_____, Register _____)

7 AAC 47.390 is repealed and readopted to read:

7 AAC 47.390. General relief assistance application. A person described in 7 AAC 47.330 may apply for assistance under 7 AAC 47.300 - 7 AAC 47.535 on a form provided by the department. The department, or a responsible person acting on an applicant's behalf, may assist the applicant in completing the application. The application must include a written report by the applicant's physician, physician assistant, or advanced practice registered nurse in a format provided by the department. (Eff. 11/23/80, Register 76; am 1/14/2000, Register 153; am 6/28/2002, Register 162; am 6/24/2004, Register 170; am 8/25/2010, Register 195; am ____/____/_____, Register _____)

Authority: AS 47.05.010 AS 47.24.017 AS 47.25.150
AS 47.24.011 AS 47.25.120 AS 47.25.160

7 AAC 47.400 is repealed and readopted to read:

7 AAC 47.400. Eligibility determination and placement. (a) Except for an emergency placement under 7 AAC 47.510, the department will forward a written eligibility decision to an applicant not more than 30 days after the department receives an identifiable application for assistance under this chapter. By agreement of the applicant and the department, the 30-day period may be extended if a decision cannot be rendered because of a factor that is beyond the control of the applicant or the department.

(b) An applicant who is approved to receive services under 7 AAC 47.300 - 7 AAC 47.535 is responsible for finding an assisted living home placement and shall notify the department of the placement not later than 10 working days after the date of the department's

written eligibility decision. (Eff. 11/23/80, Register 76; am 1/14/2000, Register 153; am 6/28/2002, Register 162; am 6/24/2004, Register 170; am ____/____/_____, Register _____)

Authority: AS 47.05.010 AS 47.25.120 AS 47.25.200
AS 47.24.011 AS 47.25.160 [AS 47.33.920]
AS 47.24.017 AS 47.25.170

7 AAC 47.420 is amended to read:

7 AAC 47.420. Report of change. An individual who receives [RECEIVING] financial assistance under 7 AAC 47.300 - 7 AAC 47.535 [7 AAC 47.300 - 7 AAC 47.525] must report any change in the individual's circumstances that could affect the individual's eligibility or the amount of the individual's assistance under this chapter to the department [ANY CHANGE IN CIRCUMSTANCES THAT COULD AFFECT ELIGIBILITY OR THE AMOUNT OF ASSISTANCE UNDER THIS CHAPTER. A REPORT OF CHANGE MUST BE MADE] not later than [WITHIN] 10 working days after the individual's circumstances change. A report of change under this section [EVENT OCCURS, AND] may be made by a responsible person acting on behalf of the individual. (Eff. 11/23/80, Register 76; am 1/14/2000, Register 153; am 6/24/2004, Register 170; am ____/____/_____, Register _____)

Authority: AS 47.05.010 AS 47.24.017 [AS 47.33.920]
AS 47.24.011 AS 47.25.200

7 AAC 47.430(a) is amended to read:

(a) Upon receiving information as set out under 7 AAC 47.420 that indicates [INDICATING] a change in an individual's situation that could affect the individual's eligibility

or the amount of **the individual's** assistance under **7 AAC 47.300 - 7 AAC 47.535** [7 AAC 47.300 - 7 AAC 47.525], the department will investigate **the circumstances and determine whether to** [AND IF NECESSARY,] adjust, suspend, or terminate the **individual's** assistance.

7 AAC 47.430(b) is amended to read:

(b) An individual who receives assistance under **7 AAC 47.300 - 7 AAC 47.535** [7 AAC 47.300 - 7 AAC 47.525], or a responsible person acting on the individual's behalf, must **complete an annual** [ANNUALLY COMPLETE A] review application. [AS A RESULT OF THIS REVIEW PROCEDURE, THE] **The** department may continue, adjust, suspend, or terminate the **individual's** assistance **based on the individual's review application.**

(Eff. 11/23/80, Register 76; am 1/14/2000, Register 153; am 6/28/2002, Register 162 ;
am ____/____/_____, Register _____)

Authority: AS 47.05.010 AS 47.25.200 [AS 47.33.920]
AS 47.25.120

7 AAC 47.440 is repealed and readopted to read:

7 AAC 47.440. Assisted living home agreement for services. (a) An assisted living home must submit an application for an assisted living home agreement in a format provided by the department.

