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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: services for behavioral health, Medicaid coverage and payment, and autism services (7 AAC 70.010(b); 7 AAC 70.030(a)(1)(A); 7 AAC 70.050; 7 AAC 70.990(36); 7 AAC 105.200(a)(1),(b); 7 AAC 110.210(b); 7 AAC 135.010(a),(c); 7 AAC 135.020; 7 AAC 135.030(a); 7 AAC 135.040(c)(19); 7 AAC 135.300; 7 AAC 135.350; 7 AAC 135.990; 7 AAC 145.580(a))

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Attorney General File: JU2016200132

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 29 pages of regulations, dealing with Services for Behavioral Health, Medicaid Coverage and Payment, Autism Services, 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, AS 47.30.470, AS 47.30.475, AS 47.30.477, AS 47.30.530, AS 47.30.540, AS 47.30.570, and AS 47.37.140, 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.

It is estimated that this action will require increased appropriations as shown on the attached fiscal note.

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: 4-26-18

  
\_\_\_\_\_  
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 April 30,  
2018, at 1:35p.m., I filed the attached regulations according to the provisions of AS 44.62.040 -  
44.62.120.

  
\_\_\_\_\_  
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

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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:

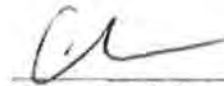


Commissioner

VALERIE DAVIDSON  
(Printed name)

SIGNED AND SWORN TO before me this 31<sup>st</sup> day of August, 2015.

[NOTARY SEAL]



Notary Public in and for the  
State of Alaska

My commission expires: w/office



Register 225, July 2018 HEALTH AND SOCIAL SERVICES

7 AAC 70.010(b) is amended to read:

(b) This chapter does not apply to

(1) an independent mental health practitioner providing diagnostic testing and evaluation services for which the practitioner is billing Medicaid under AS 47.07 and 7 AAC 105 - 7 AAC 160;

(2) a mental health physician clinic providing mental health clinic services for which the provider is billing Medicaid under AS 47.07 and 7 AAC 105 - 7 AAC 160; [OR]

(3) an inpatient psychiatric hospital; or

**(4) a behavior analyst or assistant behavior analyst licensed under**

**AS 08.15, or a behavior analyst group practice enrolled under 7 AAC 105.210.**

(Eff. 10/1/2011, Register 199; am 4/9/2017, Register 222; am 7/1/2018 Register 226)

<b>Authority:</b>	AS 47.05.010	AS 47.30.477	AS 47.30.570
	AS 47.30.470	AS 47.30.530	AS 47.37.140
	AS 47.30.475	AS 47.30.540	

7 AAC 70.030(a)(1)(A) is amended to read:

(A) a community behavioral health services provider under 7 AAC

70.100 that is providing one or more of the following:

(i) behavioral health clinic services;

(ii) behavioral health rehabilitative services;

(iii) detoxification services;

(iv) residential substance use treatment services in accordance

Register 226, July 2018 HEALTH AND SOCIAL SERVICES

with 7 AAC 70.120;

(v) opioid use disorder treatment services;

**(vi) autism services in accordance with 7 AAC 135.350; or**

(Eff. 10/1/2011, Register 199; am 4/9/2017, Register 222; am 7/1/2018, Register 226)

**Authority:** AS 47.05.010 AS 47.30.477 AS 47.30.570  
AS 47.30.470 AS 47.30.530 AS 47.37.140  
AS 47.30.475 AS 47.30.540

7 AAC 70.050 is amended to read:

**7 AAC 70.050. Recipient eligibility for state-financed behavioral health services.**

Money that the department provides to a community behavioral health services provider under AS 47.30.475, 47.30.530 - 47.30.620, or AS 47.37 may be used only to provide services to an individual who

(1) is experiencing a short-term crisis;

(2) has

(A) a maladaptive pattern of substance use, including use of a narcotic drug that may require opioid use disorder treatment services; or

(B) cognitive, behavioral, or physiological symptoms indicating that the individual continues to use a substance despite significant substance-related problems;

(3) is a child experiencing a severe emotional disturbance;

(4) is at least 18 years of age and under 21 years of age,

(A) who, except for age, is an adult experiencing a serious mental

illness; and

(B) whom the provider has determined is best serviced by receiving behavioral health services for adults in the community; [OR]

(5) is an adult experiencing a serious mental illness; or

(6) meets the criteria for autism services under 7 AAC 135.020(b)(4). (Eff.

10/1/2011, Register 199; am 6/16/2016, Register 218; am 4/9/2017, Register 222; am

7 / 1 / 2018, Register 226)

<b>Authority:</b>	AS 47.05.010	AS 47.30.477	AS 47.30.570
	AS 47.30.470	AS 47.30.530	AS 47.37.140
	AS 47.30.475	AS 47.30.540	

7 AAC 70.990 is amended by adding a new paragraph to read:

(36) "autism services"

(A) means the

(i) design, implementation, and evaluation of instructional and environmental modifications to produce socially significant improvements in human behavior;

(ii) empirical identification of functional relations between behavior and environmental factors, and the utilization of contextual factors, motivating operations, antecedent stimuli, positive reinforcement, and other consequences to help people develop new behaviors, increase or decrease existing behaviors, and engage in behaviors under specific environmental

conditions; and

(iii) application of adaptive behavior treatment by protocol, group adaptive behavior treatment by protocol, adaptive behavior treatment by protocol modification, or family adaptive treatment guidance;

(B) does not include

(i) psychological testing;

(ii) diagnosis of a mental or behavioral disorder; or

(iii) the practice of neuropsychology, psychotherapy, cognitive therapy, sex therapy, psychoanalysis, hypnotherapy, or long-term counseling;

(Eff. 10/1/2011, Register 199; am 6/16/2016, Register 218; am 4/9/2017,

Register 222; am 7 / 1 / 2018, Register 226)

**Authority:** AS 47.05.010      AS 47.30.540      AS 47.37.130  
AS 47.30.477      AS 47.30.570      AS 47.37.140  
AS 47.30.530

7 AAC 105.200(a)(1) is amended to read:

(1) a person with an active license under AS 08, or under the laws of the jurisdiction in which the person provides services, to practice as

(A) a physician, including an osteopath;

(B) a podiatrist;

(C) a dentist;

(D) an optometrist;

- (E) a chiropractor;
- (F) a pharmacist or retail pharmacy;
- (G) a physical therapist;
- (H) an occupational therapist;
- (I) an audiologist;
- (J) a speech-language pathologist;
- (K) an advanced nurse practitioner;
- (L) a direct-entry midwife;
- (M) a dietitian;
- (N) a nutritionist;
- (O) a psychologist;
- (P) a hearing aid dealer; [OR]
- (Q) a registered nurse anesthetist; **or**
- (R) a behavior analyst;**

7 AAC 105.200(b) is amended to read:

(b) Each of the following providers must enroll with the department as a rendering provider, but payment for those services will be made through the rendering provider's supervising health care provider enrolled under this section:

- (1) a licensed physician assistant;
- (2) a licensed physical therapy assistant;
- (3) a licensed occupational therapy assistant;



Register 226, July 2018 HEALTH AND SOCIAL SERVICES

- (4) a registered speech-language pathologist assistant;
- (5) a registered respiratory therapist;
- (6) a certified respiratory therapy technician;
- (7) a personal care assistant;
- (8) a care coordinator;
- (9) a licensed practical nurse who provides direct services to a recipient as an employee of a private-duty nursing agency;
- (10) a licensed registered nurse who provides direct services to a recipient as an employee of a private-duty nursing agency;

**(11) a licensed assistant behavior analyst under 7 AAC 135.300;**

**(12) an autism behavior technician under 7 AAC 135.300.**

(Eff. 2/1/2010, Register 193; am 10/1/2011, Register 199; am 5/1/2016, Register 218; am 6/16/2016, Register 218; am 7/1/2018, Register 226)

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

7 AAC 110.210(b) is amended to read:

(b) The department will pay for the following additional services for children under 21 years of age if the screening identifies a need for that service:

- (1) podiatry services under 7 AAC 110.500 - 7 AAC 110.505;
- (2) nutrition services under 7 AAC 110.275;
- (3) private-duty nursing services under 7 AAC 110.520 - 7 AAC 110.535;
- (4) hospice care under 7 AAC 140.280; [.]

