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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**MEMORANDUM**

**TO:** Triptaa Surve, Department of Health and Social Services  
**FROM:** Scott Meriwether, Office of the Lieutenant Governor   
**DATE:** May 17, 2016  
**RE:** Filed Permanent Regulations: Department of Health and Social Services

Regulations re: grants for behavioral health services and Medicaid coverage and payment for behavioral health services (7 AAC 24.010(d)(2)(F); 7 AAC 70.050(4)(A); 7 AAC 70.110(h); 7 AAC 70.120(d); 7 AAC 70.910 - 7 AAC 930; 7 AAC 70.990; 7 AAC 105.200(a)(13); 7 AAC 135.050 - 7 AAC 135.065; 7 AAC 135.110(b)(3),(e)(5); 7 AAC 135.130(a)(3),(6); 7 AAC 135.230(i)(1); 7 AAC 135.990; 7 AAC 140.415(a); 7 AAC 145.410(h)(3); 7 AAC 160.900(a)(4),(27),(d)(19); 7 AAC 160.990(b)(85),(88),(94))

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Attorney General File:	JU2015200550
Regulation Filed:	May 17, 2016
Effective Date:	June 16, 2016
Print:	218, July 2016

cc with enclosures: Linda Miller, Department of Law  
Dianne Blumer, Administrative Regulation Review Committee  
Judy Herndon, LexisNexis

**ORDER ADOPTING CHANGES TO REGULATIONS OF  
THE DEPARTMENT OF HEALTH & SOCIAL SERVICES**

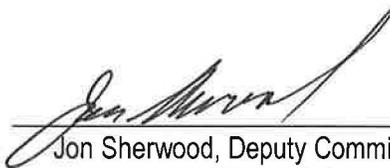
The attached 24 pages of regulations, dealing with Behavioral Health Services, Medicaid Coverage/Behavioral Health Services, & Medicaid Program/General Provisions (7 AAC 70, 135, & 160), are adopted and certified to be a correct copy of the regulation changes that the Department of Health & Social Services adopts under the authority of AS 47.05.010, AS 47.07.030, AS 47.07.040, AS 47.30.470, AS 47.30.475, AS 47.30.477, AS 47.30.530, AS 47.30.540, AS 47.30.570, and AS 47.37.140, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and AS 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Health and Social Services paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30<sup>th</sup> day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: 5-10-16  
Juneau, AK

  
\_\_\_\_\_  
Jon Sherwood, Deputy Commissioner  
Department of Health & Social Services

**FILING CERTIFICATION**

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on May 17, 2016, at 11:00a m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

  
\_\_\_\_\_  
Byron Mallott, Lieutenant Governor

Effective: June 16, 2016

Register: 218, July 2016



THE STATE  
of ALASKA  
GOVERNOR BILL WALKER

Department of  
Health and Social Services

OFFICE OF THE COMMISSIONER

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**DELEGATION OF AUTHORITY  
FOR ADOPTING REGULATIONS**

UNDER AS 44.17.010, THE AUTHORITY AND RESPONSIBILITY FOR ADOPTING REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES UNDER THE ALASKA ADMINISTRATIVE PROCEDURE ACT ARE HEREBY DELEGATED TO JON SHERWOOD, DEPUTY COMMISSIONER.

SIGNED:

  
\_\_\_\_\_  
Commissioner

VALERIE DAVIDSON  
\_\_\_\_\_  
(Printed name)

SIGNED AND SWORN TO before me this 31<sup>st</sup> day of August, 2015.

[NOTARY SEAL]

  
\_\_\_\_\_  
Notary Public in and for the  
State of Alaska  
My commission expires: w/office



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7 AAC 24.010(d)(2)(F) is amended to read:

(F) the rate of individuals who fall within the categories of an adult experiencing a serious mental illness under 7 AAC 135.055 or a child experiencing a severe emotional disturbance under 7 AAC 135.065; [IN THIS SUBPARAGRAPH, "ADULT EXPERIENCING A SERIOUS MENTAL ILLNESS" AND "CHILD EXPERIENCING A SEVERE EMOTIONAL DISTURBANCE" HAVE THE MEANINGS GIVEN IN 7 AAC 160.990(b);]

(Eff. 2/16/2013, Register 205; am 6 / 16 / 2016, Register 218)

**Authority:** AS 18.29.015 AS 18.29.099

7 AAC 70.050(4)(A) is amended to read:

(A) who, except for age, is [FALLS WITHIN THE DEFINITION OF] an adult experiencing a serious mental illness; and

(Eff. 10/1/2011, Register 199; am 6 / 16 / 2016, Register 218)

