

CS FOR HOUSE BILL NO. 360(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 5/6/24

Referred: Finance

Sponsor(s): REPRESENTATIVE PRAX

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing the Home Care Employment Standards Advisory Board; and**
2 **providing for an effective date."**

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

4 * **Section 1.** AS 44.29 is amended by adding new sections to read:

5 **Article 10. Home Care Employment Standards Advisory Board.**

6 **Sec. 44.29.900. Home Care Employment Standards Advisory Board.** The
7 Home Care Employment Standards Advisory Board is established in the department.

8 **Sec. 44.29.905. Composition of the board.** The board consists of

9 (1) the commissioner of health or the commissioner's designee, who
10 shall serve as the chair and is a nonvoting member, except in the case of a tie;

11 (2) eight voting members as follows:

12 (A) the commissioner of labor and workforce development or
13 the commissioner's designee;

14 (B) the following seven members appointed by the

1 commissioner of health after providing public notice of a vacancy and
2 soliciting applications for an appointment under this subparagraph:

3 (i) two members who represent personal care agencies,
4 including at least one agency that provided at least 800,000 units of
5 personal care services during the previous calendar year, and one
6 agency that provides chore and respite services; at least one member
7 must represent an agency that provides service in at least one
8 geographic area where the department has adjusted payment rates to
9 reflect regional differences in the cost of doing business by greater than
10 10 percent;

11 (ii) two members, each of whom is a personal care
12 assistant enrolled with the department or a labor representative of
13 personal care assistants representing at least 300 personal care
14 assistants enrolled with the department; at least one of the members
15 appointed under this sub-subparagraph must also provide chore respite
16 services or represent a personal care assistant who provides chore
17 respite services; a member appointed under this sub-subparagraph may
18 not be a representative of an organization or association that advocates
19 for the interest of personal care agencies;

20 (iii) one member who represents the Alaska
21 Commission on Aging or another organization that represents seniors
22 in the state;

23 (iv) one member who represents the Governor's Council
24 on Disabilities and Special Education established under AS 44.29.600
25 or another organization that represents people with disabilities in the
26 state; and

27 (v) one member who receives, or represents persons
28 who receive, personal care services.

29 **Sec. 44.29.910. Term of office, vacancies, removal.** (a) The members of the
30 board appointed under AS 44.29.905(2)(B) serve two-year terms and may be
31 reappointed.

1 (b) A member of the board appointed under AS 44.29.905(2)(B) serves at the
 2 pleasure of the commissioner, except that a member shall be removed if the member
 3 no longer meets the qualifications of the seat for which the member was appointed.

4 (c) A vacancy on the board under AS 44.29.905(2)(B) shall be filled within
 5 six months. An appointment to fill a vacancy on the board is for the remainder of the
 6 unexpired term.

7 **Sec. 44.29.915. Meetings.** The board shall meet at the call of the chair. The
 8 board shall meet at least three times each year and shall hold additional meetings as
 9 often as necessary to accomplish the duties of the board. At each meeting, the board
 10 shall provide time for public testimony.

11 **Sec. 44.29.920. Quorum.** A majority of the voting members of the board
 12 constitutes a quorum for the transaction of business, and a majority of a quorum
 13 present at a meeting is sufficient to approve a recommendation of the board.

14 **Sec. 44.29.925. Compensation.** Members of the board receive no
 15 compensation for services on the board but are entitled to per diem and travel
 16 expenses authorized for boards and commissions under AS 39.20.180.

17 **Sec. 44.29.930. Powers and duties of the board.** (a) The board shall

18 (1) advise and consult with the department on the medical assistance
 19 program payment rates for personal care services, hourly respite services, and chore
 20 services;

21 (2) investigate matters related to the wages, working conditions, and
 22 workforce adequacy of workers providing personal care services, hourly respite
 23 services, and chore services in the state, including

24 (A) the adequacy of wages, benefits, and other compensation to
 25 ensure the provision of quality services and sufficient levels of recruitment and
 26 retention;

27 (B) the path to achieving a living wage;

28 (C) the sufficiency of levels of recruitment for and retention of
 29 workers, particularly in an area that is not on a road system;

30 (D) the sufficiency of service levels of and the effect of service
 31 level reductions on personal care services, hourly respite services, and chore

1 services, as the services pertain to wages and working conditions;

2 (E) the adequacy and enforcement of training requirements;

3 (F) the effect of workforce shortages on service recipients and
4 on family members and friends of service recipients providing unpaid care;

5 (G) the economic effect of achieving a living wage for workers
6 and reducing levels of unpaid care;

7 (H) the adequacy of payment practices and policies related to
8 the payment rates of personal care agencies for the provision of personal care
9 services, hourly respite services, and chore services; and

10 (I) the effect of the state's long-term care system on wages and
11 working conditions;

12 (3) based on the results of the board's investigation under (2) of this
13 subsection, include written recommendations in the biennial report required under
14 AS 44.29.935 regarding

15 (A) rates and service levels of personal care services, hourly
16 respite services, and chore services to ensure the provision of quality service,
17 adequate recruitment, and improved retention of workers;

18 (B) safe and healthy working conditions for workers providing
19 personal care services, hourly respite services, and chore services;

20 (C) reducing any barrier to recruiting for and retaining workers
21 providing personal care services, hourly respite services, and chore services
22 throughout the state, particularly in an area that is not on a road system; and

23 (D) reducing the level of unpaid care in the state and systemic
24 overreliance on family members and friends of service recipients who provide
25 unpaid care.

