

Senior & Disabilities Services

Changes in the Approval of Instrumental Activities of Daily Living (IADL) Under 7 AAC 43.755(14)

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 IADL's under the Personal Care Assistance (PCA) program. Under the old rule, known as the "shared living rule," if the recipient lived with an adult capable to perform the IADLs 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 IADL's will be changed. Specifically, IADL's will now be approved for all PCA recipients who are eligible for PCA **unless** that recipient:

- Is living with their spouse;
- Is a minor child living with a parent, guardian;
- Prohibited from receiving IADL's by regulation (7 AAC 43.752(i); 7 AAC 43.760); 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 IADL's 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 PCA provider agency 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 service plan will be automatically amended (as set forth in the attached form) until the next assessment.

The PCA 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 Kjersti Langnes via email (kjersti.langnes@alaska.gov), so all questions and responses can be posted on a FAQ page. You may also call Kjersti at 269-3681.