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OFFICE OF THE LIEUTENANT GOVERNOR
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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: Medicaid coverage and payment, and certification of a provider agency as a provider of home and community-based waiver services or as a related care coordination provider (7 AAC 130.220(a),(j)-(l))

Attorney General File:	JU2016200034
Regulation Filed:	May 17, 2016
Effective Date:	July 1, 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 3 pages of regulations, dealing with Medicaid Coverage, Home and Community-Based Waiver Services, Provider Certification, 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, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 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 if Health & 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 July 1, 2016, as provided in AS 44.62.180.

Date: 5-9-16

Jon Sherwood
Deputy Commissioner
Department of Health & Social Services

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that[1] on May 17, 2016, at 11:44 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

Byron Mallott
Lieutenant Governor

Effective: July 1, 2016

Register: 218, July 2016

THE STATE of ALASKA
GOVERNOR BILL WALKER

Department of Health and Social Services
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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 31st **day of** August, 2015.

[NOTARY SEAL]

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

CHELSEA E. JOHNSON
NOTARY PUBLIC
STATE OF ALASKA

7 AAC 130.220(a) is amended to read:

7 AAC 130.220. Provider certification. (a) **Unless the department grants an exception under (j) of this section, the** [THE] department will certify a provider agency as **either a provider of one or more home and community-based waiver services under (1) or (3) of this subsection or a provider of care coordination services under (2) of this subsection, as follows** [ONE OR MORE OF THE FOLLOWING]:

(1) **the department will certify a provider agency** as a home and community-based waiver services provider, for

(A) nursing oversight and care management services provided under 7 AAC 130.235;

(B) chore services provided under 7 AAC 130.245;

(C) adult day services provided under 7 AAC 130.250;

(D) day habilitation services provided under 7 AAC 130.260;

(E) residential habilitation services provided under 7 AAC 130.265;

(F) supported employment services provided under 7 AAC 130.270;

(G) intensive active treatment services provided under 7 AAC 130.275;

(H) respite care services provided under 7 AAC 130.280;

(I) transportation services provided under 7 AAC 130.290;

(J) meal services provided under 7 AAC 130.295;

(K) environmental modification services provided under 7 AAC 130.300;

(2) **the department will certify a provider agency** as a care coordination agency provider for care coordination services provided under 7 AAC 130.240; notwithstanding

agency certification, each individual employed by that agency to provide care coordination services must be certified separately and individually in accordance with 7 AAC 130.238;

(3) **the department will certify a provider agency** as a residential supported-living services provider for residential supported-living services provided under 7 AAC 130.255.

7 AAC 130.220 is amended by adding new subsections to read:

(j) The department will grant an exception to a provider agency under (a) of this section if

(1) the availability of care coordination services in a non-urban geographic area of the state is insufficient to meet the needs of the recipients residing in that area, and an agency that is certified as a provider of home and community-based waiver services in that area is willing and qualified to provide care coordination services; in this paragraph, "non-urban geographic area" means a geographic area that, according to the Department of Labor and Workforce Development's Alaska Borough/Census Areas map, is located within the bounds of a borough or census area other than the

(A) Municipality of Anchorage;

(B) Fairbanks North Star Borough;

(C) City and Borough of Juneau;

(D) Kenai Peninsula Borough; and

(E) Matanuska-Susitna Borough; and

(2) the provider agency requests an exception on a form provided by the department.

(k) The department will certify a provider agency approved for an exception under (j) of

this section for a period of three years. Every three years the department will evaluate under (j)(1) of this section whether the availability of care coordination services in a non-urban geographic area of the state is insufficient to meet the needs of the recipients residing in that area. If the department determines that the availability of care coordination services in that area is sufficient, the department will not certify an agency in that area as a provider of both home and community-based waiver services and care coordination services.

(*l*) An agency certified as a provider of both home and community-based waiver services and care coordination services in accordance with (j) of this section shall

(1) operate the care coordination services section as a distinct unit separate from the units that provide home and community-based waiver services under this chapter or personal care services under 7 AAC 125.010 - 7 AAC 125.199;

(2) appoint an individual to the position of program supervisor for care coordination services only; that individual may not serve as program supervisor for either home and community-based waiver services or personal care services during that individual's tenure as program supervisor for care coordination services;

(3) implement a process to resolve disputes that may arise among the service units; and

(4) provide an alternative dispute resolution process for recipients. (Eff. 2/1/2010, Register 193; am 7/1/2013, Register 206; am 7/1/2015, Register 214; am 7/1/2016, Register 218)

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.040