**Authority:** AS 47.05.010 AS 47.30.477 AS 47.30.570  
AS 47.30.470 AS 47.30.530 AS 47.37.140  
AS 47.30.475 AS 47.30.540

7 AAC 70.110(h) is amended to read:

(h) All detoxification services must be medically necessary and clinically appropriate in accordance with [THE]

(1) the ASAM Criteria: Treatment Criteria for Addictive, Substance-Related,

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and Co-Occurring Conditions [ASAM PATIENT PLACEMENT CRITERIA FOR THE TREATMENT OF SUBSTANCE-RELATED DISORDERS], adopted by reference in 7 AAC 70.910;

(2) **one or more of the following:**

(A) **the** *Diagnostic and Statistical Manual of Mental Disorders*, adopted by reference in 7 AAC 70.910;

(B) **the International Classification of Diseases, adopted by reference in 7 AAC 70.910;**

(3) **the** *Revised Clinical Institute Withdrawal Assessment for Alcohol Scale (CIWA-Ar)*, adopted by reference in 7 AAC 70.910; and

(4) **the** *Clinical Opiate Withdrawal Scale (COWS)*, adopted by reference in 7 AAC 70.910.

(Eff. 10/1/2011, Register 199; am 6/16/2016, Register 218)

<b>Authority:</b>	AS 47.05.010	AS 47.30.477	AS 47.30.570
	AS 47.30.470	AS 47.30.530	AS 47.37.130
	AS 47.30.475	AS 47.30.540	AS 47.37.140

7 AAC 70.120(d) is amended to read:

(d) All residential substance use treatment services must be medically necessary, clinically appropriate, and provided in accordance with [THE]

(1) **the ASAM Criteria: Treatment Criteria for Addictive, Substance-Related, and Co-Occurring Conditions** [ASAM PATIENT PLACEMENT CRITERIA FOR THE

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TREATMENT OF SUBSTANCE-RELATED DISORDERS], adopted by reference in 7 AAC 70.910; and

(2) **one or more of the following:**

(A) **the** *Diagnostic and Statistical Manual of Mental Disorders*, adopted by reference in 7 AAC 70.910;

(B) **the International Classification of Diseases, adopted by reference in 7 AAC 70.910.**

(Eff. 10/1/2011, Register 199; am 6 / 16 / 2016, Register 218)

<b>Authority:</b>	AS 47.05.010	AS 47.30.477	AS 47.30.570
	AS 47.30.470	AS 47.30.530	AS 47.37.140
	AS 47.30.475	AS 47.30.540	

7 AAC 70.910(1) is amended to read:

(1) American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders*, **Fifth** [FOURTH] Edition, **June 2013 (DSM-5)** [TEXT REVISION, 2000 (DSM-IV-TR)], as amended from time to time;

7 AAC 70.910(2) is amended to read:

(2) American Society of Addiction Medicine, **ASAM Criteria: Treatment Criteria for Addictive, Substance-Related, and Co-Occurring Conditions, Third Edition, 2013** [ASAM PATIENT PLACEMENT CRITERIA FOR THE TREATMENT OF SUBSTANCE-RELATED DISORDERS, SECOND EDITION-REVISED, 2001 (ASAM PPC-2R)];

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7 AAC 70.910 is amended by adding new paragraphs to read:

(5) *International Classification of Diseases - 10th Revision, Clinical Modification (ICD-10-CM)*, 2016 revision, as amended from time to time;

(6) Zero to Three: National Center for Infants, Toddlers, and Families, *Diagnostic Classification of Mental Health and Developmental Disorders of Infancy and Early Childhood: Revised Edition (DC:0-3R)*, revised as of 2005. (Eff. 10/1/2011, Register 199; am 6/16/2016, Register 218)

<b>Authority:</b>	AS 47.05.010	AS 47.30.475	AS 47.30.540
	AS 47.05.012	AS 47.30.477	AS 47.30.570
	AS 47.30.470	AS 47.30.530	AS 47.37.140

**Editor's note:** The American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders (DSM)*, adopted by reference in 7 AAC 70.910, **and the International Classification of Diseases - 10th Revision, Clinical Modification (ICD-10), adopted by reference in 7 AAC 70.910**, may be obtained by contacting the Order Department, American Medical Association, P.O. Box 930876, Atlanta, Georgia 31193-0876, or by visiting the AMA Bookstore at Internet address: <https://catalog.ama-assn.org/Catalog/home.jsp>. The **Diagnostic and Statistical Manual of Mental Disorders (DSM)** publication may also be obtained from American Psychiatric **Association - Publishing**, Inc., 1000 Wilson Boulevard, Suite 1825, Arlington, Virginia 22209-3901, telephone (703) 907-7322 or (800) 368-5777; or from the American Psychiatric Association - **Publishing** at the following **Internet** [ELECTRONIC MAIL] address: **https://appi.org** [APA@PSYCH.ORG]. The **publications**

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[PUBLICATION] may also be available at other retail book sellers. A copy of **each** [THE] publication is available for examination at the Department of Health and Social Services, Division of Health Care Services, 4501 Business Park Boulevard, Suite 24, Anchorage, Alaska 99503-7167; Division of Behavioral Health, 3601 C Street, Suite 878, Anchorage, Alaska 99503-7167; or the Office of the Commissioner, 350 Main Street, Juneau, Alaska 99801.

