

Byron Mallott
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
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Anchorage, Alaska 99501
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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 465.4081 

DATE: May 1, 2018

RE: Filed Permanent Regulations: Department of Health and Social Services

Department of Health and Social Services regulations re: Medicaid coverage and payment, home and community-based waiver services, and intensive active treatment services (7 AAC 130.275(a)(1))

Attorney General File:	JU2017200102 (Part 2)
Regulation Filed:	4/30/2018
Effective Date:	7/1/2018
Print:	226, July 2018

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

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

The attached one page of regulations, dealing with Medicaid home and community-based waiver services, person-centered practices, and settings requirements, 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, and 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 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 July 1, 2018, as provided in AS 44.62.180.

Date: 9-26-18



Jon Sherwood
Deputy Commissioner
Department of Health & Social Services

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that¹ on April 30, 2018, at 230 p.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, 2018

Register: 226, July 2018



THE STATE
of ALASKA
GOVERNOR BILL WALKER

Department of
Health and Social Services

OFFICE OF THE COMMISSIONER

Anchorage
3601 C Street, Suite 902
Anchorage, Alaska 99503-5923
Main: 907.269.7800
Fax: 907.269.0060

Juneau
350 Main Street, Suite 404
Juneau, Alaska 99801-4949
Main: 907.465.3030
Fax: 907.465.3068

**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

Register 226, July 2018

HEALTH AND SOCIAL SERVICES

7 AAC 130.275(a)(1) is amended to read:

(1) that are provided to a recipient in one of the following recipient categories:

(A) adults with physical and developmental disabilities; [CHILDREN
WITH COMPLEX MEDICAL CONDITIONS;]

(B) [ADULTS WITH PHYSICAL AND DEVELOPMENTAL
DISABILITIES; (C)] individuals with intellectual and developmental disabilities, age 21 and
older;

(Eff. 2/1/2010, Register 193; am 3/1/2011, Register 197; am 7/1/2013, Register 206; am
am 11/5/2017, Register 224;
7/1/2015, Register 214; am 7/1/2018, Register 226)

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: April 30, 2018

File No.: JU2017200102 (Part 2)

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 regulations re: Medicaid
coverage and payment, home and
community-based waiver services, and
intensive active treatment services
(7 AAC 130.275(a)(1))

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 April 27, 2018 from the Regulations Attorney. The regulations update Medicaid coverage and payment regulations, particularly regarding home and community-based waiver services, to remove children with complex medical conditions as a recipient category for intensive active treatment services. We note that in this category, recipients receiving autism services as intensive active treatment services would become recipients of Medicaid autism services under provisions that are part of a related regulations project (Department of Law file no. JU2016200132).

We find no legal problems. This rest of this project, filed without the amendments to 7 AAC 130.275(a)(1), was originally filed October 6, 2017 and had an effective date of November 5, 2017. To facilitate the filing of the amendments to 7 AAC 130.275(a)(1), we have created a Part 2 of this project. An original adoption order accompanies Part 2 of the regulations. For your convenience, photocopies of affidavits and other supporting documents that were filed on October 6, 2017 accompany Part 2 of this project. 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.

Please note that the adoption order for these regulations sets a special effective date of July 1, 2018. This special effective date ensures coordination with the related project relating to Medicaid autism services and other services (Department of Law file no. JU2016200132). The related project also has a special effective date of July 1, 2018.

The April 20, 2017 public notice and the April 26, 2018 adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under

Hon. Byron Mallott, Lieutenant Governor
Our file: JU2017200102 (Part 2)

April 30, 2018
Page 2

AS 44.62.195 is not required.

We have made some technical corrections to the regulations in accordance with AS 44.62.125, as shown on the attached copy.