(b) An assisted living home agreement for services between the department and an assisted living home must

(1) include the appropriate minimum daily reimbursement rate under 7 AAC 47.470 or 7 AAC 47.471; and

(2) incorporate each resident's residential service contract executed under AS 47.33.210 and assisted living plan prepared under AS 47.33.220 and 47.33.230 by reference; the contract and plan must describe the services the assisted living home must provide to the individual in accordance with AS 47.24, AS 47.33, 7 AAC 47.475, and 7 AAC 75.

(c) Before an assisted living home admits an individual, the assisted living home shall

(1) obtain and review a copy of the individual's General Relief Assisted Living Home Care application and any pertinent documentation related to the individual's health, safety, and welfare needs; and

(2) provide an assurance to the department that the assisted living home can meet the individual's health, safety, and welfare needs.

(d) An assisted living home shall

(1) comply with the standard as set out under 7 AAC 47.450(d);

(2) immediately report the occurrence of an incident as set out under 7 AAC 75.340 to the department, in a format provided by the department; and

(3) report any absence or discharge required to be reported as set out under 7 AAC 47.490 to the department.

(e) An assisted living home agreement may be terminated by either party upon 30 days' advance written notice to the other party.

(f) The department may immediately terminate an assisted living home agreement if

(1) the assisted living home fails to comply with the requirements of this section or 7 AAC 47.300 - 7 AAC 47.535; or

(2) the assisted living home's license is suspended or revoked, or the assisted living home is not licensed under AS 47.33 or 7 AAC 75. (Eff. 11/23/80, Register 76; am

1/14/2000, Register 153; am 6/28/2002, Register 162; am ____/____/_____, Register _____)

Authority: AS 47.05.010 AS 47.25.170 [AS 47.33.920]

AS 47.25.120

Editor's note: As of Register 218 (July 2016), the regulations attorney made a technical correction under AS 44.62.125(b)(6), to 7 AAC 47.440(d) (now 7 AAC 47.440(f)).

7 AAC 47.450(a) is amended to read:

(a) The total monthly countable income considered available to an individual under 7 AAC 47.365[, PLUS APA BENEFITS AND THE ALASKA LONGEVITY BONUS PAYMENT , IF APPLICABLE,] and any other financial assistance **not excluded under 7 AAC 47.345** for which the individual may be eligible [AND WHICH IS NOT EXCLUDED UNDER 7 AAC 47.345,] will be applied first toward the personal-needs allowance required by (b) of this section, and then toward the cost of the individual's assisted living care.

7 AAC 47.450(b) is amended to read:

(b) An individual may retain **\$200** [THE FOLLOWING AMOUNT] of the total monthly countable income as a personal-needs allowance, which may be used for clothing, unreimbursable medical expenses, and personal incidentals [

(1) \$100 FOR AN INDIVIDUAL WHO IS ELIGIBLE FOR MEDICAID OR CHRONIC AND ACUTE MEDICAL ASSISTANCE COVERAGE; AND

(2) \$150 FOR AN INDIVIDUAL WHO IS NOT ELIGIBLE FOR MEDICAID OR CHRONIC AND ACUTE MEDICAL ASSISTANCE COVERAGE].

7 AAC 47.450(d) is amended to read:

(d) An assisted living home may not request or accept **payment in excess of the amount specified in (c) of this section** from or on behalf of an individual who receives assistance under **7 AAC 47.300 - 7 AAC 47.535** [7 AAC 47.300 - 7 AAC 47.525 ANY PAYMENT IN EXCESS OF THE AMOUNT SPECIFIED IN (c) OF THIS SECTION]. (Eff. 11/23/80, Register 76; am 8/12/82, Register 83; am 1/14/2000, Register 153; am 6/28/2002, Register 162; am ____/____/_____, Register _____)

Authority: AS 47.05.010 AS 47.25.130 [AS 47.33.920]
AS 47.25.120 AS 47.25.170

7 AAC 47.460 is repealed and readopted to read:

7 AAC 47.460. Payment by department. (a) For an individual who is placed in an assisted living home under 7 AAC 47.400, the department will pay the assisted living home the minimum daily reimbursement rate established by 7 AAC 47.470 or the augmented rate established by 7 AAC 47.471, multiplied by the number of days of actual residence, which includes sleeping, minus the individual's share of the cost of care as calculated under 7 AAC 47.450.

(b) Except for a placement under 7 AAC 47.510, payment begins only after an eligibility determination is made under 7 AAC 47.400. Payment to the assisted living home covers the day of an individual's admission, but not the day of the individual's departure.

(c) The department will pay the assisted living home not later than 60 days after receipt of a complete and accurate invoice. The assisted living home shall submit the invoice to the

department for each month and not later than 60 days after the last date of services provided under 7 AAC 47.475.