Register 226, July 2018 HEALTH AND SOCIAL SERVICES

- (5) chiropractic services under 7 AAC 110.120;
- (6) dental services under 7 AAC 110.140 - 7 AAC 110.160;
- (7) physical therapy under 7 AAC 115.300 - 7 AAC 115.320;**
- (8) occupational therapy under 7 AAC 115.100 - 7 AAC 115.120;**
- (9) speech therapy under 7 AAC 115.400 - 7 AAC 115.420;**
- (10) autism services under 7 AAC 135.350.**

(Eff. 2/1/2010, Register 193; am 5/1/2016, Register 218; am 7/1/2018, Register 226)

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

7 AAC 135.010(a) is amended to read:

(a) The department will pay for a behavioral health service under **7 AAC 135.010 - 7 AAC 135.350** [7 AAC 135.010 - 7 AAC 135.290] if

- (1) the recipient meets the criteria for services under 7 AAC 135.020;
- (2) the provider meets the criteria for payment under 7 AAC 135.030;
- (3) the service is identified as a treatment need in

(A) a professional behavioral health assessment under 7 AAC 135.110 or a reassessment conducted while the recipient is receiving behavioral health services; and

(B) a behavioral health treatment plan;

- (4) screening and brief intervention services are provided in accordance with

7 AAC 135.240;

(5) the department has given prior authorization for the service under 7 AAC 105.130 and 7 AAC 135.040;

- (6) the service is medically necessary and clinically appropriate;
- (7) the service is provided as active treatment;
- (8) the service, if it is a behavioral health clinic service, is provided under the general direction of a physician;
- (9) the service is provided by a member of the provider's staff who is performing that service as a regular duty within the scope of that staff member's knowledge, experience, and education; [AND]
- (10) the clinical record requirements of 7 AAC 105.230 and 7 AAC 135.130 are met; **and**
- (11) the provider meets the criteria for payment under 7 AAC 135.300, if the provider is providing autism services.**

7 AAC 135.010(c) is amended to read:

(c) The department will pay for the following behavioral health rehabilitation services in accordance with this chapter if the service is provided by a member of the provider's staff who is performing that service as a regular duty within the scope of that staff member's knowledge, experience, and education:

- (1) behavioral health screening under 7 AAC 135.100;
- (2) a substance use intake assessment under 7 AAC 135.110(c);
- (3) case management under 7 AAC 135.180;
- (4) detoxification services under 7 AAC 135.190;
- (5) comprehensive community support services for adults under 7 AAC

Register 226, July 2018 HEALTH AND SOCIAL SERVICES

135.200;

(6) therapeutic behavioral health services for children under 7 AAC 135.220;

(7) recipient support services under 7 AAC 135.230;

(8) medication administration services under 7 AAC 135.260;

(9) behavioral health treatment plan review and development, including a client status review under 7 AAC 135.100;

(10) medical evaluation;

(11) methadone or antabuse administration;

(12) behavioral health treatment plan review for a recipient in an opioid use disorder treatment program;

(13) day treatment services for children under 7 AAC 135.250;

(14) daily behavioral rehabilitation services under 7 AAC 135.270;

(15) residential substance use treatment services under 7 AAC 135.280;

(16) short-term crisis stabilization services under 7 AAC 135.170;

(17) facilitation of a telemedicine session under 7 AAC 135.290;

**(18) autism services under 7 AAC 135.350.**

(Eff. 10/1/2011, Register 199; am 4/9/2017, Register 222; am 7/1/2018, Register 226)

**Authority:** AS 47.05.010 AS 47.07.030

7 AAC 135.020(b) is amended to read:

(b) The department will pay for behavioral health rehabilitation services for the following individuals only:

- (1) an individual experiencing a substance use disorder characterized by
  - (A) a maladaptive pattern of substance use; or
  - (B) cognitive, behavioral, or physiological symptoms indicating that the individual will continue to use a substance despite significant substance-related problems associated with its use;
- (2) a child experiencing a severe emotional disturbance;
- (3) except as provided in (d) of this section, an adult experiencing a serious mental illness;
- (4) an individual under 21 years of age who meets the criteria in (e) or (f) of this section.**

7 AAC 135.020 is amended by adding new subsections to read:

- (e) To be eligible for payment under 7 AAC 105 - 7 AAC 160 for autism services, a recipient must
  - (1) be under 21 years of age;
  - (2) have a qualifying diagnosis of autism spectrum disorder, as determined by either a mental health professional as defined in AS 47.30.915 or a health care professional who is qualified based on that individual's scope of practice, training, education, and experience to assess and diagnose autism spectrum disorders in children; and
  - (3) provide documentation, completed by a licensed behavior analyst who meets the requirements of 7 AAC 135.300, that includes a recipient assessment conducted under 7 AAC 135.350 and that

(A) establishes the presence of

- (i) functional impairments;
- (ii) delays in communication, behavior, or social interaction; or
- (iii) repetitive or stereotyped behaviors;

(B) establishes that the recipient's identified impairments, delays, or behaviors adversely affect normal child growth and development, communication, or both, such that

(i) the recipient cannot adequately participate in home, school, or community activities because the behaviors or social skill deficits interfere or impede access with these activities; or

(ii) the recipient's behaviors endanger either the recipient or another person; and

(C) indicates that the requested autism services are expected to result in measurable improvement in either the recipient's behaviors, skills, or both.

(f) In addition to those individuals who are eligible under (e) of this section, an individual who is eligible for home and community-based waiver services under 7 AAC 130.205(d)(1) and (3) and who received prior authorization from the department to receive, and was receiving, applied behavioral analysis services through intensive active treatment under 7 AAC 130.275 as of June 30, 2018, remains eligible for autism services under this section as of July 1, 2018. (Eff. 10/1/2011, Register 199; am 7/1/2018, Register 226)

**Authority:** AS 47.05.010 AS 47.07.030

Register 226, July 2018 HEALTH AND SOCIAL SERVICES

7 AAC 135.030(a) is amended to read:

(a) To be eligible for payment under 7 AAC 135.010 - 7 AAC 135.350 [7 AAC 135.010 - 7 AAC 135.290] for providing Medicaid behavioral health services, a provider must be enrolled in Medicaid under 7 AAC 105.210 and must be either

(1) a community behavioral health services provider;

(2) a mental health physician clinic that meets the requirements of (d) and (e) of this section; [OR]

(3) a psychologist who

(A) meets the requirements of 7 AAC 110.550; and

(B) provides psychological testing and evaluation under 7 AAC

135.110(g);

**(4) a licensed behavior analyst who**

**(A) meets the requirements of 7 AAC 135.300; and**

**(B) provides autism services under 7 AAC 135.350; or**

**(5) a licensed behavior analyst group practice that**

**(A) meets the requirements of 7 AAC 135.300; and**

**(B) provides autism services under 7 AAC 135.350.**

(Eff. 10/1/2011, Register 199; am 7/1/2018, Register 226)

**Authority:** AS 47.05.010 AS 47.07.030

7 AAC 135.040(c) is amended by adding a new paragraph to read:

(19) autism services provided in accordance with 7 AAC 135.350 that do not

exceed more than

(A) a total of 1,040 hours in a six-month period for either

(i) adaptive behavior treatment by protocol;

(ii) group adaptive behavior treatment by protocol; or

(iii) a combination of adaptive behavior treatment by protocol

and group adaptive behavior treatment by protocol;

(B) 52 hours of adaptive behavior treatment by protocol modification in a six-month period;

(C) 12 family adaptive behavior treatment guidance sessions in a 12-month period of time;

(D) one behavior identification reassessment in a six-month period; and

(E) the initial behavior identification assessment conducted by a licensed

behavior analyst in accordance with 7 AAC 135.350(b) for a new or returning recipient.