SCW

cc w/enc: (via email)

Hon. Valerie "Nurr'araaluk" 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

Karen Forrest, Deputy Commissioner
Department of Health and Social Services

Rick Calcote
Division of Behavioral Health
Department of Health and Social Services

Randall Burns
Division of Behavioral Health
Department of Health and Social Services

Duane Mayes, Director
Division of Senior and Disabilities Services
Department of Health and Social Services

Jetta Whittaker
Division of Senior and Disabilities Services
Department of Health and Social Services

Elizabeth J. Smith, Assistant Attorney General
Human Services Section

Steven J. Bookman, Assistant Attorney General
Human Services Section

Kelly E. Henriksen, Senior Assistant Attorney General
Human Services Section

MEMORANDUM

State of Alaska Department of Law

TO: Hon. Byron Mallott
Lieutenant Governor

DATE: April 27, 2018

FILE NO.: JU2017200102 (Part 2)

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
Department of Health and Social
Services regulations re: Medicaid
coverage and payment, home and
community-based waiver
services, intensive active
treatment services (7 AAC
130.275(a)(1))

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

MEMORANDUM

State of Alaska Department of Law

TO: Hon. Byron Mallott
Lieutenant Governor

DATE: April 27, 2018

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and Regulations Attorney
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treatment services (7 AAC
130.275(a)(1))

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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

NOTICE OF PROPOSED CHANGES ON MEDICAID: HOME & COMMUNITY-BASED WAIVER SERVICES; PERSON-CENTERED SETTINGS & AMENDMENTS IN THE REGULATIONS OF DEPARTMENT OF HEALTH & SOCIAL SERVICES

BRIEF DESCRIPTION

The Department of Health & Social Services proposes to change regulations on Medicaid home and community-based waiver services, person-centered practices, and settings requirements.

The Department of Health and Social Services proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with Medicaid home and community-based waiver services, person-centered practices and settings requirements, including the following:

- 7 AAC 130.200. Purpose - is proposed to be amended to include references to person-centered practices that support access to the full benefits of community living.
- 7 AAC 130.202. Services provided by family members – is proposed to be amended to describe family members and others that cannot provide Medicaid home and community-based waiver services.
- 7 AAC 130.205. Eligibility for home and community-based waiver services – is proposed to be amended to clarify when home and community-based waiver services are not available to an individual.
- 7 AAC 130.211. Screening – is proposed to be amended to clarify the steps that constitute the application for home and community-based waiver services.
- 7 AAC 130.213. Assessment and reassessment - is proposed to be amended to change when and how assessments and reassessments are conducted.
- 7 AAC 130.217. Plan of care development and amendment – is proposed to be repealed and readopted to include person-centered practices in the plan of care development process.
- 7 AAC 130.219. Enrollment in home and community-based waiver services; disenrollment – is proposed to be amended to clarify the requirements for enrollment for home and community-based waiver services.
- 7 AAC 130.220. Provider certification – is proposed to be amended to include the requirements for settings compliance at provider certification.
- 7 AAC 130.224. Critical incident reporting - is proposed to be amended to add notification of the recipient's representative and other service providers when a critical incident is reported.
- 7 AAC 130.229. Use of restrictive interventions – is proposed to be amended to clarify that the use of restrictive interventions must be described in a recipient's plan of care.

- 7 AAC 130.240. Care coordination services – is proposed to be amended to expand the types of individuals that the department will not pay for care coordination services.
- 7 AAC 130.245. Chore services – is proposed to be amended to expand the types of individuals that the department will not pay for chore services.
- 7 AAC 130.260. Day habilitation services – is proposed to be amended to change how documentation is provided to the department.
- 7 AAC 130.265. Residential habilitation services – is proposed to be amended to modify who is not considered to be a primary caregiver for the service of family home habilitation, and to modify the limitations under which the department will pay for supported-living and in-home support habilitation.
- 7 AAC 130.275. Intensive active treatment services – is proposed to be amended to remove children up to age 21 from those who can be approved to receive the service.
- 7 AAC 130.319. Definitions - is proposed to be amended to modify the definition of immediate family.
- 7 AAC 130 is proposed to be amended to add a new section, titled "Person-centered practice," that defines the goals and procedures for implementing person-centered plans of care.
- 7 AAC 160.900 Definitions – is proposed to be amended to update the Conditions of Participation for twelve home and community-based waiver services.