(d) The department will not increase payment to an assisted living home to compensate for the withholding of an individual's social security, Supplemental Security Income (SSI), or adult public assistance (APA) (7 AAC 40) benefit when the withholding is due to an overpayment caused by fraud or failure to report a change, unless protection of the individual outweighs the issue of that fraud or failure to report. (Eff. 11/23/80, Register 76; am 6/18/82, Register 82; am 8/12/82, Register 83; am 1/14/2000, Register 153; am 6/28/2002, Register 162; am ____/____/_____, Register _____)

Authority: AS 47.05.010 AS 47.25.130 AS 47.25.195
AS 47.25.120 AS 47.25.170 [AS 47.33.920]

7 AAC 47.465(a) is amended to read:

(a) **If** [WHEN] legislative appropriations are not adequate to meet the projected service needs for general relief assistance in a given fiscal year, the department will limit the number of individuals who will receive assistance to avoid **suspending** [HAVING TO SUSPEND] the program before the end of the fiscal year. To limit the number of participants, the department will establish a wait list for individuals who would be eligible to receive general relief assistance under **7 AAC 47.300 - 7 AAC 47.535** [7 AAC 47.300 - 7 AAC 47.525] if adequate legislative appropriations were available.

7 AAC 47.465(c) is amended to read:

(c) **If** [WHEN] the department selects an individual from the wait list, the individual

shall confirm whether the individual still wants to receive assistance not later than [HAS]

20 days from the selection date [TO CONFIRM WHETHER THE INDIVIDUAL STILL

WANTS TO RECEIVE ASSISTANCE]. If **the** [A] selected individual will have been on the

wait list for 60 or more days by the time the general relief assistance would begin, the

department may require the individual to submit a new **physician's** [MEDICAL

EXAMINATION] report under 7 AAC 47.390, and new income and resource information

described in **7 AAC 47.340 - 7 AAC 47.370** [7 AAC 47.340 - 7 AAC 47.380]. (Eff. 6/16/2016,

Register 218; am ____/____/_____, Register _____)

Authority: AS 47.05.010 AS 47.24.017 AS 47.25.120

AS 47.24.011

7 AAC 47.470 is repealed and readopted to read:

7 AAC 47.470. Minimum daily reimbursement rates. (a) The minimum daily reimbursement rate set out in this section is for each individual placed in an assisted living home under 7 AAC 47.400 and is to assist in payment for

(1) housing and food service; and

(2) the basic services described in 7 AAC 47.475.

(b) Subject to (c) of this section, the minimum daily reimbursement rate is \$104.30 beginning July 1, 2022.

(c) The rate set in (b) of this section will be adjusted to reflect regional differences in the cost of doing business, based on the region in which the provider is located. These regional factors are based upon the designated planning regions described in the *Alaska Geographic*

Differential Study 2008, Table I-1, dated April 30, 2009, adopted by reference in 7 AAC 160.900.

(d) The minimum daily reimbursement rate paid on behalf of a resident will be discontinued for any day that the resident is not living in the assisted living home unless the department approves a temporary absence from the assisted living home. A temporary absence from the assisted living home may not exceed 30 days. (Eff. 11/23/80, Register 76; am 8/12/82, Register 83; am 1/14/2000, Register 153; am 6/28/2002, Register 162; am 6/24/2004, Register 170; am 6/27/2004, Register 170; am ____/____/_____, Register _____)

Authority: AS 47.05.010 AS 47.25.130 AS 47.25.195
AS 47.25.120 AS 47.25.170 [AS 47.33.920]

7 AAC 47.471 is repealed and readopted to read:

7 AAC 47.471. Augmented rates. (a) The department may augment the minimum daily reimbursement rate set in 7 AAC 47.470 with an additional \$22 a day for a resident if the resident

(1) requires extensive assistance with four or more activities of daily living, as determined in a written physician's report completed by the resident's physician, physician assistant, or advanced practice registered nurse in a format provided by the department; and

(2) has applied for the home and community-based waiver services program under 7 AAC 130.

(b) The department may augment the minimum daily reimbursement rate set in 7 AAC 47.470 with an additional \$15 a day for an individual in need of emergency placement as determined by the department's adult protective services under AS 47.24. An augmented rate

under this subsection will be paid for not more than 90 days, unless the department determines that additional payment is necessary to protect the resident.