(Eff. 10/1/2011, Register 199; am 4/9/2017, Register 222; am 7/1/2018, Register 226)

**Authority:** AS 47.05.010 AS 47.07.030

7 AAC 135 is amended by adding new sections to Article 2 to read:

**7 AAC 135.300. Autism services; provider qualifications.** (a) To qualify for payment for autism services, a provider must be a community behavioral health services provider, a behavior analyst who meets the requirements in (c) of this section, or a behavior analyst group practice enrolled under 7 AAC 105.210. If the provider is

(1) a community health behavioral services provider, the provider must



(A) meet the qualifications in 7 AAC 70.100 and 7 AAC 135.030;

(B) employ at least one behavior analyst licensed under

AS 08.15.020(a); the provider may, subject to (D) of this paragraph, employ an assistant behavior analyst licensed under AS 08.15.020(b), or employ an autism behavior technician under (i) of this section who meets the requirements in (c)(3) of this section;

(C) obtain prior authorization for providing an extension of autism services in accordance with 7 AAC 105.130 and 7 AAC 135.040(d);

(D) ensure that each individual rendering autism services is supervised in accordance with (d) of this section, and separately enrolled under 7 AAC 105.210; and

(E) provide autism services in accordance with 7 AAC 135.350;

(2) a behavior analyst, the provider must

(A) be enrolled as an independent provider in accordance with 7 AAC 105.200(a) and 7 AAC 105.210;

(B) obtain prior authorization for providing an extension of autism services in accordance with 7 AAC 105.130 and 7 AAC 135.040(d); and

(C) provide autism services in accordance with 7 AAC 135.350;

(3) a behavior analyst group practice, the provider must

(A) be enrolled under 7 AAC 105.210 as a behavior analyst group practice;

(B) be comprised of at least one licensed behavior analyst;

(C) ensure that each individual providing autism services is supervised in accordance with (d) of this section, and separately enrolled as a provider in accordance

Register *226, July* 2018 HEALTH AND SOCIAL SERVICES

with 7 AAC 105.210;

(D) obtain prior authorization for providing an extension of autism services in accordance with 7 AAC 105.130 and 7 AAC 135.040(d); and

(E) provide services in accordance with 7 AAC 135.350.

(b) A provider may only provide autism services to a recipient listed in 7 AAC 135.020(e) or (f).

(c) Autism services may only be provided by

(1) a behavior analyst who

(A) is enrolled as a behavior analyst and an independent provider under 7 AAC 105.200(a) and 7 AAC 105.210;

(B) has an active license to practice behavior analysis issued

(i) by the jurisdiction in which the behavior analyst provides services, if the behavior analyst provides services outside this state; or

(ii) under AS 08.15.020(a), if the behavior analyst provides services in this state; and

(C) is currently certified by the Behavior Analyst Certification Board, Inc., or another certifying entity approved under AS 08.15.020(a)(4);

(2) an assistant behavior analyst who

(A) is enrolled as an assistant behavior analyst and a rendering provider under 7 AAC 105.200(b) and 7 AAC 105.210;

(B) has an active license to practice as an assistant behavior analyst issued

(i) by the jurisdiction in which the assistant behavior analyst provides services, if the assistant behavior analyst provides services outside this state; or

(ii) under AS 08.15.020(b), if the assistant behavior analyst provides services in this state; and

(C) is currently certified by the Behavior Analyst Certification Board, Inc., or another certifying entity approved under AS 08.15.020(b)(4); or

(3) an autism behavior technician who is

(A) enrolled as an autism behavior technician and a rendering provider under 7 AAC 105.200(b) and 7 AAC 105.210; and

(B) currently registered by the Behavior Analyst Certification Board, Inc., currently certified by the Behavior Intervention Certification Council, or currently registered or certified by a similar organization approved by the department, except that an autism behavior technician who is not yet registered or certified on <sup>July 1, 2018</sup> ~~effective date of regulations~~ may continue to provide autism services in accordance with (i) of this section, but must become registered or certified not later than June 30, 2019.

(d) A licensed behavior analyst who wishes to supervise an assistant behavior analyst or an autism behavior technician, and a licensed assistant behavior analyst who wishes to supervise an autism behavior technician, must first complete the supervisory training required by the Behavior Analyst Certification Board, Inc., or another certifying entity approved under AS 08.15.020.

(e) To be enrolled with the department, a licensed behavior analyst, licensed assistant

behavior analyst, and autism behavior technician may not have been denied a health care provider license, certification, or registration for a reason related to patient services described in 7 AAC 105 - 7 AAC 160, or ever had a license, certification, or registration revoked. A licensed behavior analyst, licensed assistant behavior analyst, and autism behavior technician are subject to the applicable requirements of AS 47.05.300 - 47.05.390 and 7 AAC 10.900 - 7 AAC 10.990 (barrier crimes, criminal history checks, and centralized registry), and shall submit to the department a request for a criminal history check as required under 7 AAC 10.910.

(f) The department will not pay for services provided by a licensed behavior analyst, licensed assistant behavior analyst, or autism behavior technician for whom a criminal history check was not requested as required under 7 AAC 10.910 or who does not pass a criminal history check under 7 AAC 10.900 - 7 AAC 10.990. However, except as restricted by applicable federal law, the department will not withhold payment if it grants a provisional valid criminal history check under 7 AAC 10.920 or a variance under 7 AAC 10.935.

(g) A licensed behavior analyst with the training required under (d) of this section may supervise the work of an assistant behavior analyst and an autism behavior technician.

(h) A licensed assistant behavior analyst must be supervised by a licensed behavior analyst with the training required under (d) of this section. A licensed assistant behavior analyst with the training required under (d) of this section may supervise the work of an autism behavior technician.