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 Jetta Whittaker at jetta.whittaker@alaska.gov or PO Box 110680, Attn. Jetta Whittaker, Juneau AK 99811-0680. The comments must be received not later than 5 p.m. on June 5, 2017.

You may submit written questions relevant to the proposed action to Jetta Whittaker at jetta.whittaker@alaska.gov or at 240 Main St., Juneau, AK 99801. 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://dhss.alaska.gov/dsds/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 Jetta Whittaker at jetta.whittaker@alaska.gov or at (907) 465-1605 not later than May 22, 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 Jetta Whittaker at jetta.whittaker@alaska.gov or at (907) 465-1605.

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 47.05.012; AS 47.07.030; AS 47.07.040; AS 47.07.045.

Statutes being implemented, interpreted, or made specific: AS 47.05.010; AS 47.05.012; AS 47.07.030; AS 47.07.040; AS 47.07.045.

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

DATE: 4-17-17



Jon Sherwood
Deputy Commissioner
Department of Health & Social Services

NOTICE OF PROPOSED CHANGES ON MEDICAID: HOME & COMMUNITY-BASED WAIVER SERVICES; PERSON-CENTERED SETTINGS & AMENDMENTS IN THE REGULATIONS OF DEPARTMENT OF HEALTH & SOCIAL SERVICES

The Department of Health and Social Services proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with Medicaid home and community-based waiver services, person-centered practices and settings requirements, including the following:

- 7 AAC 130.200. Purpose - is proposed to be amended to include references to person-centered practices that support access to the full benefits of community living.
- 7 AAC 130.202. Services provided by family members – is proposed to be amended to describe family members and others that cannot provide Medicaid home and community-based waiver services.
- 7 AAC 130.205. Eligibility for home and community-based waiver services – is proposed to be amended to clarify when home and community-based waiver services are not available to an individual.
- 7 AAC 130.211. Screening – is proposed to be amended to clarify the steps that constitute the application for home and community-based waiver services.
- 7 AAC 130.213. Assessment and reassessment - is proposed to be amended to change when and how assessments and reassessments are conducted.
- 7 AAC 130.217. Plan of care development and amendment – is proposed to be repealed and readopted to include person-centered practices in the plan of care development process.
- 7 AAC 130.219. Enrollment in home and community-based waiver services; disenrollment – is proposed to be amended to clarify the requirements for enrollment for home and community-based waiver services.
- 7 AAC 130.220. Provider certification – is proposed to be amended to include the requirements for settings compliance at provider certification.
- 7 AAC 130.224. Critical incident reporting - is proposed to be amended to add notification of the recipient's representative and other service providers when a critical incident is reported.
- 7 AAC 130.229. Use of restrictive interventions – is proposed to be amended to clarify that the use of restrictive interventions must be described in a recipient's plan of care.
- 7 AAC 130.240. Care coordination services – is proposed to be amended to expand the types of individuals that the department will not pay for care coordination services.
- 7 AAC 130.245. Chore services – is proposed to be amended to expand the types of individuals that the department will not pay for chore services.
- 7 AAC 130.260. Day habilitation services – is proposed to be amended to change how documentation

is provided to the department.

- 7 AAC 130.265. Residential habilitation services – is proposed to be amended to modify who is not considered to be a primary caregiver for the service of family home habilitation, and to modify the limitations under which the department will pay for supported-living and in-home support habilitation.
- 7 AAC 130.275. Intensive active treatment services – is proposed to be amended to remove children up to age 21 from those who can be approved to receive the service.
- 7 AAC 130.319. Definitions - is proposed to be amended to modify the definition of immediate family.
- 7 AAC 130 is proposed to be amended to add a new section, titled "Person-centered practice," that defines the goals and procedures for implementing person-centered plans of care.
- 7 AAC 160.900 Definitions – is proposed to be amended to update the Conditions of Participation for twelve home and community-based waiver services.

