

ATTORNEY GENERAL'S CERTIFICATION

I certify that:

The Department of Health & Social Services is the single State agency responsible for:

X administering the plan.

The legal authority under which the agency administers the plan on a Statewide basis is:

AS 47.07.040
(statutory citation)

_____ supervising the administration of the plan by local political subdivisions.

The legal authority under which the agency supervises the administration of the plan on a Statewide basis is contained in

(statutory citation)

The agency's legal authority to make rules and regulations that are binding on the political subdivisions administering the plan is

(statutory citation)

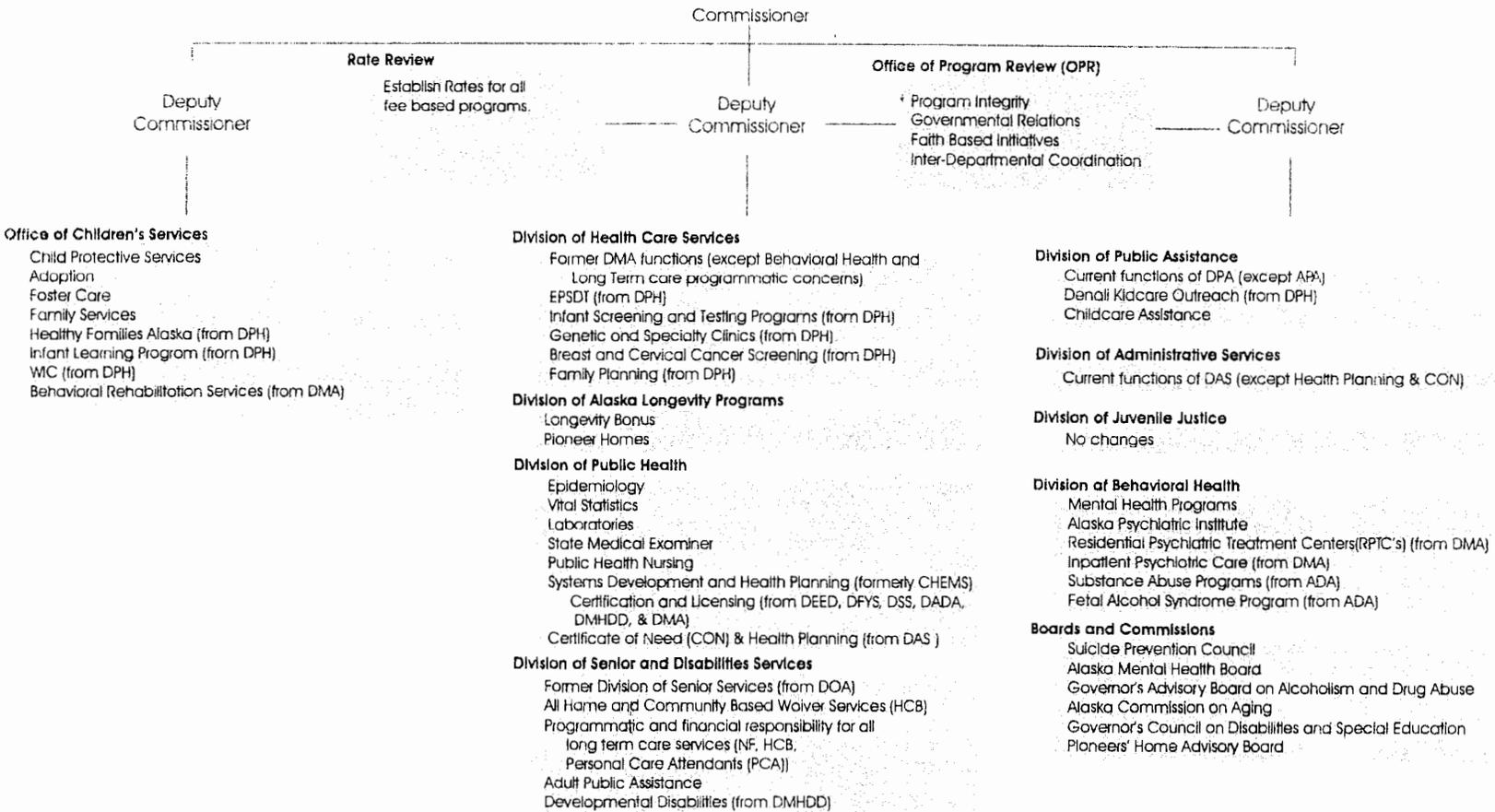
OCTOBER 1, 1995
Date


Signature

Attorney General
Title

TN No. 95-019 Approval Date: 1/16/96 Effective Date: 10/1/95

Supersedes TN No. _____



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ORGANIZATION AND FUNCTION OF STATE AGENCY

I. Alaska Department of Health & Social Services

General Administration:

The Office of the Commissioner includes three Deputy Commissioners, supporting staff and two additional units; The Office of Program Review and the Office of Rate Review. The Commissioner's Office is responsible for providing the leadership and direction to ensure an efficient and effective organization that is capable of fulfilling the functions and responsibilities designated by law.