(i) An autism behavior technician is an individual who is primarily responsible for the direct implementation of behavior analysis services. For purposes of the exemption under AS 08.15.070(3) from licensure, an autism behavior technician must be supervised by a licensed

Register 226, July 2018 HEALTH AND SOCIAL SERVICES

behavior analyst or licensed assistant behavior analyst with the training required under (d) of this section. An autism behavior technician may not design intervention or assessment plans. An autism behavior technician is responsible for implementing interventions developed by the supervisory behavior analyst or assistant behavior analyst, including

- (1) providing instruction;
- (2) introducing behavior protocols;
- (3) providing direct assistance to the behavior analyst or assistant behavior analyst;
- (4) engaging in data collection procedures;
- (5) providing behavioral intervention in home, community, and school settings;
- (6) using applied behavior analysis interventions to teach communication, social, and daily living skills and reduce problematic behaviors; and
- (7) providing applied behavior analysis interventions that encourage socially acceptable replacement behaviors so an individual can build and improve the individual's communication, social interaction, and problem-solving skills. (Eff. 7/1/2018, Register 226)

**Authority:** AS 47.05.010 AS 47.07.030

**Editor's note:** Information on supervisory certification by the Behavior Analyst Certification Board, Inc., may be obtained from the Behavior Analyst Certification Board, Inc., 7950 Shaffer Parkway, Littleton, CO 80127; telephone number: (720) 438-4321; Internet address: <https://bacb.com/contact-us/> ,

**7 AAC 135.350. Autism services.** (a) The department will pay for the following rehabilitative autism services provided to a recipient listed in 7 AAC 135.020(e) or (f) if provided by a provider identified in 7 AAC 135.300:

- (1) initial behavior identification assessment;
- (2) behavior identification reassessment;
- (3) adaptive behavior treatment by protocol;
- (4) group adaptive behavior treatment by protocol;
- (5) family adaptive behavior treatment guidance;
- (6) adaptive behavior treatment by protocol modification.

(b) The department will pay for an initial behavior identification assessment if it is conducted by a licensed behavior analyst and if it

- (1) interprets information from multiple informants and data sources, including

(A) a referral from a mental health professional, as defined in AS 47.30.915, or a health care professional who is qualified based on that individual's training, education, experience and scope of practice to assess and diagnose autism spectrum disorders in children;

(B) direct observation of the recipient in different settings and situations;

(C) information on the recipient's skill deficits, deficient adaptive behaviors, or maladaptive behaviors from the following sources:

- (i) in-person observation of the recipient;
- (ii) structured interviews with the guardian or caregiver;
- (iii) administration of standardized and nonstandardized tests;

- (iv) a detailed behavioral history;
- (v) interpretation of test results; and

(D) additional information, if it exists, from the following collateral

sources:

- (i) intellectual and achievement tests;
- (ii) developmental assessments;
- (iii) assessments of comorbid mental health conditions;
- (iv) evaluations of family functioning and needs;
- (v) results of neuropsychological testing;
- (vi) results of other standardized psychometric tests, including

measures of general psychopathology; and

(2) results in a written report that

- (A) identifies the skill deficits and deficient adaptive behaviors or maladaptive behaviors that should be the focus of treatment;
- (B) indicates if the recipient's behavior and level of functioning interferes with the recipient's ability to adequately participate in age appropriate home, school, or community activities;
- (C) indicates if the recipient's behavior poses a danger to the recipient or others;
- (D) indicates that the treatment goals and treatment targets, in the professional judgment of the behavior analyst, is expected to result in measurable improvement in either the recipient's behaviors or level of functioning or both;

(E) identifies the potential functional relationship between behavior and environmental factors;

(F) identifies motivational and contextual factors that may be used in the course of treatment to assist with modification and reinforcement of behavior;

(G) recommends services and protocols that form the basis for an individualized treatment plan; and

(H) avoids duplication of services by ensuring that a listing of all current services being delivered to the recipient is provided, including

(i) home and community-based waiver services through plans of care developed under 7 AAC 130;

(ii) behavioral health treatment plans;

(iii) individualized education plans offered through school-based services under 7 AAC 115.600;

(iv) individualized family service plans under AS 47.20.100;

(v) services covered under third-party insurance payers; and

(vi) any privately funded services that families seek through private foundations and private donation campaigns.

(c) Not more frequently than once every six months, the department will pay for a behavior identification reassessment if conducted by a licensed behavior analyst to obtain prior authorization under 7 AAC 135.040(d) to extend autism services. The reassessment must establish

(1) the recipient's measured progress over the course of treatment;



(2) an adjusted baseline in the areas of social skills, communication skills, language skills, adaptive behaviors, and maladaptive behaviors that are the focus of treatment;

(3) recommended updates to the recipient's treatment plan; and

(4) an estimated timeline and number of treatment hours necessary to achieve each of the recipient's treatment goals.

(d) The department will pay for adaptive behavior treatment by protocol conducted by a provider identified in 7 AAC 135.300(a) if the

(1) treatment adheres to the protocols identified by a licensed behavior analyst;

and

(2) service is used to introduce and reinforce incremental change in recipient skills and behavior.

(e) The department will pay for group adaptive behavior treatment by protocol conducted by a provider listed in 7 AAC 135.300(a) if the service is provided

(1) to a group with at least two and not more than eight recipients;

(2) according to the protocols identified in the treatment plan created by a licensed behavior analyst; and

(3) to assist with the development of individually identified social skills.

(f) The department will pay for family adaptive behavior treatment guidance provided by a licensed behavior analyst or assistant behavior analyst, or by an autism behavior technician, to

(1) instruct a recipient's guardian and caregivers on the recipient's identified problem behaviors and deficit skills; and

(2) teach a recipient's guardian and caregivers to use planned treatment protocols to intervene with the recipient to reinforce change and to maintain treatment progress.

(g) After the initial six months of planned services provided in accordance with 7 AAC 135.040(c)(19)(A) and (B), and the initial behavior identification assessment authorized in 7 AAC 135.040(c)(19)(E), to receive payment for any of the additional recipient services identified in (a) - (f) of this section, a provider must obtain prior authorization under 7 AAC 135.040(d) and meet the requirements of (c) and (h) - (j) of this section.

(h) To receive payment for autism services a provider must develop and update as needed an individual treatment plan that includes

(1) recommended protocols for service provision;

(2) objective, measurable, and developmentally appropriate treatment goals related to skills development, improvement in adaptive functioning and modification of problem behavior, and other relevant diagnostic criteria for autism spectrum disorder as listed in the *Diagnostic and Statistical Manual of Mental Disorders*, adopted by reference in 7 AAC 160.900;

(3) the anticipated timeline for improvement based on the initial behavior identification assessment and subsequent behavior identification reassessments conducted over the duration of treatment; and

(4) interventions with a recipient's guardian and caregivers designed to reinforce treatment and treatment progress.

(i) To receive payment for autism services provided under this section, a provider must maintain a clinical record in accordance with 7 AAC 135.130. The clinical record also must

include

(1) verification of a diagnosis of autism spectrum disorder from a mental health professional as defined in AS 47.30.915, or a health care professional who is qualified based on that individual's scope of practice, training, education, and experience to assess and diagnose autism spectrum disorders in children;

(2) an initial behavior identification assessment under (b) of this section; and

(3) any behavior identification reassessment under (c) of this section.

(j) Except as set out in (k)(9)(C) of this section, autism services may be provided in the following settings:

(1) the recipient's home, school, and community;

(2) a behavior analyst's office;

(3) an outpatient clinic;

(4) another appropriate community setting.

(k) The department will not pay for any of the following services or interventions as a Medicaid covered service under this section:

(1) a service listed under 7 AAC 105.110 or 7 AAC 135.010(d);

(2) respite for the family;

(3) increasing the recipient's social activity;

(4) addressing a recipient's antisocial behavior or legal problems;

(5) autism services provided by a recipient's immediate family member, foster parent, or legal guardian, unless a court has authorized that legal guardian to provide those services under AS 13.26.316;

- (6) any two or more autism services provided concurrently;
- (7) a behavioral health rehabilitation service under 7 AAC 135.010(c) provided concurrently with an autism service;
- (8) when a licensed behavior analyst, licensed assistant behavior analyst, or autism behavior technician acts as a different kind of paid treatment provider or caregiver at the same time;
- (9) claims by a licensed behavior analyst, licensed assistant behavior analyst, or autism behavior technician that include time spent
  - (A) assisting a recipient with school work for the sole purpose of education in the home, school, or community;
  - (B) providing leisure or social activities solely for the purpose of entertainment, play, or recreation; or
  - (C) providing autism services to a patient in an outpatient hospital, general acute care hospital, inpatient psychiatric hospital, residential psychiatric treatment center, intermediate care facility, skilled nursing facility, or intermediate care facility for individuals with an intellectual disability or related condition, except for services for which the department gives prior authorization to specifically assist the recipient with discharge planning from these care facilities.
  - (D) Notwithstanding any other provision of this section, the department will pay for authorized behavioral health clinic services under 7 AAC 135.010(b), any service listed in 7 AAC 110.210(b), or any required medical service on the same day a recipient receives approved autism services under this chapter.

