

Changes in the approval of Chore under 7 AAC 43.1042

As a result of civil litigation brought by the Northern Justice Project (*Quaiarte v. State of Alaska*), the Division of Senior and Disabilities Services (Division) is amending how it determines whether an individual is eligible for Chore under the Children with Complex Medical Conditions, Mental Retardation/Developmental Disabilities, Adults with Physical Disabilities, and Older Alaskans Home and Community-Based Medicaid Waiver programs. Under the old rule, which was known as the “shared living rule,” if the recipient lived with an adult capable to perform Chore, those services were denied. The Division has concluded, that this rule violates the comparability provisions of the federal Medicaid Act and must be changed. As such, through discussions with Northern Justice Project, counsel for the plaintiff in the above case, the current rule for who is eligible for Chore will be changed. Specifically, Chore will no longer be denied due to a “shared living” situation **unless** that recipient:

- Is living with their spouse;
- Is a minor child living with a parent, guardian;
- Prohibited from receiving Chore by regulation (7 AAC 43.1042 (c) (3); 7 AAC 43.1044 (c)(1); 7 AAC 43.1046 (b) (1) (B); 7 AAC 43.1046 (b) (5));
or
- Has a third a party resource, such as insurance, a grant, or another public assistance program that will pay for the services.

These changes will be made prospectively to all new plans. For those recipients who were denied Chore and should not have been under the rules set forth above, the recipient’s current provider agency must identify those recipients for the Division. Once the provider agency has identified the recipient, the Care Coordinator must submit the attached form to the Division. Once the form has been completed and submitted to the Division for approval, if eligible, the recipient’s plan will be automatically amended (as set forth in the attached form) until the next plan renewal.

The Waiver regulations are in the process of being revised and will include this change. Those changes will be public noticed as soon a practical.

If you have any question about this notice, please contact Marcy Rein via email (marcy.rein@alaska.gov) so all questions and responses can be posted on a FAQ page. You may also call Marcy at 269-3610.