The Office of Program Review provides quality assurance, Medicaid program coordination and integrity, and handles intergovernmental relations. It is also responsible for developing and maintaining the state plan under which the Medicaid program is administered.

The Office of Rate Review makes recommendations to the Commissioner on all rates paid to providers of services under fee-based programs to facilitate Department-wide payment methodology standardization.

DHSS role and responsibility in Administrative Hearings: The review done by DHSS Commissioner's office is a de novo review that is based upon facts and conclusions of law including the appropriate application of federal and state Medicaid law regulations or policies. An individual does have the ability to ask for "review" or comment on an OAH decision through the proposal for action process. What that means is that every party to the OAH decision, including consumers, has the ability to submit a written brief in support of, or in opposition of the OAH decision raising questions of both law and fact. This is not an appeal per se, but rather an ability to file objections or statement in support of findings of fact and conclusions of law made by the hearing officer, that are submitted to the Commissioner's office along with the proposed decision and any other documents or evidence submitted in the hearing process for final decision. The proposal for action is optional, if either party submits a proposal for action it must be submitted to the Commissioner's office for decision, if neither party present a proposal for action the OAH decision is final under operation of law. If the Commissioner's office or the OAH rules in favor of the department the consumer has the ability to appeal that decision to the Superior Court. If the OAH rules in favor of the consumer that is the end of the line there is no right for the department to appeal it's own decision. There is no difference in the "standard of review" all matters are reviewed de novo at all levels of the administrative process. A de novo review can also be requested at the Superior Court appeal level although that is the exception not the rule.

Boards and Commissions:

Governor's Council on Disabilities and Special Education:

Advisory council to State agencies for issues related to disabilities, special education and the citizens they serve.

Alaska Commission on Aging:

Advisory council to the Department on issues relating to seniors including the grant program.

Alaska Mental Health Board

This advisory and advocacy group for Alaskans with mental illnesses helps to plan and coordinate mental health services funded by the State of Alaska.

Advisory Board on Alcoholism and Drug Abuse

In partnership with the public, this board plans and advocates for policies, programs and services for prevention and treatment of substance abuse.

The Division of Administrative Services:

Is responsible for accounting and federal claiming activities, coordination of budget activities, supporting administrative functions of all Divisions including procurement, information technology, grant and contract management, and public facility and capital budget planning.

Division of Behavioral Health:

Behavioral Health assumes all policy, program, and administrative responsibility for mental health and substance abuse services, including the operation of the Alaska Psychiatric Institute, the fetal alcohol syndrome program, substance abuse and mental illness prevention programs, community based and residential mental health care, and substance abuse treatment. This Division has policy and budgetary responsibility for Medicaid Behavioral Health services. It manages grant programs for the prevention and treatment of substance abuse and provides educational services. The Division is also responsible for identifying Medicaid covered treatment needs for eligibles at risk of Fetal Alcohol Syndrome or Fetal Alcohol Effects. In addition, the Division of Behavioral Health:

- Certifies substance abuse treatment centers,
- Administers the program of Pre-Admission Screening and Annual Resident Reviews (PASARR) of the mentally ill in long-term care facilities through our community mental health centers, and
- Is responsible for all functions relating to financing community based and residential mental health care and substance abuse treatment.

The Division of Health Care Services

Formerly the Division of Medical Assistance, is described in Attachment 1.2B.

The Division of Longevity Services

This division the policy, program and administrative responsibility for assisted living homes in Alaska.

The Division of Public Assistance:

The Program and Policy Unit develops health care eligibility policy for the Medicaid, Chronic and Acute Medical Assistance (CAMA) programs. It also develops eligibility policy for TANF (Alaska Temporary Assistance Program), General Relief Assistance, Old Age Assistance, Aid to the Blind, Aid to the Disabled, Food Stamps and Energy Assistance programs. Other programmatic responsibilities include any outreach activities to facilitate enrollment for the Denali KidCare Program and Tribal TANF contract management.

The Field Operations Unit is responsible for initial determinations and re-determinations of eligibility and the provision of benefits to recipients in the TANF (Alaska Temporary Assistance Program), General Relief Assistance, Old Age Assistance, Aid to the Blind, Aid to the Disabled, Food Stamp and Energy Assistance programs. It is also responsible for initial determinations and re-determinations of eligibility for the Medicaid and Chronic and Acute Medical Assistance programs.

The System Operations section of the Division is the management team for the integrated Eligibility Information System (EIS). The purpose of the EIS is to reduce eligibility decision time frames while also reducing errors.

The Quality Control Section of the Division conducts mandatory reviews of the accuracy of Food Stamps, TANF, and Medicaid eligibility determinations as well as development and preliminary investigation of fraud referrals.

