

Byron Mallott  
Lieutenant Governor  
State Capitol  
Juneau, Alaska 99811  
907.465.3520  
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Anchorage, Alaska 99501  
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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**MEMORANDUM**

**TO:** Triptaa Surve  
Department of Health & Social Services

**FROM:** Scott Meriwether, Office of the Lieutenant Governor   
465.4081

**DATE:** July 13, 2017

**RE:** Filed Permanent Regulations: Department of Health & Social Services

Department of Health and Social Services Medicaid coverage and payment regulations re: provider enrollment, early and periodic screening, diagnostic, and treatment (EPSDT) services, occupational therapy services, physical therapy services, and nonemergenc (7 AAC 105.210(f); 7 AAC 110.205(b)(5); 7 AAC 115.110(a)(2)(A); 7 AAC 115.310(b)(2)(A); 7 AAC 120.410(d),(g))

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Attorney General File:	JU2017200004
Regulation Filed:	7/11/2017
Effective Date:	9/1/2017
Print:	223, October 2017

cc with enclosures: Linda Miller, Department of Law  
Judy Herndon, LexisNexis

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

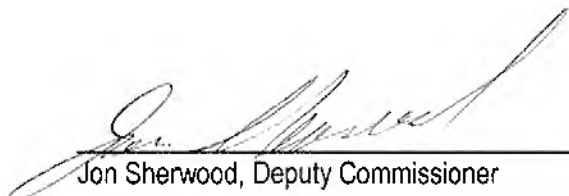
The attached 3 pages of regulations, dealing with early and periodic screening, diagnostic, and treatment (EPSDT), lead screening; provider change reporting; prescribing occupational and physical therapy; and non-emergent ground ambulance authorization, are adopted and certified to be a correct copy of the regulation changes that the Department of Health & Social Services adopts under the authority of AS 47.05.010; AS 47.05.300; 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.

Although no public comments were received, the Department of 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 September 1, 2017, as provided in AS 44.62.180.

Date: July 5, 2017

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

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that<sup>1</sup> on July 11,  
20 17, at 1159 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 -  
44.62.120.

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

Effective: September 1, 2017

Register: 223, October 2017

Register 223, October 2017 HEALTH AND SOCIAL SERVICES

7 AAC 105.210 is amended by adding a new subsection to read:

(f) Not later than 30 days after the change, and on a form specified by the department, an enrolled provider shall notify the department of any change to the information submitted under (b)(1) of this section. (Eff. 2/1/2010, Register 193; am 10/1/2011, Register 199; am 6/29/2017, Register 222; am 9 / 1 / 2017, Register 223)

**Authority:** AS 47.05.010 AS 47.07.030 AS 47.07.040  
AS 47.05.300

7 AAC 110.205(b)(5) is amended to read:

(5) [A] lead screenings at 12 months of age and 24 months of age  
[SCREENING APPROPRIATE FOR AGE AND RISK FACTORS]. (Eff. 2/1/2010, Register 193; am 5/11/2012, Register 202; am 5/1/2016, Register 218; am 9 / 1 / 2017, Register 223)

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

7 AAC 115.110(a)(2)(A) is amended to read:

(A) prescribed by a physician, an advanced practice registered nurse  
[PRACTITIONER], [OR] a physician assistant, or another licensed health care  
professional, [AND THE SERVICES PRESCRIBED ARE] within the scope of the  
practitioner's license;

(Eff. 2/1/2010 [2/1/2015], Register 193; am 9 / 1 / 2017, Register 223)

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

Register ~~223, October~~ 2017 HEALTH AND SOCIAL SERVICES

7 AAC 115.310(b)(2)(A) is amended to read:

(A) prescribed by a physician, an advanced **practice registered** nurse  
[PRACTITIONER], [OR] a physician assistant, **or another licensed health care**  
**professional**, [AND THE SERVICES PRESCRIBED ARE] within the scope of the  
practitioner's license;

(Eff. 2/1/2010, Register 193; am 9 / 1 / 2017, Register **223**)

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

7 AAC 120.410(d) is amended to read:

(d) The department will pay for nonemergency transportation and accommodation  
services provided without prior authorization if

(1) a recipient is forced to change authorized travel plans for reasons beyond the  
recipient's control, including the cancellation of an airline flight due to weather conditions or the  
closing of an airport for security reasons; [OR]

