



# LAWS OF ALASKA

2011

**Source**

SCS HB 16(FIN)

**Chapter No.**

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**AN ACT**

Extending the senior benefits payment program; and relating to income allowances for medical assistance recipients and Alaska Pioneers' Homes and Alaska Veterans' Homes residents.

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

THE ACT FOLLOWS ON PAGE 1



**AN ACT**

1 Extending the senior benefits payment program; and relating to income allowances for  
2 medical assistance recipients and Alaska Pioneers' Homes and Alaska Veterans' Homes  
3 residents.

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5 \* **Section 1.** AS 47.45 is amended by adding a new section to read:

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**Article 4. Long-term Care Allowance.**

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**Sec. 47.45.400. Long-term care allowance.** (a) The department shall exclude  
8 a personal needs allowance of \$200 a month from the income calculation made for the  
9 reimbursed cost of long-term care facility services, including swing-bed facility  
10 services, paid by the department for a person who is a recipient of medical assistance  
11 benefits under AS 47.07.020.

12

(b) The department shall pay a personal needs allowance of \$200 a month to a  
13 resident of a long-term care facility in the state who is without income or resources.

13

14

(c) In this section, "long-term care facility" means an establishment, other than

1 an Alaska Pioneers' Home or an Alaska Veterans' Home, that is

2 (1) licensed by the department under AS 47.32 as a skilled nursing  
3 facility or intermediate care facility; or

4 (2) owned or operated as a skilled nursing facility or intermediate care  
5 facility by the United States, an Indian tribe, or a tribal organization and exempt from  
6 state licensure under applicable law.

7 \* **Sec. 2.** AS 47.55.020(b) is amended to read:

8 (b) Every person admitted to a home who receives income from any source in  
9 excess of **\$200** [\$100] a month shall be required by the department to pay the excess  
10 to the department immediately upon receipt of the money in payment, or part payment,  
11 of the cost of the person's care. However, the department may not require in any  
12 month the payment of an amount greater than the monthly rate set under  
13 AS 47.55.030(b) except to satisfy indebtedness incurred under AS 47.55.070. The  
14 department may not evict a person from a home if the income and assets of the person  
15 are insufficient to pay the monthly rate set under AS 47.55.030(b) and the person is  
16 otherwise in compliance with requirements under this chapter.

17 \* **Sec. 3.** AS 47.55.020(c) is amended to read:

18 (c) At the end of each month, the payments made under (b) of this section  
19 shall be transmitted to the commissioner of revenue. The department **shall** [MAY] pay  
20 the sum of **\$200** [\$100] a month to a resident **who is** without **income or resources**  
21 [MONEY].

22 \* **Sec. 4.** AS 47.55.020(d) is amended to read:

23 (d) Notwithstanding AS 47.55.070 and (b) of this section, a resident of a home  
24 whose income, assets, and other resources are insufficient to pay the monthly rate set  
25 under AS 47.55.030(b), and who does not have private insurance to cover the cost of  
26 care, qualifies for payment assistance if the resident is otherwise in compliance with  
27 requirements under this chapter. The amount of payment assistance equals the amount  
28 needed, when added to other income and assets of the resident, to pay the monthly rate  
29 set under AS 47.55.030(b). Payment assistance received by a home resident is a debt  
30 to the state. In determining the amount of payment assistance for which a home  
31 resident qualifies, the following income, assets, and other resources of the resident

1 shall be disregarded:

2 (1) income from any source in an amount up to \$200 [\$100] a month  
3 as established by the department by regulation;

4 (2) the following assets received under 43 U.S.C. 1601 et seq. (Alaska  
5 Native Claims Settlement Act):

6 (A) cash dividends and other income equal to at least \$2,000 as  
7 established by the department by regulation;

8 (B) stock;

9 (C) noncash dividends from stock; and

10 (D) land;

11 (3) a permanent fund dividend issued under AS 43.23;

12 (4) compensation to volunteers under the federal retired and senior  
13 volunteers (42 U.S.C. 5001), foster grandparents (42 U.S.C. 5011), and senior  
14 companion (42 U.S.C. 5013) programs made in accordance with 42 U.S.C. 5044(f);

15 (5) federal World War II restitution payments made under 50 U.S.C.  
16 App. 1989b-4 and c-5;

17 (6) payments under AS 18.67 (Violent Crimes Compensation Board);

18 (7) an amount, determined by the department by regulation, that is  
19 sufficient for burial expenses of the resident, the resident's spouse, and dependents of  
20 the resident;

21 (8) real property being used as the primary residence of the resident's  
22 spouse or a dependent of the resident;

23 (9) other real or personal property equal to at least a total value of up  
24 to \$10,000 as established by the department by regulation;

25 (10) federal payments that are excluded by law from income for  
26 federal assistance purposes.

27 \* **Sec. 5.** Section 4, ch. 1, FSSLA 2007, is amended to read:

28 Sec. 4. AS 09.38.015(a)(11); AS 47.45.301, 47.45.302, 47.45.304, 47.45.306,  
29 47.45.308, and 47.45.309 are repealed June 30, 2015 [2011].