Register 226, July 2018 HEALTH AND SOCIAL SERVICES

(m) To avoid a break in treatment, a provider of autism services shall submit a request for additional authorized periods of autism services 14 days before the end of the previously authorized period of treatment. The prior authorization request must include a behavior identification reassessment under (c) of this section, and an updated treatment plan under (g) and (h) of this section. (Eff. 7 / 1 / 2018, Register 226)

**Authority:** AS 47.05.010 AS 47.07.030

7 AAC 135.990 is amended by adding new paragraphs to read:

(25) "adaptive behavior treatment" means services to treat a recipient's deficient adaptive behaviors or maladaptive behaviors, a recipient's impaired social skills and communication, or the recipient's destructive behaviors that impair, delay or adversely affect normal childhood growth, development, or communication;

(26) "adaptive behavior treatment by protocol"

(A) means adaptive behavior treatment that adheres to the protocols that the behavior analyst has designed;

(B) includes skills training delivered to a recipient by introducing small, incremental changes to the recipient's expected routine along one or more stimulus dimensions, and delivering reinforcement each time the recipient appropriately tolerates a given stimulus change;

(27) "adaptive behavior treatment by protocol modification" means a licensed behavior analyst directly demonstrates a recipient's individualized new or modified protocol with the recipient to a recipient's licensed assistant behavior analyst, autism behavior technician,

guardian, or parent;

(28) "autism services"

(A) means the

(i) design, implementation, and evaluation of instructional and environmental modifications to produce socially significant improvements in human behavior;

(ii) empirical identification of functional relations between behavior and environmental factors, and the utilization of contextual factors, motivating operations, antecedent stimuli, positive reinforcement, and other consequences to help people develop new behaviors, increase or decrease existing behaviors, and engage in behaviors under specific environmental conditions; and

(iii) application of adaptive behavior treatment by protocol, group adaptive behavior treatment by protocol, adaptive behavior treatment by protocol modification, or family adaptive behavior treatment guidance;

(B) does not include

(i) psychological testing;

(ii) diagnosis of a mental or behavioral disorder; or

(iii) the practice of neuropsychology, psychotherapy, cognitive therapy, sex therapy, psychoanalysis, hypnotherapy, or long-term counseling;

(29) "family adaptive behavior treatment guidance" means guidance provided to the family by a licensed behavior analyst, a licensed assistant behavior analyst, or an autism

Register 226, July 2018 HEALTH AND SOCIAL SERVICES

behavior technician, with or without the recipient present, that identifies recipient problem behaviors and deficits and teaches guardians and caregivers to use treatment protocols in order to support the services provided to the recipient by a behavior analyst, assistant behavior analyst, or autism behavior technician;

(30) "group adaptive behavior treatment by protocol" means adaptive behavior treatment by protocol provided in a group of at least two recipients and not more than eight recipients;

(31) "recipient's immediate family member" means

(A) a recipient's parent, spouse, or sibling living in the same residence as the recipient; or

(B) an adult relative or nonrelative caregiver who is acting in the place of a parent. (Eff. 10/1/2011, Register 199; am 6/16/2016, Register 218; am 7/1/2018, Register 226)

**Authority:** AS 47.05.010 AS 47.07.030

7 AAC 145.580(a) is amended by adding new paragraphs to read:

(36) initial behavior identification assessment under 7 AAC 135.350, \$480.76 per assessment;

(37) behavior identification reassessment under 7 AAC 135.350, \$259.61 per assessment;

(38) adaptive behavior treatment by protocol under 7 AAC 135.350, \$38.04 per 30-minute episode;

Register 226, July 2018 HEALTH AND SOCIAL SERVICES

(39) group adaptive behavior treatment by protocol under 7 AAC 135.350,  
\$15.21 per 30-minute episode;

(40) family adaptive behavior treatment guidance under 7 AAC 135.350, \$62.83  
per presentation;

(41) adaptive treatment by protocol modification under 7 AAC 135.350, \$50.06  
per 30-minute episode.

(Eff. 2/1/2010, Register 193; am 10/1/2011, Register 199; am 4/9/2017, Register 222; am  
5/21/2017, Register 222; 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.: JU2016200132

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: services for behavioral health, Medicaid coverage and payment, and autism services (7 AAC 70.010(b); 7 AAC 70.030(a)(1)(A); 7 AAC 70.050; 7 AAC 70.990(36); 7 AAC 105.200(a)(1), (b); 7 AAC 110.210(b); 7 AAC 135.010(a), (c); 7 AAC 135.020; 7 AAC 135.030(a); 7 AAC 135.040(c)(19); 7 AAC 135.300; 7 AAC 135.350; 7 AAC 135.990; 7 AAC 145.580(a))

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 revise provisions regarding state-financed behavioral health services and Medicaid services, in particular procedures and requirements for Medicaid coverage and payment for autism services as part of behavioral health services for recipients under 21 years of age. The regulations also expand the range of services available, including autism services, as part of Medicaid early and periodic screening, diagnosis, and treatment (EPSDT) services for recipients under 21 years of age.

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.

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 a related project relating to Medicaid coverage and payment for intensive active treatment services as part of home and community-based waiver services (Department of Law file no. JU2017200102 (Part 2)). The related project also has a special effective date of July 1, 2018.

Also please note that 7 AAC 135.300(c)(3)(B), on page 16 of the attached regulations, contains a placeholder for a date that is timed to the effective date of the regulations: i.e., the

special effective date of July 1, 2018. Once the regulations are filed and the effective date thus established under AS 44.62.180, we request that your office make handwritten edits to substitute "July 1, 2018" for the placeholder text.

Though the August 14, 2017 public notice and October 15 supplemental public notice stated that this action was not expected to require increased appropriations, the October 22, 2017 supplemental public notice and the April 26, 2018 adoption order both state that it is estimated that the regulations will require increased appropriations. Therefore, a fiscal note as required under AS 44.62.195 is attached.

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

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

Steven J. Bookman, Assistant Attorney General  
Human Services Section

Elizabeth J. Smith, 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.:** JU2016200132

**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: services for behavioral health, Medicaid coverage and payment, and autism services (7 AAC 70.010(b); 7 AAC 70.030(a)(1)(A); 7 AAC 70.050; 7 AAC 70.990(36); 7 AAC 105.200(a)(1), (b); 7 AAC 110.210(b); 7 AAC 135.010(a), (c); 7 AAC 135.020; 7 AAC 135.030(a); 7 AAC 135.040(c)(19); 7 AAC 135.300; 7 AAC 135.350; 7 AAC 135.990; 7 AAC 145.580(a))

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

NOTICE OF PROPOSED CHANGES ON BEHAVIORAL HEALTH SERVICES, MEDICAID COVERAGE & PAYMENT: AUTISM SERVICES IN THE REGULATIONS OF DEPARTMENT OF HEALTH & SOCIAL SERVICES

BRIEF DESCRIPTION

The Department of Health & Social Services proposes to change regulations on behavioral health services, and Medicaid coverage and payment to add autism services.