(2) the medical service for which the recipient traveled reveals the need for  
additional services, screening, or treatment that requires the recipient to stay longer than  
previously approved; **or**

**(3) the service is for nonemergency ground ambulance transportation.**

7 AAC 120.410 is amended by adding a new subsection to read:

(g) A claim submitted to the department for payment of costs for nonemergency ground  
ambulance transportation service must be accompanied by written medical justification for the

Register 223, October 2017 HEALTH AND SOCIAL SERVICES

service. (Eff. 2/1/2010, Register 193; am 5/1/2016, Register 218; am 9 / 1 / 2017, Register 223)

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

# MEMORANDUM


## State of Alaska Department of Law

To: Hon. Byron Mallott  
Lieutenant Governor

Date: July 6, 2017

File No.: JU2017200004

Tel. No.: 465-3600

From: Steven C. Weaver   
Sr. Assistant Attorney General  
and Assistant Regulations Attorney  
Legislation and Regulations Section

Re: Department of Health and Social  
Services Medicaid coverage and  
payment regulations re: provider  
enrollment, early and periodic  
screening, diagnostic, and treatment  
(EPSDT) services, occupational  
therapy services, physical therapy  
services, and nonemergency  
transportation services (7 AAC  
105.210(f); 7 AAC 110.205(b)(5);  
7 AAC 115.110(a)(2)(A); 7 AAC  
115.310(b)(2)(A); 7 AAC 120.410(d),  
(g))

We have reviewed the attached regulations from the Department of Health and Social Services against the statutory standards of the Administrative Procedure Act. I have reviewed this project under a specific delegation dated July 6, 2017 from the Regulations Attorney. The regulations refine Medicaid coverage and payment regulations regarding provider enrollment, early and periodic screening, diagnostic, and treatment (EPSDT) services, occupational therapy services, physical therapy services, and nonemergency transportation services.

We find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

We note that the July 5, 2017 adoption order provides that these regulations are to have a special effective date of September 1, 2017.

Hon. Byron Mallott, Lieutenant Governor  
Our file: JU2017200004

July 6, 2017  
Page 2

The March 1, 2017 public notice and the July 5, 2017 adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

SCW

cc w/enc: (via email)

Hon. Valerie "Nurr'araahuk" Davidson, Commissioner  
Department of Health and Social Services

Triptaa Surve, Regulations Contact  
Department of Health and Social Services

Jon Sherwood, Deputy Commissioner  
Department of Health and Social Services

Margaret Brodie, Director  
Division of Health Care Services  
Department of Health and Social Services

Susan Dunkin  
Division of Health Care Services  
Department of Health and Social Services

Elizabeth J. Smith, Assistant Attorney General  
Human Services Section

Stacie L. Kraly, Chief Assistant Attorney General  
Human Services Section

# MEMORANDUM

## State of Alaska Department of Law

TO: Hon. Byron Mallott  
Lieutenant Governor

DATE: July 6, 2017

FILE NO.: JU2017200004

TELEPHONE NO.: (907) 465-3600

FROM: Susan R. Pollard *SRP*  
Chief Assistant Attorney General  
and Regulations Attorney  
Legislation/Regulations Section

SUBJECT: Specific delegation of authority  
regarding regulations review on  
Medicaid coverage and payment  
regulations re: provider  
enrollment, early and periodic  
screening, diagnostic, and  
treatment (EPSDT) services,  
occupational therapy services,  
physical therapy services, and  
nonemergency transportation  
services (7 AAC 105.210(f);  
7 AAC 110.205(b)(5); 7 AAC  
115.110(a)(2)(A); 7 AAC  
115.310(b)(2)(A); 7 AAC  
120.410(d), (g))

By this memorandum, I am delegating my authority as Regulations Attorney under AS 44.62 to Assistant Attorney General Steven C. Weaver for the above-referenced regulations project. Under this delegation of authority, Steven Weaver has my full authority under AS 44.62 to conduct the legal review under AS 44.62 and take necessary actions on this regulations project.

If you have questions, please let me know.