The **ASAM Criteria: Treatment Criteria for Addictive, Substance-Related, and Co-Occurring Conditions** [ASAM PATIENT PLACEMENT CRITERIA FOR THE TREATMENT OF SUBSTANCE-RELATED DISORDERS], adopted by reference in 7 AAC 70.910, may be obtained from the American Society of Addiction Medicine, **Inc.**, 4601 N. Park Avenue, Upper Arcade, **Suite** [#] 101, Chevy Chase, Maryland 20815; telephone **(888) 889-8866; Internet address: [www.asam.org](http://www.asam.org)** [(301) 656-3920]. A copy of the publication is available for examination at the Department of Health and Social Services, Division of Behavioral Health, 3601 C Street, Suite 878, Anchorage, Alaska 99503-7167.

The *Revised Clinical Institute Withdrawal Assessment for Alcohol Scale (CIWA-Ar)*, adopted by reference in 7 AAC 70.910, is in the public domain and may be obtained from many different sources. A copy may be obtained by contacting the Department of Health and Social Services, Division of Behavioral Health, 3601 C Street, Suite 878, Anchorage, Alaska 99503-7167.

The *Clinical Opiate Withdrawal Scale (COWS)*, adopted by reference in 7 AAC 70.910, is in the public domain and may be obtained from many different sources. A copy may be obtained by contacting the Department of Health and Social Services, Division of Behavioral Health, 3601 C Street, Suite 878, Anchorage, Alaska 99503-7167.

**A copy of the *Diagnostic Classification of Mental Health and Developmental Disorders of Infancy and Early Childhood: Revised Edition (DC:0-3R)*, adopted by reference in 7 AAC 70.910, is available for examination at the Department of Health and Social Services, Division of Behavioral Health, 3601 C Street, Suite 878, Anchorage, Alaska 99503-7167.**

7 AAC 70 is amended by adding new sections to read:

**7 AAC 70.920. Adult experiencing a serious mental illness.** (a) An adult experiencing a serious mental illness is an individual 21 years of age or older who currently has or at any time during the past year has had a diagnosable mental, emotional, or behavioral disorder of sufficient duration to meet diagnostic criteria specified in the *Diagnostic and Statistical Manual of Mental Disorders*, adopted by reference in 7 AAC 70.910, or the *International Classification of Diseases*, adopted by reference in 7 AAC 70.910, and that

(1) has consistently resulted in

(A) impaired thinking and judgment that may include the presence of delusions or hallucinations;

(B) socially disruptive behavior that may include an emotional response that is inappropriate to the situation; or

(C) conduct that is illegal or outside socially accepted rules and mores;

(2) has resulted in serious functional impairment that interferes with the individual's ability to participate in two or more of the following life domains within a culturally appropriate context:

(A) the ability to fulfill social responsibilities, including the ability to engage in work, school, parenting, maintaining a household, or other meaningful, productive activity;

(B) the ability to meaningfully interact with others, including the ability to actively communicate with others, maintain a supportive social network, avoid isolation, and control disruptive behaviors;

(C) the capacity for self-care of the individual's physical health, personal hygiene and grooming, and nutritional needs;

(D) the capacity to maintain mental health, including the ability to problem-solve issues, to maintain the individual's independence and personal safety, and to use available community resources for those purposes; or

(3) has resulted in current hospitalization or the imminent risk of hospitalization.

(b) In addition to the impairments described in (a)(1) and (2) of this section, for individuals with cognitive impairments or organic brain syndrome, there must be documented evidence showing the ability of the individual to benefit from rehabilitative services that would enable the individual to self-regulate behavior, modulate emotional reactivity, and improve functioning in major life domains. (Eff. 6 / 16 / 2016, Register 218)

<b>Authority:</b>	AS 47.05.010	AS 47.30.477	AS 47.30.570
	AS 47.30.470	AS 47.30.530	AS 47.37.140
	AS 47.30.475	AS 47.30.540	