The Department of Health & Social proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with behavioral health services, and Medicaid coverage and payment, to add autism services, including the following:

7 AAC 70, 105, 110, 135, 145, & 160, are proposed to be changed as follows:

- Revise Medicaid coverage and payment rates related to Autism Services including provider requirements and recipient participation.

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 Rick Calcote at the Division of Behavioral Health, 3601 C Street, Suite 878, Anchorage, AK 99503. Additionally, the Department of Health & Social Services will accept comments by facsimile at (907) 269-3623 and by electronic mail at [hss.dbh.publiccomments@alaska.gov](mailto:hss.dbh.publiccomments@alaska.gov). The comments must be received no later than 5 p.m. on October 10, 2017.

Oral or written comments also may be submitted at a hearing to be held on [month and day, year], at [room number], [physical address, including city]. The hearing will be held from [time] to [time] and might be extended to accommodate those present before [time] who did not have an opportunity to comment.

You may submit written questions relevant to the proposed action to Rick Calcote at the Division of Behavioral Health, 3601 C Street Suite 878, Anchorage, AK 99503. 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 response available on the Alaska Online Public Notice System at <https://aws.state.ak.us/OnlinePublicNotices/> and agency website website at <http://dhss.alaska.gov/dbh/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 Rick Calcote by e-mail at [rick.calcote@alaska.gov](mailto:rick.calcote@alaska.gov) or by telephone at (907) 269-3617, not later than September 12, 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 at <https://aws.state.ak.us/OnlinePublicNotices/> and by contacting Rick Calcote by e-mail at [rick.calcote@alaska.gov](mailto:rick.calcote@alaska.gov) or by telephone at (907) 269-3617.

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 47.07.030; AS 47.07.040; AS 47.30.470; AS 47.30.475; AS 47.30.477; AS 47.30.530; AS 47.30.540; AS 47.30.570; AS 47.37.140.

**Statutes being implemented, interpreted, or made specific:** AS 47.05.010; AS 47.07.030; AS 47.07.040; AS 47.30.470; AS 47.30.475; AS 47.30.477; AS 47.30.530; AS 47.30.540; AS 47.30.570; AS 47.37.140.

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

DATE: \_\_\_\_\_

8-9-17



Jon Sherwood  
Deputy Commissioner  
Department of Health & Social Services

NOTICE OF PROPOSED CHANGES ON BEHAVIORAL HEALTH SERVICES, MEDICAID COVERAGE & PAYMENT: AUTISM SERVICES IN THE REGULATIONS OF DEPARTMENT OF HEALTH & SOCIAL SERVICES

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Oral or written comments also may be submitted at a hearing to be held on September 22, 2017, at Conference Room 890 & 896, 3601 C St., Anchorage, AK 99503. The hearing will be held from 9am to 1pm and might be extended to accommodate those present before 12:30pm who did not have an opportunity to comment. If you are unable to attend in person, but would like to comment during the oral public hearing, you can call the teleconference number (800) 315-6338 (Toll Free) and use the code 36171#.

You may submit written questions relevant to the proposed action to Rick Calcote at the Division of Behavioral Health, 3601 C Street Suite 878, Anchorage, AK 99503. 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 response available on the Alaska Online Public Notice System at <https://aws.state.ak.us/OnlinePublicNotices/> and agency website website at <http://dhss.alaska.gov/dbh/Pages/default.aspx>.

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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.**

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**Statutes being implemented, interpreted, or made specific:** AS 47.05.010; AS 47.07.030; AS 47.07.040; AS 47.30.470; AS 47.30.475; AS 47.30.477; AS 47.30.530; AS 47.30.540; AS 47.30.570; AS 47.37.140.

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

DATE: August 9, 2017.

/s/ Jon Sherwood

Deputy Commissioner

Department of Health & Social Services

NOTICE OF PROPOSED CHANGES ON BEHAVIORAL HEALTH SERVICES, MEDICAID COVERAGE & PAYMENT: AUTISM SERVICES IN THE REGULATIONS OF DEPARTMENT OF HEALTH & SOCIAL SERVICES

BRIEF DESCRIPTION

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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 47.07.030; AS 47.07.040; AS 47.30.470; AS 47.30.475; AS 47.30.477; AS 47.30.530; AS 47.30.540; AS 47.30.570; AS 47.37.140.

**Statutes being implemented, interpreted, or made specific:** AS 47.05.010; AS 47.07.030; AS 47.07.040; AS 47.30.470; AS 47.30.475; AS 47.30.477; AS 47.30.530; AS 47.30.540; AS 47.30.570; AS 47.37.140.

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

DATE: \_\_\_\_\_

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

NOTICE OF PROPOSED CHANGES ON BEHAVIORAL HEALTH SERVICES, MEDICAID COVERAGE & PAYMENT: AUTISM SERVICES IN THE REGULATIONS OF DEPARTMENT OF HEALTH & SOCIAL SERVICES

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

DATE: \_\_\_\_\_

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

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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 Rick Calcote at the Division of Behavioral Health, 3601 C Street, Suite 878, Anchorage, AK 99503. Additionally, the Department of Health & Social Services will accept comments by facsimile at (907) 269-3623 and by electronic mail at [hss.dbh.publiccomments@alaska.gov](mailto:hss.dbh.publiccomments@alaska.gov). The comments must be received no later than 5 p.m. on October 10, 2017.

Oral or written comments also may be submitted at a hearing to be held on [month and day, year], at [room number], [physical address, including city]. The hearing will be held from [time] to [time] and might be extended to accommodate those present before [time] who did not have an opportunity to comment.

You may submit written questions relevant to the proposed action to Rick Calcote at the Division of Behavioral Health, 3601 C Street Suite 878, Anchorage, AK 99503. 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 response available on the Alaska Online Public Notice System at <https://aws.state.ak.us/OnlinePublicNotices/> and agency website website at <http://dhss.alaska.gov/dbh/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 Rick Calcote by e-mail at [rick.calcote@alaska.gov](mailto:rick.calcote@alaska.gov) or by telephone at (907) 269-3617, not later than September 12, 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 at <https://aws.state.ak.us/OnlinePublicNotices/> and by contacting Rick Calcote by e-mail at [rick.calcote@alaska.gov](mailto:rick.calcote@alaska.gov) or by telephone at (907) 269-3617.

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 47.07.030; AS 47.07.040; AS 47.30.470; AS 47.30.475; AS 47.30.477; AS 47.30.530; AS 47.30.540; AS 47.30.570; AS 47.37.140.

**Statutes being implemented, interpreted, or made specific:** AS 47.05.010; AS 47.07.030; AS 47.07.040; AS 47.30.470; AS 47.30.475; AS 47.30.477; AS 47.30.530; AS 47.30.540; AS 47.30.570; AS 47.37.140.

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

DATE: 8-9-17

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

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## Notice of Proposed Changes- Services for Behavioral Health, Medicaid Coverage & Payment: Autism Services

NOTICE OF PROPOSED CHANGES ON BEHAVIORAL HEALTH SERVICES, MEDICAID COVERAGE & PAYMENT: AUTISM SERVICES IN THE REGULATIONS OF DEPARTMENT OF HEALTH & SOCIAL SERVICES

### BRIEF DESCRIPTION

The Department of Health & Social Services proposes to change regulations on behavioral health services, and Medicaid coverage and payment to add autism services.