SCW

cc w/enc: Scott C. Meriwether, AAC Coordinator  
Office of the Lieutenant Governor  
  
Steven C. Weaver  
Sr. Assistant Attorney General and  
Assistant Regulations Attorney  
Legislation/Regulations Section—Juneau



NOTICE OF PROPOSED CHANGES ON EARLY & PERIODIC SCREENING, DIAGNOSTIC, & TREATMENT (EPSDT) – LEAD SCREENING & MISCELLANY IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES

BRIEF DESCRIPTION

The Department of Health & Social Services proposes to change regulations on the early and periodic screening, diagnostic, and treatment (EPSDT), lead screening; provider change reporting; prescribing occupational and physical therapy; and non-emergent ground ambulance authorization.

The Department of Health & Social Services proposes to adopt regulation changes in 7 AAC of the Alaska Administrative Code, dealing with early and periodic screening, diagnostic, and treatment (EPSDT) lead screening; provider change reporting; prescribing occupational and physical therapy; and non-emergent ground ambulance authorization, including the following:

- Proposed Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) regulations comply with the Centers for Medicare and Medicaid Services new requirement that lead screenings occur at 12 and 24 months of age.
- Proposed Medicaid provider enrollment regulations include the long-standing requirement that providers inform the Department of any changes in enrollment information within 30 days of the change.
- Proposed Medicaid regulations clarify that occupational and physical therapy services are covered when prescribed by a health care practitioner within the scope of his or her license. This does not reflect a change in procedure, but instead corrects an inadvertent omission that occurred when Alaska Medicaid regulations were moved from Title 7, Part 3, Chapter 43, to Title 7, Part 8, Chapters 105 – 160.
- Proposed Medicaid regulations eliminate the service (prior) authorization requirement for non-emergent ground ambulance services and replace it with a requirement that medical justification be submitted with a claim for reimbursement. This change will align non-emergent ground ambulance service authorization/justification requirements with that of emergent ground ambulance services, as the level of service is often unknown prior to transport.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Susan Dunkin by electronic mail at [susan.dunkin@alaska.gov](mailto:susan.dunkin@alaska.gov) or at the mailing address at 4501 Business Park Blvd., Building L, Attn. Susan Dunkin, Anchorage, AK 99503-7167. The comments must be received not later than 5 p.m., on April 7, 2017.

You may submit written questions relevant to the proposed action to Susan Dunkin by electronic mail at [susan.dunkin@alaska.gov](mailto:susan.dunkin@alaska.gov) or at the mailing address at 4501 Business Park Blvd., Building L, Attn. Susan Dunkin, Anchorage, AK 99503-7167. The questions must be received at least 10 days before the end of the public comment period. The Department of Health & Social Services will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System at <https://aws.state.ak.us/OnlinePublicNotices/> and agency website at <http://www.dhss.alaska.gov/dhcs/Pages/default.aspx>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please

contact Susan Dunkin by e-mail at [susan.dunkin@alaska.gov](mailto:susan.dunkin@alaska.gov) or by telephone at (907) 269-3638 not later than March 24, 2017, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Susan Dunkin by e-mail at [susan.dunkin@alaska.gov](mailto:susan.dunkin@alaska.gov) or by telephone at (907) 269-3638.

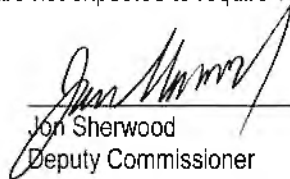
After the public comment period ends, the Department of Health & Social Services will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **You should comment during the time allowed if your interests could be affected.**

**Statutory authority:** AS 47.05.010; AS 47.05.300; AS 47.07.030; AS 47.07.040.

**Statutes being implemented, interpreted, or made specific:** AS 47.05.010; AS 47.05.300; AS 47.07.030; AS 47.07.040.

**Fiscal information:** The proposed regulation changes are not expected to require an increased appropriation.

DATE: 2-23-17

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

NOTICE OF PROPOSED CHANGES ON EARLY & PERIODIC SCREENING, DIAGNOSTIC, & TREATMENT (EPSDT) – LEAD SCREENING & MISCELLANY IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES

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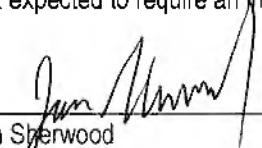
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**Statutes being implemented, interpreted, or made specific:** AS 47.05.010; AS 47.05.300; AS 47.07.030; AS 47.07.040.