**7 AAC 70.930. Child experiencing a severe emotional disturbance.** (a) A child

experiencing a severe emotional disturbance is an individual under 21 years of age who currently has or at any time during the past year has had a diagnosable mental, emotional, or behavioral disorder of sufficient duration to meet diagnostic criteria specified in the *Diagnostic and Statistical Manual of Mental Disorders*, adopted by reference in 7 AAC 70.910, the *International Classification of Diseases*, adopted by reference in 7 AAC 70.910, or the *Diagnostic Classification of Mental Health and Developmental Disorders of Infancy and Early Childhood: Revised Edition (DC:0-3R)*, adopted by reference in 7 AAC 70.910, and that

(1) has resulted in a severe functional impairment that significantly interferes with the child's ability to participate in one or more life domains at a developmentally appropriate level and within a culturally appropriate context; or

(2) has resulted in the individual exhibiting one or more of the following:

(A) persistent symptoms of distress or diminished affect that do not readily respond to encouragement, reassurance, or instructional control;

(B) impeded development or inappropriate attachment as a result of exposure to traumatic life events or impaired relationships;

(C) pervasive behavior that is disruptive, aggressive, or risk-taking and that places the individual at serious risk of physical harm to self or to another person or results in serious property damage;

(D) consistent inability to participate appropriately in a community setting, including family, school, work, or child care;

(E) imminent risk for out-of-home placement;

(F) imminent risk for being placed in the custody of the department under

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AS 47.12.120 or as a result of exposure to maltreatment under AS 47.10.011;

(G) current hospitalization or the imminent risk of hospitalization.

(b) In addition to the impairments described in (a)(1) and (2) of this section, for individuals with cognitive impairments or organic brain syndrome, there must be documented evidence showing that the individual has the ability to benefit from rehabilitative services that would enable the individual to self-regulate behavior, modulate emotional reactivity, and improve developmentally appropriate functioning in major life domains. (Eff. 6/16/2016,

Register 218)

<b>Authority:</b>	AS 47.05.010	AS 47.30.477	AS 47.30.570
	AS 47.30.470	AS 47.30.530	AS 47.37.140
	AS 47.30.475	AS 47.30.540	

7 AAC 70.990(2) is amended to read:

(2) "adult experiencing a serious mental illness" means an individual **described in 7 AAC 70.920** [21 YEARS OF AGE OR OLDER WHO HAS OR AT ANY TIME DURING THE PAST YEAR HAD A DIAGNOSABLE MENTAL, EMOTIONAL, OR BEHAVIORAL DISORDER OF SUFFICIENT DURATION TO MEET DIAGNOSTIC CRITERIA SPECIFIED IN THE AMERICAN PSYCHIATRIC ASSOCIATION'S DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS, ADOPTED BY REFERENCE IN 7 AAC 70.910, THAT HAS RESULTED IN A FUNCTIONAL IMPAIRMENT THAT SUBSTANTIALLY INTERFERES WITH OR LIMITS ONE OR MORE MAJOR LIFE ACTIVITIES, INCLUDING

(A) BASIC DAILY LIVING SKILLS, INCLUDING PERSONAL

SAFETY, EATING, AND PERSONAL HYGIENE;

(B) INSTRUMENTAL LIVING SKILLS, INCLUDING MANAGING MONEY AND NEGOTIATING TRANSPORTATION;

(C) FUNCTIONING IN ONE OR MORE OF THE FOLLOWING CONTEXTS:

(i) SOCIAL;

(ii) FAMILY;

(iii) VOCATIONAL OR EDUCATIONAL];

7 AAC 70.990(10) is amended to read:

(10) "child experiencing a severe emotional disturbance" means an individual **described in 7 AAC 70.930** [UNDER 21 YEARS OF AGE WHO

(A) HAS OR AT ANY TIME DURING THE PAST YEAR HAD A DIAGNOSABLE MENTAL, EMOTIONAL, OR BEHAVIORAL DISORDER OF SUFFICIENT DURATION TO MEET DIAGNOSTIC CRITERIA SPECIFIED IN THE AMERICAN PSYCHIATRIC ASSOCIATION'S DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS, ADOPTED BY REFERENCE IN 7 AAC 70.910, THAT HAS RESULTED IN A FUNCTIONAL IMPAIRMENT THAT SUBSTANTIALLY INTERFERES WITH OR LIMITS THE CHILD'S ROLE OR FUNCTIONING IN FAMILY, SCHOOL, OR COMMUNITY ACTIVITIES AS INDICATED BY A GLOBAL ASSESSMENT OF FUNCTIONING SCORE OF 50 OR LESS; IN THIS SUBPARAGRAPH, "ROLE OR FUNCTIONING" INCLUDES

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ACHIEVING OR MAINTAINING DEVELOPMENTALLY APPROPRIATE SOCIAL,  
BEHAVIORAL, COGNITIVE, COMMUNICATIVE, OR ADAPTIVE SKILLS; OR