26 (b) In conducting an investigation under (a)(2) of this section, the board may
27 administer oaths, issue subpoenas, compel the attendance of a witness and the
28 production of information and testimony, and call on a state agency to give full
29 cooperation to the board by collecting and furnishing requested information and
30 testimony at a board meeting. A state agency that receives a reasonable request for
31 information or testimony from the board under this subsection shall comply with the

1 request as soon as is reasonably practicable and, when the board requests direct
2 testimony for a board meeting, the head of the agency or their designee shall appear at
3 the meeting and provide testimony.

4 **Sec. 44.29.935. Biennial report.** (a) The board shall biennially submit a
5 written report, including key findings and recommendations, to the commissioner of
6 health, the legislative committees having jurisdiction over health and social services,
7 and the chief clerk of the house of representatives and the senate secretary and notify
8 the legislature that the report is available. The commissioner shall make the report and
9 all materials presented before the board available to the public on the department's
10 Internet website.

11 (b) Upon receiving the biennial report, the commissioner shall review the
12 board's findings and recommendations. The commissioner may

13 (1) accept or reject a recommendation; and

14 (2) require the board to conduct new or further investigations and
15 develop new recommendations.

16 (c) If the commissioner accepts a recommendation in the biennial report, the
17 department shall adopt regulations necessary to implement the recommendation. If the
18 commissioner rejects a recommendation in the biennial report, the commissioner shall
19 provide a written explanation of the commissioner's decision to all board members and
20 the legislative committees having jurisdiction over health and social services. If the
21 reason for rejection includes budgetary constraints, the commissioner shall work with
22 the Office of the Governor and the legislature to develop a budget proposal that would
23 allow the commissioner to accept the recommendation.

24 **Sec. 44.29.940. Publication of reports.** On July 1 of each year, the department
25 shall publish on the department's publicly available Internet website an annual report
26 containing the weighted average of and median hourly wages, by agency, for workers
27 providing personal care services, hourly respite services, and chore services.

28 **Sec. 44.29.945. Definitions.** In AS 44.29.900 - 44.29.945,

29 (1) "board" means the Home Care Employment Standards Advisory
30 Board;

31 (2) "chore services" means chore services provided under a section

1 1915(k) option under 42 U.S.C. 1396n;

2 (3) "commissioner" means the commissioner of health;

3 (4) "department" means the Department of Health;

4 (5) "hourly respite services" means hourly respite and hourly respite
5 family services provided under a waiver in accordance with 42 U.S.C. 1396 - 1396p
6 (Title XIX, Social Security Act);

7 (6) "personal care agency" means an agency certified by the
8 department as a provider of personal care services;

9 (7) "personal care assistant" means an individual who is

10 (A) employed as a personal care assistant in either a consumer-
11 directed or agency-based program;

12 (B) associated with a personal care agency; and

13 (C) individually enrolled with the department;

14 (8) "personal care services" means personal care services provided
15 under a section 1915(k) option under 42 U.S.C. 1396n, under AS 47.07.030, or under
16 a waiver in accordance with 42 U.S.C. 1396 - 1396p (Title XIX, Social Security Act).

17 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
18 read:

19 APPOINTMENTS, FIRST MEETING, AND PRELIMINARY REPORT. (a) The first
20 meeting of the Home Care Employment Standards Advisory Board established under
21 AS 44.29.900, added by sec. 1 of this Act, must take place on or before October 1, 2024.

22 (b) The commissioner of health shall appoint all board members under
23 AS 44.29.905(2)(B), added by sec. 1 of this Act, before the board's first meeting.

24 (c) The commissioner of health or the commissioner's designee and the commissioner
25 of labor and workforce development or the commissioner's designee shall conduct a
26 preliminary investigation into the wages, working conditions, and adequacy of the Medicaid
27 workforce providing personal care services, hourly respite services, and chore services in the
28 state and present the results of the preliminary investigation to the board at the board's first
29 meeting.

30 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
31 read:

1 PRELIMINARY INTERNET WEBSITE PUBLICATION. Notwithstanding
2 AS 44.29.940, added by sec. 1 of this Act, the Department of Health shall make the first
3 publication of the reports required by AS 44.29.940, added by sec. 1 of this Act, on the
4 department's Internet website not later than July 1, 2025.

5 * **Sec. 4.** This Act takes effect July 1, 2024.