The Department of Health & Social proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with behavioral health services, and Medicaid coverage and payment, to add autism services, including the following:

7 AAC 70, 105, 110, 135, 145, & 160, are proposed to be changed as follows:

- Revise Medicaid coverage and payment rates related to Autism Services including provider requirements and recipient participation.

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 Rick Calcote at the Division of Behavioral Health, 3601 C Street, Suite 878, Anchorage, AK 99503. Additionally, the Department of Health & Social Services will accept comments by facsimile at (907) 269-3623 and by electronic mail at [hss.dbh.publiccomments@alaska.gov](mailto:hss.dbh.publiccomments@alaska.gov). The comments must be received no later than 5 p.m. on October 10, 2017.

Oral or written comments also may be submitted at a hearing to be held on September 22, 2017, at Conference Room 890 & 896, 3601 C St., Anchorage, AK 99503. The hearing will be held from 9am to 1pm and might be extended to accommodate those present before 12:30pm who did not have an opportunity to comment. If you are unable to attend in person, but would like to comment during the oral public hearing, you can call the teleconference number (800) 315-6338 (Toll Free) and use the code 36171#.

You may submit written questions relevant to the proposed action to Rick Calcote at the Division of Behavioral Health, 3601 C Street Suite 878, Anchorage, AK 99503. 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 response available on the Alaska Online Public Notice System at <https://aws.state.ak.us/OnlinePublicNotices/> and agency website website at <http://dhss.alaska.gov/dbh/Pages/default.aspx>.

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A copy of the proposed regulation changes is available on the Alaska Online Public Notice System at <https://aws.state.ak.us/OnlinePublicNotices/> and by contacting Rick Calcote by e-mail at [rick.calcote@alaska.gov](mailto:rick.calcote@alaska.gov) or by telephone at (907) 269-3617.

### Tools

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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.**

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

DATE: August 9, 2017.  
/s/Jon Sherwood  
Deputy Commissioner  
Department of Health & Social Services

## Attachments, History, Details

### Attachments

DBH.AutismSvc. Additional Regs. Notice Info. Signed. 08.09.2017. JU2016200132.pdf  
DBH.AutismSvc. Fiscal Note. Signed. 08.10.17. JU2016200132.pdf  
DBH.AutismSvc. PUBLIC REVIEW DRAFT  
Regs. 08.09.2017. JU2016200132.pdf

### Revision History

Created 8/10/2017 2:07:54 PM by tvsurve  
Modified 10/9/2017 4:03:16 PM by rmcaltote  
Modified 10/10/2017 6:37:53 PM by tvsurve

### Details

Department: Health and Social Services  
Category: Regulations  
Sub-Category: Notice of Proposed Regulations  
Location(s): Statewide  
Project/Regulation #: JU2016200132

Publish Date: 8/10/2017  
Archive Date: 10/11/2017

Events/Deadlines:

[Help](#) [Alaska Admin Journal](#) [Contact](#)

[State of Alaska](#) [myAlaska](#) [My Government](#) [Resident](#) [Business in Alaska](#) [Visiting Alaska](#) [State Employees](#)

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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: Autism Services
3. Citation of regulation (may be grouped): 7 AAC 70; 105, 110, 135, 145, 160.
4. Department of Law file number, if any: JU2016200132
  
5. Reason for the proposed action:
  - ( X ) Compliance with federal law or action (identify): Federal requirement to cover all medically necessary services for children including children with Autism Spectrum Disorder (ASD) under Early and Periodic Screening Diagnostic and Treatment (EPSDT).
  - ( ) Compliance with new or changed state statute
  - ( ) Compliance with federal or state court decision (identify): \_\_\_\_\_
  - ( X ) Development of program standards
  - ( ) Other (identify): \_\_\_\_\_
  
6. Appropriation/Allocation: Div. of Behavioral Health/BH Admin.; Medicaid Services/BH Medicaid.
  
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 17 _____	Subsequent Years FY 18 and forward
Operating Cost	<u>\$373.4</u>	<u>\$275.7</u>
Capital Cost	<u>\$ _____</u>	<u>\$ _____</u>
1002 Federal receipts	<u>\$10,646.3</u>	<u>\$14,805.4</u>
1003 General fund match	<u>\$10,669.4</u>	<u>\$14,837.6</u>
1004 General fund	<u>\$ _____</u>	<u>\$ _____</u>
1005 General fund/ program	<u>\$ _____</u>	<u>\$ _____</u>
Other (identify)	<u>\$ _____</u>	<u>\$ _____</u>



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

Name: Rick Calcote  
Title: Mental Health Clinician III  
Address: 3601 C Street, Suite 878, Anchorage, AK. 99503  
Telephone: 907-269-3617  
E-mail address: rick.calcote@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: 8/9/2017 Prepared by: Rick Calcote, MS,  
Name (printed): Rick Calcote  
Title (printed): MH Clinician III  
Telephone: (907) 269-3617

SUPPLEMENTAL NOTICE OF PROPOSED CHANGES ON BEHAVIORAL HEALTH SERVICES,  
MEDICAID COVERAGE & PAYMENT: AUTISM SERVICES IN THE REGULATIONS OF DEPARTMENT  
OF HEALTH & SOCIAL SERVICES

BRIEF DESCRIPTION

The Department of Health & Social Services proposes to change regulations on behavioral health services, and Medicaid coverage and payment to add autism services.

The Department of Health & Social proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with behavioral health services, and Medicaid coverage and payment, to add autism services, including the following:

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This is a SUPPLEMENTAL NOTICE adding to the NOTICE OF PROPOSED CHANGES that was issued on August 10, 2017, concerning these proposed regulation revisions contained in the Department of Law file number JU2016200132. This SUPPLEMENTAL NOTICE is being issued because the Department of Health & Social Services has decided to extend the deadline through October 27, 2017, to meet its obligations for tribal consultation as required by federal law (Social Security Act, Section 1902(a)(73) & Section 2107(e)(1)(E)).

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 Rick Calcote at the Division of Behavioral Health, 3601 C Street, Suite 878, Anchorage, AK 99503. Additionally, the Department of Health & Social Services will accept comments by facsimile at (907) 269-3623 and by electronic mail at [hss.dbh.publiccomments@alaska.gov](mailto:hss.dbh.publiccomments@alaska.gov). The comments must be received no later than 5 p.m. on October 27, 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 Rick Calcote by e-mail at [rick.calcote@alaska.gov](mailto:rick.calcote@alaska.gov) or by telephone at (907) 269-3617, not later than October 20, 2017, to ensure that any necessary accommodations can be provided.

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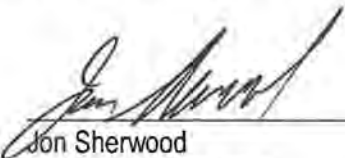
After the public comment period ends, the Department of Health & Social Services will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of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

**Statutory authority:** AS 47.05.010; AS 47.07.030; AS 47.07.040; AS 47.30.470; AS 47.30.475; AS 47.30.477; AS 47.30.530; AS 47.30.540; AS 47.30.570; AS 47.37.140.

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

DATE: 10-12-17

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

SUPPLEMENTAL NOTICE OF PROPOSED CHANGES ON BEHAVIORAL HEALTH SERVICES,  
MEDICAID COVERAGE & PAYMENT: AUTISM SERVICES IN THE REGULATIONS OF DEPARTMENT  
OF HEALTH & SOCIAL SERVICES

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

DATE: 10-12-17

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

SUPPLEMENTAL NOTICE OF PROPOSED CHANGES ON BEHAVIORAL HEALTH SERVICES,  
MEDICAID COVERAGE & PAYMENT: AUTISM SERVICES IN THE REGULATIONS OF DEPARTMENT  
OF HEALTH & SOCIAL SERVICES

BRIEF DESCRIPTION

The Department of Health & Social Services proposes to change regulations on behavioral health services, and Medicaid coverage and payment to add autism services.