The Division of Public Health:

Administers and enforces State health regulations, serves as professional consultant to the public and to local governments, and provides certain direct health services. The Division provides preventive services such as immunizations, surveillance of contagious and sexually transmitted diseases and provides for data links between MMIS and Vital Statistics under a memorandum of agreement with the Division of Medical Assistance. Under this agreement state public health nurses provide EPSDT services. Blood lead screening and testing and Hemophilus B immunizations are included in the EPSDT screening process. Laboratory tests for a variety of conditions are provided through the section of laboratories. The section of Emergency Services offers injury prevention services.

Within this Division, a facilities and planning section is responsible for certificate of need activities as well as a construction-licensing program. Approval of all hospital and nursing home construction is provided through these two activities. This section also assists the licensing and certification unit of the Division of Health Care Services in determining compliance with physical requirements for hospital and other medical facilities.

The Division of Senior and Disability Services:

This Division provides a full range of care for seniors and the disabled in one agency through the administration of state and federal grant programs and all Medicaid Home and Community Based Waivers. This agency is responsible for intake, assessment and plan of care preparation for waiver applicants, certifying waiver service providers, and monitoring service standards.

The Division has all programmatic and financial responsibility for the state's long-term care services, including personal care attendants, nursing facilities, swing beds, and programs for the developmentally disabled. Division staff coordinates or supervises the evaluation of active treatment provision to elderly and disabled patients who live in or are seeking admission to nursing homes and also make determinations for ICF/MR level of care.

Office of Children's Services (OCS):

Alaska's child protection agency has expanded its responsibilities under the direction of a third Deputy Commissioner. The office is primarily responsible for assessing individual and family social service needs and offering necessary services. Children's service needs may be provided directly by the agency or through contractors and grantees.

OCS administers both the foster care and subsidized adoption programs under both Title IV-E and similar state provisions. Field staff provides health-related care coordination services to Medicaid-eligible clients, most of whom are children in Department custody. Services include arranging for health services, acting as liaison between medical providers and foster parents, assisting in using Medicaid, arranging for evaluations, implementing health regimes, developing health plans, arranging for admission to medical facilities, and transporting children to medical appointments. This Division provides administrative oversight for the licensure, quality assurance, certification of

need, and re-certification of foster homes and other residential child care settings, including residential psychiatric treatment facilities.

In addition, OCS has full responsibility for the programmatic and financial direction of other related children's programs including behavioral rehabilitation services, Infant Learning Program, Healthy Families and WIC.

II. State Partner Agencies

The following state agencies support the Department of Health and Social Services in the administration of Alaska's Medical Assistance Program:

Department of Administration

Office of Personnel:

Provides support to the Department of Health and Social Services in the functional areas of personnel and payroll.

Office of Public Advocacy:

This agency furnishes administrative case management services to Medicaid recipients who have been assigned a public guardian by the courts.

Department of Commerce and Economic Development

Division of Occupational Licensing

This agency licenses health care professionals as authorized by statute and outlined in regulation. The Division of Occupational Licensing is also responsible for implementing the training, certification, and registration of nurse aides as required by P.L. 100-203.

Department of Education and Early Development:

The Divisions described below developed appropriate standards and compliance requirements for funding health services delivered by public schools to Medicaid recipients. Division of Teaching and Learning Support establishes program and service standards, monitors school-based health services provided through Individualized Educational Plans (IEPs), and distributes federal funds to school districts. The School Finance Unit distributes state funds for IEP health services and other school-based health services. This unit also provides data to the Division of Health Care Services for the coordination of administrative claiming for IEP health services.

Department of Public Safety:

Public Safety performs Life Safety Code Compliance surveys that are necessary for hospitals, skilled and intermediate care facility programs, intermediate care for the mentally retarded, and ambulatory surgical centers to participate in Medicare and Medicaid programs. The agency also maintains an automated fingerprint system and provides background checks on individuals requesting enrollment in the Medicaid Program as Personal Care Attendants, so they may meet the requirements of the Alaska Administrative code 7AAC 43.770 through 7AAC 43.795.

Department of Law:

This agency supplies legal support services to the Medicaid agency as needed.

The Office of Administrative Hearings:

The Office of Administrative Hearings, an independent office within the Department of Administration charged with providing adjudication services, regulatory review and training, provides Administrative Law Judges to conduct hearings in accordance with 7 AAC 49.010 – 7 AAC 49.180, 7 AAC 49.220 and 7 AAC 49.240. This office makes recommendations to the Department of Health and Social Services after considering hearings and appeals, on behalf of the Commissioner, regarding Medicaid applicants, recipients, or providers. The Administrative Law Judge would hear a case in accordance with 7 AAC 49.010 – 7 AAC 49.180, 7 AAC 49.220 and 7 AAC 49.240, and would prepare draft findings, conclusions, and order for the Commissioner of the Department of Health and Social Services. The Commissioner of the Department has final authority in deciding cases.

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