

DEPARTMENT OF HEALTH & SOCIAL SERVICES



PROPOSED CHANGES TO REGULATIONS

RECIPIENT SUPPORT SERVICES

7 AAC 135.230 & 135.990.

MEDICAID COVERAGE; BEHAVIORAL HEALTH SERVICES.



PUBLIC REVIEW DRAFT

October 4, 2016

COMMENT PERIOD ENDS: December 23, 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paragraph, or subparagraph is being added, or that an existing section, subsection, paragraph, or subparagraph is being repealed and readopted (replaced), *the new or replaced text is not bolded or underlined*.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 135. Medicaid Coverage; Behavioral Health Services.****Sec 230. Recipient support services.****7 AAC 135.230. Recipient support services**

7 AAC 135.230(a) is amended to read:

(a) The department will pay a community behavioral health services provider for a recipient support service if that service

(1) is medically necessary under (b) of this section;

[(2) IF PROVIDED DURING SLEEO HOURS, MEETS THE
REQUIREMENTS OF (C) OF THIS SECTION; AND]

(2) [(3) IF PROVIDED DURING WAKING HOURS,] meets the requirements of
(c) [(d)] of this section; and

(3) is provided to remediate the behaviors listed in (b)(1)(A) of this section.

7 AAC 135.230(b)(1) is repealed and readopted to read:

DHSS Proposed Changes to Regulations. Recipient Support Services. 7AAC 135., .230, & .990, Medicaid Coverage; Behavioral Health Services. PUBLIC REVIEW DRAFT.10.04.2016.

(1) the current need for that service is identified through a professional behavioral health assessment under 7 AAC 135.110 that

(A) documents the recipient's recent and relevant history of high-risk behavior which means the recipient is at high risk of engaging in any of the following:

(i) recipient suicidal behavior;

(ii) recipient self-injurious behavior;

(iii) recipient assaultive behavior toward others;

(iv) recipient destructive behavior in defiance of adult or other care giver instructional control and with demonstrated inability to appropriately self-regulate;

(B) justifies the rationale for heightened vigilance; and

(C) recommends the frequency, duration, and location where the service should be provided;

7 AAC 135.230(b) is amended by adding a new subsection to read:

(3) the continuing need for recipient support services will be re-established at each client status review conducted according to 7 AAC 135.100(c).

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

Authority: AS 47.05.010 AS 47.07.030

7 AAC 135.230(c) is repealed:

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

Authority: AS 47.05.010 AS 47.07.030

7 AAC 135.230(d) is repealed:

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

Authority: AS 47.05.010 AS 47.07.030

7 AAC 135.230(e) is amended to read:

(c) [(e)] To qualify for payment, an individual rendering recipient support services must manage the recipient's high risk behaviors that put the recipient or others at risk as they occur by providing active treatment and behavioral health interventions to [THE FOLLOWING ELEMENTS OF RECIPIENT SUPPORT SERVICES ARE CONSIDERED ACTIVE TREATMENT]:

- (1) **set structural limits** [STRUCTURE];
- (2) **reinforce self-control** [SUPPORT]; **or**
- (3) **direct or re-direct behavior** [SIGHT OR SOUND SUPERVISION].

7 AAC 135.230(f) is amended to read:

(d) [(f)] Recipient support services may be provided at

- (1) the recipient's residence;
- (2) the recipient's workplace;
- (3) the recipient's school; or
- (4) any other appropriate community setting specified in the behavioral health

treatment plan.

7 AAC 135.230(g) is amended to read:

(e) [(g)] The department will pay a community behavioral health services provider for recipient support services provided to more than one recipient by the same staff during the same session if

[(1) EACH RECIPIENT LIVES IN THE SAME HOUSEHOLD; AND

(2)] the service is provided to each recipient in accordance with this section.

7 AAC 135.230(h) is amended to read:

(f) [(h)] Recipient support services do not include the customary daily supervisory activities and care that:

(1) a parent [OR FOSTER PARENT] would normally carry out to assure protection, emotional support, and management [CARE] of a child [WHO IS NOT A CHILD EXPERIENCING A SEVERE EMOTIONAL DISTURBANCE]; or

(2) are normally provided for an adult by or within an

(A) assisted living facility as described in 7 AAC 47.310;

(B) congregate housing and congregate service as defined in 15 AAC 151.950;

or

(C) a group home. [ASSISTED LIVING FACILITY, CONGREGATE HOUSING FACILITY, OR GROUP HOME FOR AN ADULT WHO IS NOT

(A) AN ADULT EXPERIENCING AN EMOTIONAL DISTURBANCE;

OR

(B) AN ADULT EXPERIENCING A SERIOUS MENTAL ILLNESS.]

(3) a foster parent or caregiver defined in 7 AAC 50.990 carries out for the care and supervision of a child who is receiving care under 7 AAC 50 or 7 AAC 56; or

(4) are normally provided as observation of an individual while that individual is sleeping by a staff member working in the settings listed in (2) of this sub-section or a foster parent or caregiver noted in (3) of this sub-section.

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

Authority: AS 47.05.010 AS 47.07.030

Title 7 Health and Social Services.

Chapter 135. Medicaid Coverage; Behavioral Health Services.

Sec 990. Definitions.

7 AAC 135.990(19) is amended to read:

(19) "recipient support services" means a face-to-face encounter to provide **behavioral health interventions to manage high risk behaviors and to prevent harm to the recipient or others in order** [STRUCTURE, SUPERVISION, AND MONITORING NECESSARY] to maintain a child experiencing a severe emotional disturbance or an adult experiencing a severe mental illness within the recipient's home, workplace, school, or community [AND TO PREVENT HARM TO THE RECIPIENT OR OTHERS];

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

Authority: AS 47.05.010 AS 47.07.030