DEPARTMENT OF HEALTH AND SOCIAL SERVICES

PROPOSED CHANGES TO REGULATIONS

7 AAC 130.220.
Medicaid Coverage; Home and Community-Based Waiver Services. Provider Certification.

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PUBLIC REVIEW DRAFT
January 12, 2016

COMMENT PERIOD ENDS: March 11, 2016
Please see public notice for details about how to comment on these proposed changes.

Notes to reader:

1. Except as discussed in note 2, new text that amends an existing regulation is **bolded and underlined**.

2. If the lead-in line above the text of each section of the regulations states that a new section, subsection, paragraph, or subparagraph is being added, or that an existing section, subsection, paragraph, or subparagraph is being repealed and readopted (replaced), *the new or replaced text is not bolded or underlined*.

3. [ALL-CAPS TEXT WITHIN BRACKETS] indicates text that is to be deleted.

4. When the word "including" is used, Alaska Statutes provide that it means "including, but not limited to."

5. Only the text that is being changed within a section of the current regulations is included in this draft. Refer to the text of that whole section, published in the current Alaska Administrative Code, to determine how a proposed change relates within the context of the whole section and the whole chapter.

Title 7 Health and Social Services.

Chapter 130. Medicaid Coverage; Home and Community-Based Waiver Services.

Sec 220. Provider certification.

7 AAC 130.220(a) is amended to read:

(a) The department will certify a provider agency as **either a provider of one or more home and community-based waiver services under (1) and (3) or a provider of care coordination services under (2), unless the department grants an exception under (j) of this section;** [ONE OR MORE OF THE FOLLOWING:] **a provider agency must submit an application in accordance with (b) of this section for certification as**

(1) [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) [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) [AS] a residential supported-living services provider for residential supported-living services provided under 7 AAC 130.255.

(Eff. 2/1/2010, Register 193; am 7/1/2013, Register 206; am 7/1/2015, Register 214; am ___/___/____, Register ____)

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.040

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

(j) The department may grant an exception to a provider under (a) of this section based on the following:

(1) the availability of care coordination services in a specified non-urban geographic area of the state is insufficient to meet the needs of the recipients residing in that area;

(2) an agency, certified as a provider of home and community-based waiver services in that geographic area, is willing and qualified to provide care coordination services, and that agency has requested an exception on a form provided by the department; and

(3) the recipients could be served by certifying that agency as a provider of both home and community-based waiver services and care coordination services; in this paragraph, “non-urban” means a geographic area that, according to the Alaska Department of Labor and Workforce

Development's Alaska Borough/Census Areas map based in 2013 geography, is located within the bounds of a borough or census area other than the following: Municipality of Anchorage, Fairbanks-North Star Borough, City and Borough of Juneau, Kenai Peninsula Borough, and Matanuska-Susitna Borough.

(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, beginning July 1, 2016, the department will evaluate the need for an exception in a specified geographic area. If the department determines there is no longer a need for an exception, the department will not recertify an agency 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 services under this chapter or personal care services in accordance with 7 AAC 125.010 – 7 AAC 125.199;

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

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.040