(B) EXHIBITS SPECIFIC MENTAL, EMOTIONAL, OR  
BEHAVIORAL DISORDERS THAT

(i) PLACE THE INDIVIDUAL AT IMMINENT RISK FOR  
OUT-OF-HOME PLACEMENT;

(ii) PLACE THE INDIVIDUAL AT IMMINENT RISK FOR  
BEING PLACED IN THE CUSTODY OF THE DEPARTMENT UNDER  
AS 47.14; OR

(iii) HAVE RESULTED IN THE INDIVIDUAL BEING  
PLACED IN THE PROTECTIVE CUSTODY OF THE DEPARTMENT  
UNDER AS 47.10];

7 AAC 70.990(27) is amended to read:

(27) "mental, emotional, or behavioral disorder" means a disorder identified by a  
provider listed in 7 AAC 135.030 and in accordance with the

(A) [THE AMERICAN PSYCHIATRIC ASSOCIATION'S ] *Diagnostic  
and Statistical Manual of Mental Disorders*, adopted by reference in 7 AAC 70.910;

(B) *International Classification of Diseases, adopted by reference in  
7 AAC 70.910; or*

(C) *Diagnostic Classification of Mental Health and Developmental  
Disorders of Infancy and Early Childhood: Revised Edition (DC:0-3R)*, adopted by

**reference in 7 AAC 70.910;**

7 AAC 70.990(31) is amended to read:

(31) "substance use disorder" means a disorder that is identified by a diagnostic code found in the [AMERICAN PSYCHIATRIC ASSOCIATION'S] *Diagnostic and Statistical Manual of Mental Disorders*, adopted by reference **in** [UNDER] 7 AAC 70.910, **or the** **International Classification of Diseases, adopted by reference in 7 AAC 70.910**, and that is related to

- (A) alcohol, amphetamine, or similar acting sympathomimetics;
- (B) cannabis, cocaine, hallucinogens, inhalants, nicotine, or opioids;
- (C) analogs of phencyclidine (PCP) or similar arylcyclohexylamines; **or**
- (D) sedatives, hypnotics, or anxiolytics;

(Eff. 10/1/2011, Register 199; am 6/16/2016 Register 218)

**Authority:** AS 47.05.010            AS 47.30.540            AS 47.37.130  
AS 47.30.477            AS 47.30.570            AS 47.37.140  
AS 47.30.530

7 AAC 105.200(a)(13) is amended to read:

(13) a provider of behavioral health rehabilitation services under 7 AAC 135.010(c) for a child experiencing a severe emotional disturbance **as described in 7 AAC 135.065;**

(Eff. 2/1/2010, Register 193; am 10/1/2011, Register 199; am 5/1/2016, Register 218; am

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6 / 16 / 2016, Register 218)

**Authority:** AS 47.05.010 AS 47.07.030 AS 47.07.040

7 AAC 135 is amended by adding new sections to read:

**7 AAC 135.050. Adult experiencing an emotional disturbance.** An adult experiencing an emotional disturbance is an individual 21 years of age or older who is experiencing a non-persistent mental, emotional, or behavioral disorder that

(1) is identified and diagnosed during a professional behavioral health assessment under 7 AAC 135.110; and

(2) is not the result of intellectual, physical, or sensory deficits. (Eff.

6 / 16 / 2016, Register 218)

**Authority:** AS 47.05.010 AS 47.07.030

**7 AAC 135.055. Adult experiencing a serious mental illness.** (a) An adult experiencing a serious mental illness is an individual 21 years of age or older who currently has or at any time during the past year has had a diagnosable mental, emotional, or behavioral disorder of sufficient duration to meet diagnostic criteria specified in the *Diagnostic and Statistical Manual of Mental Disorders*, adopted by reference in 7 AAC 160.900, or the *International Classification of Diseases*, adopted by reference in 7 AAC 160.900, and that

(1) has consistently resulted in

(A) impaired thinking and judgment that may include the presence of delusions or hallucinations;

(B) socially disruptive behavior that may include an emotional response that is inappropriate to the situation; or

(C) conduct that is illegal or outside socially accepted rules and mores;

(2) has resulted in serious functional impairment that interferes with the individual's ability to participate in two or more of the following life domains within a culturally appropriate context:

(A) the ability to fulfill social responsibilities, including the ability to engage in work, school, parenting, maintaining a household, or other meaningful, productive activity;

(B) the ability to meaningfully interact with others, including the ability to actively communicate with others, maintain a supportive social network, avoid isolation, and control disruptive behaviors;

(C) the capacity for self-care of the individual's physical health, personal hygiene and grooming, and nutritional needs;

(D) the capacity to maintain mental health, including the ability to problem-solve issues, to maintain the individual's independence and personal safety, and to use available community resources for those purposes; or

(3) has resulted in current hospitalization or the imminent risk of hospitalization.