(c) An augmented rate paid on behalf of a resident is discontinued for any day that the resident is not actually residing, in the assisted living home. (Eff. 6/24/2004, Register 170; am ____/____/_____, Register _____)

Authority: AS 47.05.010 AS 47.25.120 AS 47.33.195
AS 47.24.011 AS 47.25.130 [AS 47.33.920]
AS 47.24.017 AS 47.25.170

7 AAC 47.472 is repealed:

7 AAC 47.472. Augmented rates; restricted. Repealed. (Eff. 6/28/2002, Register 162; am 6/24/2004, Register 170; repealed ____/____/_____, Register _____)

7 AAC 47.475(a) is amended to read:

(a) A licensed assisted living home must provide housing, food service, and all other services that are required to meet the purposes of 7 AAC 47.300 - 7 AAC 47.535 [7 AAC 47.300 - 7 AAC 47.525], AS 47.24, AS 47.33, and 7 AAC 75. Housing, food service, and other services must be provided in a way that promotes each resident's **health**, safety, **and** welfare [, AND INDEPENDENCE] and that assures protection of each resident's rights under AS 47.33.300 - 47.33.360.

7 AAC 47.475(c) is amended to read:

(c) In addition to the basic services listed in (b) of this section, an assisted living home

may provide the additional health-related services described in **AS 47.33.020(a) - (c) and (i)** [AS 47.33.020(c) - (i)].

7 AAC 47.475(d) is repealed:

(d) Repealed ____/____/_____. (Eff. 6/28/2002, Register 162; am 6/24/2004, Register 170; am ____/____/_____, Register _____)

Authority:	AS 47.05.010	AS 47.25.120	AS 47.25.195
	AS 47.24.011	AS 47.25.130	[AS 47.33.920]
	AS 47.24.017	AS 47.25.170	

7 AAC 47.490 is amended to read:

7 AAC 47.490. Absence or discharge. (a) **An assisted living** [A] home with which the department has entered into an assisted living home agreement for services under 7 AAC 47.440 shall immediately report **the occurrence of an incident as set out in 7 AAC 75.340** to the department **in a format provided by the department, or** the death or voluntary discharge of a resident who receives assistance under **7 AAC 47.300 - 7 AAC 47.535** [7 AAC 47.300 - 7 AAC 47.525]. **An assisted living** [A] home shall give the department **30 days' advance written notice of an involuntary discharge of a resident who receives assistance under 7 AAC 47.300 - 7 AAC 47.535, unless the discharge is for medical reasons or if the resident's physician orders an emergency transfer out of the assisted living home. If** [, AND, AS] required by AS 47.33.360, **the assisted living home** shall **also** give the resident **a copy of the** [30 DAYS' ADVANCE] written notice [OF AN INVOLUNTARY DISCHARGE BY THE HOME OF A RESIDENT WHO RECEIVES ASSISTANCE UNDER 7 AAC 47.300 - 7 AAC

47.525, UNLESS THE DISCHARGE IS FOR MEDICAL REASONS OR AN EMERGENCY TRANSFER OUT OF THE HOME IS ORDERED BY THE RESIDENT'S PHYSICIAN].

Written [THIS] notice **under this subsection** is not required for a resident subject to placement under 7 AAC 47.510 who was given notice by the department under **7 AAC 47.510(b)** [7 AAC 47.510(d)] at the time of placement, although the **assisted living** home may choose to issue **a separate** [ITS OWN] notice at the time of placement.

(b) **An assisted living** [A] home shall immediately report **the absence of a resident who receives assistance under 7 AAC 47.300 - 7 AAC 47.535** to the department [THE ABSENCE OF A RESIDENT WHO RECEIVES ASSISTANCE UNDER 7 AAC 47.300 - 7 AAC 47.525], unless the absence is for social reasons and will not exceed three days. **The department will not pay** [NO PAYMENT] for assistance under **7 AAC 47.300 - 7 AAC 47.535** [7 AAC 47.300 – 7 AAC 47.525 WILL BE MADE BY THE DEPARTMENT] for a social absence exceeding three days[,] unless **the department previously approved the payment in writing** [IT IS PREVIOUSLY APPROVED IN WRITING BY THE DEPARTMENT]. (Eff. 11/23/80, Register 76; am 1/14/2000, Register 153; am 6/28/2002, Register 162; am ____/____/_____, Register _____)

Authority: AS 47.05.010 AS 47.25.170 [AS 47.33.920]
AS 47.25.120 AS 47.33.360

7 AAC 47.510 is repealed and readopted to read:

7 AAC 47.510. Emergency placement. (a) An assisted living home with which the department has entered into an assisted living home agreement for services under 7 AAC 47.440 may admit an individual under an emergency placement without an earlier eligibility

determination under 7 AAC 47.400 if the department determines that the individual is immediately at risk of self-neglect, abuse, neglect, or exploitation by others, and has no immediately available residential care. The department will pay for not more than 90 days of actual residence for an emergency placement under this subsection before the individual receives an eligibility determination under 7 AAC 47.400, unless the department determines that payment for additional days is necessary to protect the resident.