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 Jetta Whittaker at jetta.whittaker@alaska.gov or PO Box 110680, Attn. Jetta Whittaker, Juneau AK 99811-0680. The comments must be received not later than 5 p.m. on June 5, 2017.

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Statutes being implemented, interpreted, or made specific: AS 47.05.010; AS 47.05.012; AS 47.07.030; AS 47.07.040; AS 47.07.045.

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

DATE: 4-17-17



Jon Sherwood
Deputy Commissioner
Department of Health & Social Services

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))¹

1. Adopting agency: Department of Health and Social Services
2. General subject of regulation: Medicaid home and community-based waiver services
3. Citation of regulation (may be grouped): 7 AAC 130, 7 AAC 160, 7 AAC 900
4. Department of Law file number, if any: 17M1170107.

5. Reason for the proposed action:

(X) Compliance with federal law or action (identify): 42 CFR 441.301(c)(4)
() Compliance with new or changed state statute
() Compliance with federal or state court decision (identify): _____
() Development of program standards
() Other (identify): _____

6. Appropriation/Allocation: Senior and Disabilities Medicaid Services/2662

7. Estimated annual cost to comply with the proposed action to:

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):

	Initial Year FY <u>2018</u>	Subsequent Years
Operating Cost	<u>\$ 0</u>	<u>\$ 0</u>
Capital Cost	<u>\$ 0</u>	<u>\$ 0</u>
1002 Federal receipts	<u>\$ 0</u>	<u>\$ 0</u>
1003 General fund match	<u>\$ 0</u>	<u>\$ 0</u>
1004 General fund	<u>\$ 0</u>	<u>\$ 0</u>
1005 General fund/ program	<u>\$ 0</u>	<u>\$ 0</u>
Other (identify)	<u>\$ 0</u>	<u>\$ 0</u>

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

Name: Jetta Whittaker
Title: Manager, SDS Policy Unit
Address: PO Box 110680 Juneau AK 99811-0680
Telephone: (907)465-1605
E-mail address: jetta.whittaker@alaska.gov

10. The origin of the proposed action:

☒ Staff of state agency
☐ Federal government
☐ General public
☐ Petition for regulation change
☐ Other (identify): _____

11. Date: 3/17/17 Prepared by: Jetta Whittaker
[signature]

Name (printed): Jetta Whittaker
Title (printed): Manager, SDS Policy Unit
Telephone: (907) 465-1605

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Triptaa Surve, Project Coordinator, of 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 130 & 160, and dealing with Medicaid, Home & Community-Based Waiver Services, Person-Centered & Settings Amendments, 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.

COPY

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: July 20, 2017



Triptaa Surve, Project Coordinator

Subscribed and sworn to before me at DHSS Office of the Commissioner
7-20-17



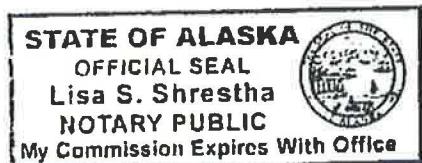
Kristina Serezhnenko
Notary Public in and for the State of Alaska


AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Jetta Whittaker, Manager of the Policy and Program Development Unit for the Division of Senior and Disabilities Services of the Department of Health and Social Services, being duly sworn, state the following:

In compliance with AS 44.62.215, the Department of Health and Social Services has kept a record of its use or rejection of 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 and Social Services regulation on settings and person-centered aspects of Medicaid Home and Community-based Waiver Services.