(b) In addition to the impairments described in (a)(1) and (2) of this section, for individuals with cognitive impairments or organic brain syndrome, there must be documented evidence showing the ability of the individual to benefit from rehabilitative services that would enable the individual to self-regulate behavior, modulate emotional reactivity, and improve

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functioning in major life domains. (Eff. 6/16/2016, Register 218)

**Authority:** AS 47.05.010 AS 47.07.030

**7 AAC 135.060. Child experiencing an emotional disturbance.** A child experiencing an emotional disturbance is an individual under 21 years of age who is experiencing a non-persistent mental, emotional, or behavioral disorder that

(1) is identified and diagnosed during a professional behavioral health assessment under 7 AAC 135.110; and

(2) is not the result of intellectual, physical, or sensory deficits. (Eff. 6/16/2016, Register 218)

**Authority:** AS 47.05.010 AS 47.07.030

**7 AAC 135.065. Child experiencing a severe emotional disturbance.** (a) A child experiencing a severe emotional disturbance is an individual under 21 years of age who currently has or at any time during the past year has had a diagnosable mental, emotional, or behavioral disorder of sufficient duration to meet diagnostic criteria specified in the *Diagnostic and Statistical Manual of Mental Disorders*, adopted by reference in 7 AAC 160.900, the *International Classification of Diseases*, adopted by reference in 7 AAC 160.900, or the *Diagnostic Classification of Mental Health and Developmental Disorders of Infancy and Early Childhood: Revised Edition (DC:0-3R)*, adopted by reference in 7 AAC 160.900, and that

(1) has resulted in a severe functional impairment that significantly interferes with the child's ability to participate in one or more life domains at a developmentally

appropriate level and within a culturally appropriate context; or

(2) has resulted in the individual exhibiting one or more of the following:

(A) persistent symptoms of distress or diminished affect that do not readily respond to encouragement, reassurance, or instructional control;

(B) impeded development or inappropriate attachment as a result of exposure to traumatic life events or impaired relationships;

(C) pervasive behavior that is disruptive, aggressive, or risk-taking and that places the individual at serious risk of physical harm to self or to another person or results in serious property damage;

(D) consistent inability to participate appropriately in a community setting, including family, school, work, or child care;

(E) imminent risk for out-of-home placement;

(F) imminent risk for being placed in the custody of the department under AS 47.12.120 or as a result of exposure to maltreatment under AS 47.10.011;

(G) current hospitalization or the imminent risk of hospitalization.

(b) In addition to the impairments described in (a)(1) and (2) of this section, for individuals with cognitive impairments or organic brain syndrome, there must be documented evidence showing that the individual has the ability to benefit from rehabilitative services that would enable the individual to self-regulate behavior, modulate emotional reactivity, and improve developmentally appropriate functioning in major life domains. (Eff. 6/16/2016,

Register 218)

**Authority:** AS 47.05.010 AS 47.07.030

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7 AAC 135.110(b)(3)(C) is amended to read:

(C) a [COMPLETE] diagnosis consistent with the

(i) [MULTI-AXIAL CLASSIFICATION SYSTEM USED IN THE AMERICAN PSYCHIATRIC ASSOCIATION'S] *Diagnostic and Statistical Manual of Mental Disorders*, adopted by reference in 7 AAC 160.900;

(ii) *International Classification of Diseases*, adopted by reference in 7 AAC 160.900; or

(iii) *Diagnostic Classification of Mental Health and Developmental Disorders of Infancy and Early Childhood: Revised Edition (DC:0-3R)*, adopted by reference in 7 AAC 160.900;

7 AAC 135.110(e)(5) is amended to read:

(5) result in a [COMPLETE] diagnosis consistent with the

(A) [MULTI-AXIAL CLASSIFICATION SYSTEM USED IN THE AMERICAN PSYCHIATRIC ASSOCIATION'S] *Diagnostic and Statistical Manual of Mental Disorders*, adopted by reference in 7 AAC 160.900; [AND]

(B) *International Classification of Diseases*, adopted by reference in 7 AAC 160.900; or

(C) *Diagnostic Classification of Mental Health and Developmental Disorders of Infancy and Early Childhood: Revised Edition (DC:0-3R)*, adopted by reference in 7 AAC 160.900; and

(Eff. 10/1/2011, Register 199; am 6/16 2016, Register 218)

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Authority: AS 47.05.010 AS 47.07.030