(b) At the time of an emergency placement under this section, the department will provide written notice to an individual who receives emergency placement in an assisted living home that the individual must vacate the home after the appropriate number of days allowed for that placement, unless the resident has been determined to be eligible for placement under 7 AAC 47.400. If the individual's emergency placement is extended, the department will notify the individual of the extension. A copy of the notice or extension will be provided to the home at the time of placement or when an extension is granted. The home may choose to issue a separate notice at the time of placement. (Eff. 11/23/80, Register 76; am 1/14/2000, Register 153; am 6/28/2002, Register 162; am ____/____/_____, Register _____)

Authority: AS 47.05.010 AS 47.25.120 [AS 47.33.920]

7 AAC 47.525 is repealed and readopted to read:

7 AAC 47.525. Waiver requirements. The department may waive a requirement of 7 AAC 47.300 - 7 AAC 47.535 if necessary for the protection of an individual placed in an assisted living home under 7 AAC 47.400, as determined by the department's adult protective services under AS 47.24, unless the requirement is one imposed under AS 47.05, AS 47.24, AS 47.25, AS 47.32, AS 47.33, 7 AAC 130, or 7 AAC 75 and the home has not been granted a

variance under 7 AAC 10.935, 7 AAC 10.9500 - 7 AAC 10.9535, or 7 AAC 75.405 - 7 AAC 75.415. (Eff. 6/28/2002, Register 162; am 6/24/2004, Register 170; am 6/23/2006, Register 178; am 2/9/2007, Register 181; am ____/____/_____, Register _____)

Authority: AS 47.05.010 AS 47.24.017 AS 47.32.010
AS 47.05.340 AS 47.25.120 AS 47.32.030
AS 47.24.011

7 AAC 47 is amended by adding a new section to Article 2 to read:

7 AAC 47.535. Definitions. In 7 AAC 47.300 - 7 AAC 47.535, unless the context requires otherwise,

(1) "earned income" means wages other than compensation paid by an employer in exchange for service rendered; in the case of a self-employed person, "earned income" means gross earnings less the cost of doing business;

(2) "extensive assistance" means, with respect to a caregiver's activities, a caregiver who performs full weight-bearing support three or more times during a seven-day period;

(3) "home maintenance" means verifiable rent, mortgage, and utility costs;

(4) "income" means property, money, or service received by the individual, together with a spouse, if any, under 7 AAC 47.360, that can be used, directly or indirectly, to meet the individual's need for food, clothing, and shelter;

(5) "living with" means residing as a family unit in a single residence, except that

(A) spouses, both of whom are otherwise eligible for assistance, who have separated without either having taken another spouse are rebuttably presumed to be living together unless they have been separated for six months;

(B) spouses, only one of whom is otherwise eligible for assistance, who have separated are rebuttably presumed no longer to live together on the first day of the calendar month following the month of separation; and

(C) spouses who have separated because one spouse enters long-term medical or nursing care are considered no longer to live together on the first day of the calendar month following the month of separation;

(6) " medical expense" means that a licensed medical practitioner provided or prescribed an item or service to

(A) prevent, diagnose, treat, or cure a disease or injury; or

(B) treat an affected part of the body;

(7) "proceeds" means the sale price of the resource less any amount owed on the resource and any cost of its disposal;

(8) "resources" means any real or personal property that an individual, together with a spouse, if any, under 7 AAC 47.360, owns and can convert to cash to be used for the individual's support and maintenance;

(9) "spouse" means a person who is legally married;

(10) "unearned income" means income that is not earned, including income from an annuity, pension or retirement payments, disability benefits, veteran's compensation and pensions, workers' compensation payments, social security payments, black lung benefits, assistance payments such as Supplemental Security Income (SSI), Alaska Temporary Assistance

Program (7 AAC 45), Bureau of Indian Affairs general assistance, railroad retirement, unemployment compensation, insurance payments, support and alimony, gifts and prizes, inheritances, rents, dividends, royalties, interest, and any income considered available to the individual under 7 AAC 47.360;

(11) "working day" means a day other than Saturday, Sunday, or a state or federal holiday. (Eff. ____/____/_____, Register _____)

Authority: AS 47.05.010 AS 47.25.120