**Fiscal information:** The proposed regulation changes are not expected to require an increased appropriation.

DATE: 2-23-17

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

ADDITIONAL REGULATION NOTICE INFORMATION  
(AS 44.62.190(d))<sup>1</sup>

1. Adopting agency: Department of Health & Social Services
2. General subject of regulation: Early & Periodic Screening, Diagnostic, & Treatment (EPSDT)- Lead Screening & Miscellany.
3. Citation of regulation (may be grouped): 7 AAC 105.210, 110.205, 115.110, 115.310, 120.410.
4. Department of Law file number, if any: JU2017200004
5. Reason for the proposed action:
  - (X) Compliance with federal law or action (identify): CMS requirement- lead screening periodicity
  - ( ) Compliance with new or changed state statute
  - ( ) Compliance with federal or state court decision (identify): \_\_\_\_\_
  - (X) Development of program standards
  - (X) Other (identify): Clarification of existing procedure
6. Appropriation/Allocation: Medicaid Services/Health Care Medicaid Services
7. Estimated annual cost to comply with the proposed action to: None  
A private person: \$0  
Another state agency: \$0  
A municipality: \$0
8. Cost of implementation to the state agency and available funding (in thousands of dollars): None

	Initial Year FY 2017	Subsequent Years
Operating Cost	\$0	\$0
Capital Cost	\$0	\$0
1002 Federal receipts	\$0	\$0
1003 General fund match	\$0	\$0
1004 General fund	\$0	\$0
1005 General fund/ program	\$0	\$0
Other (identify)	\$0	\$0

9. The name of the contact person for the regulation:

Name: Susan Dunkin

Title: Medical Assistance Administrator IV

Address: 4501 Business Park Blvd., Bldg. L, Anchorage, AK 99503-7167

Telephone: (907) 269-3638

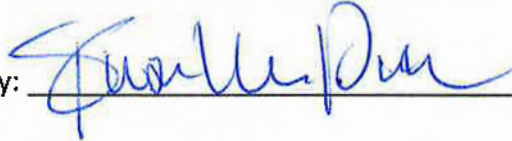
E-mail address: susan.dunkin@alaska.gov

10. The origin of the proposed action:

- (X) Staff of state agency
- (X) Federal government
- ( ) General public
- ( ) Petition for regulation change
- ( ) Other (identify) \_\_\_\_\_

11. Date: 02/16/2017

Prepared by: \_\_\_\_\_



Name: Susan Dunkin

Title: Medical Assistance Administrator IV

Telephone: 907.269.3638

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION  
AND FURNISHING OF ADDITIONAL INFORMATION

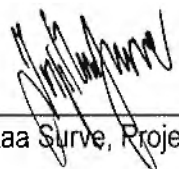
I, Triptaa Surve, Project Coordinator, of the Department of Health & Social Services, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 7 AAC 105, 110, 115, and 120, Early & Periodic Screening, Diagnostic, & Treatment (EPSDT), Lead Screening, has been given by being

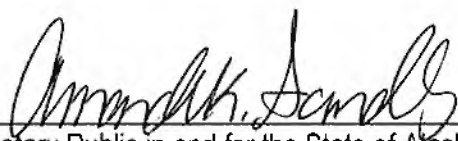
- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulation;
- (5) furnished electronically to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Division of Legal and Research Services;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
- (8) furnished electronically, along with a copy of the proposed regulation, to the Legislative Affairs Agency, the chair of the Health & Social Services and Finance Committees of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

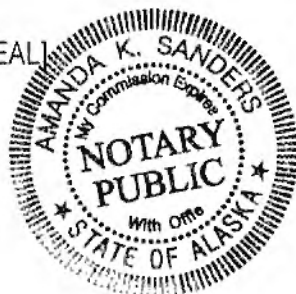
Date: MAY 2, 2017 <sup>4</sup>

  
\_\_\_\_\_  
Triptaa Surve, Project Coordinator

Subscribed and sworn to before me at DHSS Commissioners office  
on 5/2/17  
(date)

  
\_\_\_\_\_  
Notary Public in and for the State of Alaska

[NOTARY SEAL]

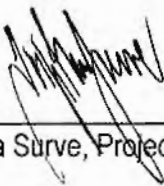


AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Triptaa Surve, Project Coordinator, for the Department of Health & Social Services, being duly sworn, state the following:

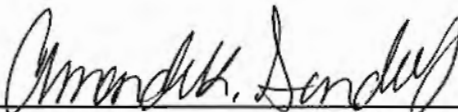
The Department of Health & Social Services did not receive any factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Health & Social Services regulation on Early & Periodic Screening, Diagnostic, & Treatment (EPSDT), Lead Screening 97AAC 105, 110, 115, 120).