7 AAC 135.130(a)(3)(A) is amended to read:

(A) a [COMPLETE] diagnosis consistent with the

(i) [MULTI-AXIAL CLASSIFICATION SYSTEM USED IN THE AMERICAN PSYCHIATRIC ASSOCIATION'S] *Diagnostic and Statistical Manual of Mental Disorders*, adopted by reference in 7 AAC 160.900;

(ii) *International Classification of Diseases*, adopted by reference in 7 AAC 160.900; or

(iii) *Diagnostic Classification of Mental Health and Developmental Disorders of Infancy and Early Childhood: Revised Edition (DC:0-3R)*, adopted by reference in 7 AAC 160.900 [, IF A DIAGNOSIS EXISTS];

7 AAC 135.130(a)(3)(C) is amended to read:

(C) treatment recommendations for one or more of the specific problems, symptoms, and functional impairments identified in the assessment;

7 AAC 135.130(a)(6)(E) is amended to read:

(E) a [COMPLETE] diagnosis consistent with the

(i) [MULTI-AXIAL CLASSIFICATION SYSTEM USED IN THE AMERICAN PSYCHIATRIC ASSOCIATION'S] *Diagnostic and Statistical*

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*Manual of Mental Disorders*, adopted by reference in 7 AAC 160.900;

**(ii) International Classification of Diseases, adopted by reference in 7 AAC 160.900; or**

**(iii) Diagnostic Classification of Mental Health and Developmental Disorders of Infancy and Early Childhood: Revised Edition (DC:0-3R), adopted by reference in 7 AAC 160.900; and**

(Eff. 10/1/2011, Register 199; am 6 /16 /2016, Register 218)

**Authority:** AS 47.05.010 AS 47.07.030

7 AAC 135.230(i)(1) is amended to read:

(1) has received a diagnosis [WITH AXIS I OR AXIS II DISORDERS,] according to the standards of the

**(A)** [AMERICAN PSYCHIATRIC ASSOCIATION'S] *Diagnostic and Statistical Manual of Mental Disorders*, adopted by reference in 7 AAC 160.900; the diagnosis may include a substance use disorder;

**(B) International Classification of Diseases, adopted by reference in 7 AAC 160.900; the diagnosis may include a substance use disorder; or**

**(C) Diagnostic Classification of Mental Health and Developmental Disorders of Infancy and Early Childhood: Revised Edition (DC:0-3R), adopted by reference in 7 AAC 160.900;**

(Eff. 10/1/2011, Register 199; am 6 /16 /2016, Register 218)

**Authority:** AS 47.05.010 AS 47.07.030

7 AAC 135.990(3) is amended to read:

(3) "adult experiencing an emotional disturbance" means an individual **described in 7 AAC 135.050** [21 YEARS OF AGE OR OLDER WHO IS EXPERIENCING A NON-PERSISTENT MENTAL, EMOTIONAL, OR BEHAVIORAL DISORDER THAT

(A) IS IDENTIFIED AND DIAGNOSED DURING A PROFESSIONAL BEHAVIORAL HEALTH ASSESSMENT UNDER 7 AAC 135.110; AND

(B) IS NOT THE RESULT OF INTELLECTUAL, PHYSICAL, OR SENSORY DEFICITS];

7 AAC 135.990(9) is amended to read:

(9) "child experiencing an emotional disturbance" means an individual **described in 7 AAC 135.060** [UNDER 21 YEARS OF AGE WHO IS EXPERIENCING A NON-PERSISTENT MENTAL, EMOTIONAL, OR BEHAVIORAL DISORDER THAT

(A) IS IDENTIFIED AND DIAGNOSED DURING A PROFESSIONAL BEHAVIORAL HEALTH ASSESSMENT UNDER 7 AAC 135.110; AND

(B) IS NOT THE RESULT OF INTELLECTUAL, PHYSICAL, OR SENSORY DEFICITS];

7 AAC 135.990 is amended by adding new paragraphs to read:

(23) "adult experiencing a serious mental illness" means an individual described in 7 AAC 135.055;

(24) "child experiencing a severe emotional disturbance" means an individual

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described in 7 AAC 135.065. (Eff. 10/1/2011, Register 199; am 6/16/2016, Register 218)

**Authority:** AS 47.05.010 AS 47.07.030

The introductory language of 7 AAC 140.415(a) is amended to read:

(a) Subject to the requirements of admission and prior authorization requirements of 7 AAC 140.405 and plan-of-care requirements of 7 AAC 140.410, the department will pay for therapeutically appropriate, medically necessary diagnostic and treatment services for a child experiencing a severe emotional disturbance **as described in 7 AAC 135.065**, including the following services:

• • •

(Eff. 2/1/2010, Register 193; am 10/1/2011, Register 199; am 6/16/2016, Register 218)