Date: 7/14/17





Jetta Whittaker
Manager, Policy and Program Development Unit

Subscribed and sworn to before me at
July 14, 2017
(date)

July 18 Juneau on



Notary Public in and for the State of Alaska

[NOTARY SEAL]

COPY

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

April 21, 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 21st day of April, 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

COPY

NOTICE OF PROPOSED CHANGES ON MEDICAID: HOME & COMMUNITY-BASED WAIVER SERVICES; PERSON-CENTERED SETTINGS & AMENDMENTS & GENERAL PROVISIONS IN THE REGULATIONS OF DEPARTMENT OF HEALTH & SOCIAL SERVICES

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- 7 AAC 130.275. Intensive active treatment services - Is proposed to be amended to remove children up to age 21 from those who can be approved to receive the service.
- 7 AAC 130.319. Definitions - Is proposed to be amended to modify the definition of immediate family.
- 7 AAC 130 is proposed to be amended to add a new section, titled "Person-centered practice," that defines the goals and procedures for implementing person-centered plans of care.
- 7 AAC 160.900 Definitions - Is proposed to be amended to update the Conditions of Participation for twelve home and community-based waiver services.

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 Jetta Whittaker at jetta.whittaker@alaska.gov or PO Box 110680, Attn: Jetta Whittaker, Juneau AK 99811-0680. The comments must be received not later than 5 p.m. on June 5, 2017.

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If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jetta Whittaker at jetta.whittaker@alaska.gov or at (907) 465-1605 not later than May 22, 2017, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska

form) of said newspaper on

April 21, 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 21st day of April, 2017

Britney Thompson

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

COPY

• 7 AAC 130.219. Enrollment in home and community-based waiver services; disenrollment - is proposed to be amended to clarify the requirements for enrollment for home and community-based waiver services.

• 7 AAC 130.220. Provider certification - is proposed to be amended to include the requirements for settings compliance at provider certification.

• 7 AAC 130.224. Critical incident reporting - is proposed to be amended to add notification of the recipient's representative and other service providers when a critical incident is reported.

• 7 AAC 130.229. Use of restrictive interventions - is proposed to be amended to clarify that the use of restrictive interventions must be described in a recipient's plan of care.

• 7 AAC 130.240. Care coordination services - is proposed to be amended to expand the types of individuals that the department will not pay for care coordination services.

• 7 AAC 130.245. Chore services - is proposed to be amended to expand the types of individuals that the department will not pay for chore services.

• 7 AAC 130.260. Day habilitation services - is proposed to be amended to change how documentation is provided to the department.

• 7 AAC 130.265. Residential habilitation services - is proposed to be amended to modify who is not considered to be a primary caregiver for the service of family home habilitation, and to modify the limitations under which the department will pay for supported-living and in-home support habilitation.

• 7 AAC 130.275. Intensive active treatment services - is proposed to be amended to remove children up to age 21 from those who can be approved to receive the service.

• 7 AAC 130.319. Definitions - is proposed to be amended to modify the definition of immediate family.

• 7 AAC 130 is proposed to be amended to add a new section, titled "Person-centered practice," that defines the goals and procedures for implementing person-centered plans of care.

• 7 AAC 160.900 Definitions - is proposed to be amended to update the Conditions of Participation for twelve home and community-based waiver services.

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 Jetta Whittaker at Jetta.Whittaker@alaska.gov or PO Box 110680, Attn: Jetta Whittaker, Juneau AK 99811-0680. The comments must be received not later than 5 p.m. on June 5, 2017.

You may submit written questions relevant to the proposed action to Jetta Whittaker at Jetta.Whittaker@alaska.gov or at 240 Main St., Juneau, AK 99801. 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://dhss.alaska.gov/dsds/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 Jetta Whittaker at Jetta.Whittaker@alaska.gov or at (907) 465-1605 not later than May 22, 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 Jetta Whittaker at Jetta.Whittaker@alaska.gov or at (907) 465-1605.

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 47.05.012; AS 47.07.030; AS 47.07.040; AS 47.07.045.

Statutes being implemented, interpreted, or made specific: AS 47.05.010; AS 47.05.012; AS 47.07.030; AS 47.07.040; AS 47.07.045.

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

DATE: April 17, 2017

/s/ Jon Sherwood
Deputy Commissioner
Department of Health & Social Services

Published: April 20, 2017