Date: MAY 2, 2017.

  
Triptaa Surve, Project Coordinator

Subscribed and sworn to before me at DHSS Commissioners office

on 5/2/17  
(date)

  
Notary Public in and for the State of Alaska

[NOTARY SEAL]





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# AFFIDAVIT OF PUBLICATION

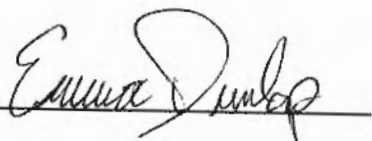
STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Emma Dunlap  
being first duly sworn on oath deposes and  
says that he/she is a representative of the  
Alaska Dispatch News, a daily newspaper.  
That said newspaper has been approved  
by the Third Judicial Court, Anchorage,  
Alaska, and it now and has been published  
in the English language continually as a  
daily newspaper in Anchorage, Alaska, and  
it is now and during all said time was  
printed in an office maintained at the  
aforesaid place of publication of said  
newspaper. That the annexed is a copy of  
an advertisement as it was published in  
regular issues (and not in supplemental  
form) of said newspaper on

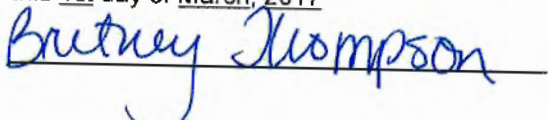
March 01, 2017

and that such newspaper was regularly  
distributed to its subscribers during all of  
said period. That the full amount of the fee  
charged for the foregoing publication is not  
in excess of the rate charged private  
individuals.

Signed



Subscribed and sworn to before me  
this 1st day of March, 2017



Notary Public in and for  
The State of Alaska.  
Third Division  
Anchorage, Alaska  
MY COMMISSION EXPIRES

2/23/2019  
Notary Public  
BRITNEY L. THOMPSON  
State of Alaska  
My Commission Expires Feb 23, 2019

## NOTICE OF PROPOSED CHANGES ON EARLY & PERIODIC SCREENING, DIAGNOSTIC, & TREATMENT (EPSDT) - LEAD SCREENING & MISCELLANY IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES

The Department of Health & Social Services proposes to adopt regulation changes in 7 AAC of the Alaska Administrative Code, dealing with early and periodic screening, diagnostic, and treatment (EPSDT) lead screening; provider change reporting; prescribing occupational and physical therapy; and non-emergent ground ambulance authorization, including the following:

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You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Susan Dunkin by electronic mail at [susan.dunkin@alaska.gov](mailto:susan.dunkin@alaska.gov) or at the mailing address at 4501 Business Park Blvd., Building L, Attn. Susan Dunkin, Anchorage, AK 99503-7167. The comments must be received not later than 5 p.m., on April 7, 2017.

You may submit written questions relevant to the proposed action to Susan Dunkin by electronic mail at [susan.dunkin@alaska.gov](mailto:susan.dunkin@alaska.gov) or at the mailing address at 4501 Business Park Blvd., Building L, Attn. Susan Dunkin, Anchorage, AK 99503-7167. The questions must be received at least 10 days before the end of the public comment period. The Department of Health & Social Services will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System at <https://aws.state.ak.us/OnlinePublicNotices/> and agency website at <http://www.dhss.alaska.gov/dhcs/Pages/default.aspx>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Susan Dunkin by e-mail at [susan.dunkin@alaska.gov](mailto:susan.dunkin@alaska.gov) or by telephone at (907) 269-3638 not later than March 24, 2017, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Susan Dunkin by e-mail at [susan.dunkin@alaska.gov](mailto:susan.dunkin@alaska.gov) or by telephone at (907) 269-3638.

After the public comment period ends, the Department of Health & Social Services will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **You should comment during the time allowed if your interests could be affected.**

**Statutory authority:** AS 47.05.010; AS 47.05.300; AS 47.07.030; AS 47.07.040.

**Statutes being implemented, interpreted, or made specific:** AS 47.05.010; AS 47.05.300; AS 47.07.030; AS 47.07.040.

**Fiscal Information:** The proposed regulation changes are not expected to require an increased appropriation.

DATE: February 23, 2017  
/s/ Jon Sherwood  
Deputy Commissioner  
Department of Health & Social Services

Published: March 1, 2017