**Authority:** AS 47.05.010 AS 47.07.030 AS 47.07.040

7 AAC 145.410(h)(3) is amended to read:

(3) "mediset pharmacy" means a pharmacy dispensing 75 percent or more of the total annual Medicaid prescriptions for covered outpatient drugs in prescriber-ordered medisets or unit doses to a recipient living in a congregate living home, a recipient of home and community-based waiver services, a recipient eligible for Medicaid under a category set out in 7 AAC 100.002(b) or (d) who is blind or disabled, a recipient who is an adult experiencing a serious mental illness **as described in 7 AAC 135.055**, or a recipient who is a child experiencing a severe emotional disturbance **as described in 7 AAC 135.065**;

(Eff. 2/1/2010, Register 193; am 1/1/2011, Register 196; am 9/7/2011, Register 199; am

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1/4/2012, Register 201; am 5/18/2014, Register 210; am 6/16/2016, Register 218)

**Authority:** AS 47.05.010 AS 47.07.030 AS 47.07.040

7 AAC 160.900(a)(4) is amended to read:

(4) American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders*, **Fifth** [FOURTH] Edition, **June 2013 (DSM-5)** [TEXT REVISION, 2000 (DSM-IV-TR)], as amended from time to time;

7 AAC 160.900(a) is amended by adding a new paragraph to read:

(27) Zero to Three: National Center for Infants, Toddlers, and Families, *Diagnostic Classification of Mental Health and Developmental Disorders of Infancy and Early Childhood: Revised Edition (DC:0-3R)*, revised as of 2005.

7 AAC 160.900(d)(19) is amended to read:

(19) the *State of Alaska, Department of Health and Social Services, Behavioral Health Inpatient Psychiatric Review Provider Manual*, revised as of **October 2015** [APRIL 2008];

(Eff. 2/1/2010, Register 193; am 8/25/2010, Register 195; am 12/1/2010, Register 196; am 1/1/2011, Register 196; am 1/15/2011, Register 197; am 2/9/2011, Register 197; am 3/1/2011, Register 197; am 10/1/2011, Register 199; am 12/1/2011, Register 200; am 1/26/2012, Register 201; am 3/8/2012, Register 201; am 4/1/2012, Register 201; add'l am 4/1/2012, Register 201; am 5/11/2012, Register 202; am 10/16/2012, Register 204; am 11/3/2012, Register 204; am

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12/1/2012, Register 204; am 12/2/2012, Register 204; am 1/1/2013, Register 204; am 1/16/2013, Register 205; am 7/1/2013, Register 206; add'l am 7/1/2013, Register 206; am 11/3/2013, Register 208; am 1/1/2014, Register 208; am 2/2/2014, Register 209; am 3/19/2014, Register 209; am 3/22/2014, Register 209; am 5/18/2014, Register 210; am 2/26/2015, Register 213; am 3/15/2015, Register 213; am 7/1/2015, Register 214; am 5/1/2016, Register 218; am

6/16/2016, Register 218)

**Authority:** AS 47.05.010 AS 47.07.030 AS 47.07.040  
AS 47.05.012

The editor's note following 7 AAC 160.990<sup>9</sup> is changed by adding a new paragraph at the end to read:

A copy of the *Diagnostic Classification of Mental Health and Developmental Disorders of Infancy and Early Childhood: Revised Edition (DC:0-3R)*, adopted by reference in 7 AAC 160.900, is available for examination at the Department of Health and Social Services, Division of Behavioral Health, 3601 C Street, Suite 878, Anchorage, Alaska 99503-7167.

7 AAC 160.990(b)(85) is repealed:

(85) repealed 6/16/2016;

7 AAC 160.990(b)(88) is repealed:

(88) repealed 6/16/2016;

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7 AAC 160.990(b)(94) is amended to read:

(94) "mental, emotional, or behavioral disorder" means a disorder identified by a provider listed in 7 AAC 135.030 and in accordance with the

**(A)** [AMERICAN PSYCHIATRIC ASSOCIATION'S] *Diagnostic and Statistical Manual of Mental Disorders*, adopted by reference in 7 AAC 160.900;

**(B)** *International Classification of Diseases*, adopted by reference in 7 AAC 160.900; or

**(C)** *Diagnostic Classification of Mental Health and Developmental Disorders of Infancy and Early Childhood: Revised Edition (DC:0-3R)*, adopted by reference in 7 AAC 160.900;

(Eff. 2/1/2010, Register 193; am 7/7/2010, Register 195; am 1/1/2011, Register 196; am 10/1/2011, Register 199; am 4/1/2012, Register 201; am 7/1/2013, Register 206; am 5/18/2014, Register 210; am 6/16/2016, Register 218 )

**Authority:** AS 47.05.010 AS 47.07.040 AS 47.07.055