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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 Rick Calcote at the Division of Behavioral Health, 3601 C Street, Suite 878, Anchorage, AK 99503. Additionally, the Department of Health & Social Services will accept comments by facsimile at (907) 269-3623 and by electronic mail at [hss.dbh.publiccomments@alaska.gov](mailto:hss.dbh.publiccomments@alaska.gov) . The comments must be received no later than 5 p.m. on October 27, 2017.

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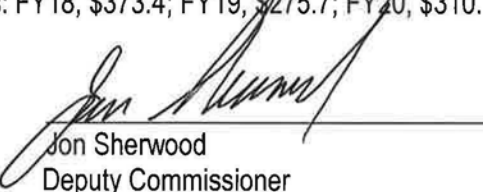
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**Fiscal information:** It is estimated that the proposed regulation changes will require increased appropriations (in thousands of dollars) as follows: FY18, \$373.4; FY19, \$275.7; FY20, \$310.7.

DATE: 10/12/17

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

SUPPLEMENTAL NOTICE OF PROPOSED CHANGES ON BEHAVIORAL HEALTH SERVICES,  
MEDICAID COVERAGE & PAYMENT: AUTISM SERVICES IN THE REGULATIONS OF DEPARTMENT  
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**Fiscal information:** It is estimated that the proposed regulation changes will require increased appropriations (in thousands of dollars) as follows: FY18, \$373.4; FY19, \$275.7; FY20, \$310.7.

DATE: 10/12/17

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

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 the Services for Behavioral Health, Medicaid Coverage and Payment, Autism Services (7 AAC 70, 105, 110, 135, 145, 160) 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: February 3, 2018 4

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

Subscribed and sworn to before me at 3601 C St, Suite 878, Anchorage, AK on Feb 8, 2018.  
(date)

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



AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Rick Calcote, Mental Health Clinician III for the Department of Health and Social Services / Behavioral Health, being duly sworn, state the following:

In compliance with AS 44.62.215, the Department of Health and Social Services / Behavioral Health has kept a record of its use or rejection of factual or other substantive information that was submitted in writing and orally as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Health and Social Services / Behavioral Health regulation on Services for Behavioral Health, Medicaid Coverage and Payment: Autism Services.

Date: November 8, 2017

Rick Calcote M.S.  
Rick M. Calcote, M.S. Mental Health Clinician III

Subscribed and sworn to before me at 3601 C St, Suite 878 Anchorage, AK on  
November 8, 2017  
(date)

Darlene B. Steininger  
Notary Public in and for the State of Alaska



AFFIDAVIT OF ORAL HEARING

I, Rick Calcote, MH Clinician III of Department of Health and Social Services / Behavioral Health, being sworn, state the following:

On September 22, 2017, at 9:00AM, in Room 896, 3601 C. St., Anchorage, AK., I presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to Services for Behavioral Health, Medicaid Coverage and Payment; Autism Services.

Date: November 8, 2017

Rick Calcote M.S.  
Rick M. Calcote, M.S., MH Clinician III

Subscribed and sworn to before me at 3601 C St, Suite 878 Anchorage, AK on  
November 8, 2017  
(date)

Darlene B Steininger  
Notary Public in and for the State of Alaska



**FISCAL NOTE<sup>1</sup>**

Agency: DHSS / Division of Behavioral Health

Appropriation/Allocation: General Fund Mental Health and Federal Funds

General subject of regulation: Autism Services

Citation of regulation: 7 AAC 105 – 7 AAC 160

Estimated appropriations required (in thousands of dollars) **Total \$82,839.1**

(FY18 = \$ 21,689.1; FY19 = \$29,918.7; FY20 = \$31,231.3)

**Expenditures/Revenues**

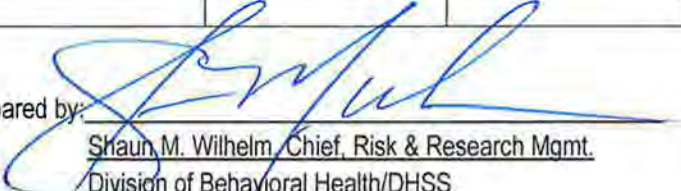
	FY18 Appropriation Requested	(Thousands of Dollars)		
		FY18	FY19	FY20
<b>OPERATING EXPENDITURES</b>				
Personal Services	151.1	156.0		161.1
Travel				
Services	222.3	119.7		149.6
Commodities				
Capital Outlay				
Grants & Benefits				
Miscellaneous				
<b>TOTAL OPERATING</b>	<b>373.4</b>	<b>275.7</b>		<b>310.7</b>

<b>FUNDING SOURCE</b>		(Thousands of Dollars)		
1002	Federal Receipts	10,646.3	14,805.4	15,445.0
1003	General Fund Match	10,669.4	14,837.6	15,475.6
1004	General Fund			
1005	General Fund/Program			

<b>POSITIONS</b>				
Full-time		1.5	1.5	1.5
Part-time				
Temporary				

<b>CHANGE IN REVENUES</b>			

Date 8/10/17

Prepared by:   
Shaun M. Wilhelm, Chief, Risk & Research Mgmt.  
Division of Behavioral Health/DHSS  
 Phone No.: (907) 269-3408

270229  
0001412028  
\$363.56

# AFFIDAVIT OF PUBLICATION

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Lisa Hartlieb  
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

October 22, 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 Lisa Hartlieb

Subscribed and sworn to before me this 23rd day of October, 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

## SUPPLEMENTAL NOTICE OF PROPOSED CHANGES ON BEHAVIORAL HEALTH SERVICES, MEDICAID COVERAGE & PAYMENT: AUTISM SERVICES IN THE REGULATIONS OF DEPARTMENT OF HEALTH & SOCIAL SERVICES

The Department of Health & Social proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with behavioral health services, and Medicaid coverage and payment, to add autism services, including the following:

7 AAC 70, 105, 110, 135, 145, & 160, are proposed to be changed as follows:

- o Revise Medicaid coverage and payment rates related to Autism Services including provider requirements and recipient participation.

This is a SUPPLEMENTAL NOTICE adding to the NOTICE OF PROPOSED CHANGES that was issued on August 10, 2017, concerning these proposed regulation revisions contained in the Department of Law file number JU2016200132. This SUPPLEMENTAL NOTICE is being issued because the Department of Health & Social Services has decided to extend the deadline through October 27, 2017, to (1) meet its obligations for tribal consultation as required by federal law (Social Security Act, Section 1902(a)(73) & Section 2107(e)(1)(E)); and (2) correct the fiscal information.

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 Rick Calcote at the Division of Behavioral Health, 3601 C Street, Suite 878, Anchorage, AK 99503. Additionally, the Department of Health & Social Services will accept comments by facsimile at (907) 269-3623 and by electronic mail at [hss.dbh.publiccomments@alaska.gov](mailto:hss.dbh.publiccomments@alaska.gov). The comments must be received no later than 5 p.m. on October 27, 2017.

You may submit written questions relevant to the proposed action to Rick Calcote at the Division of Behavioral Health, 3601 C Street Suite 878, Anchorage, AK 99503. The Department of Health & Social Services will aggregate its response to substantially similar questions and make the questions and response available on the Alaska Online Public Notice System at <https://aws.state.ak.us/OnlinePublicNotices/> and agency website at <http://dhss.alaska.gov/dbh/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 Rick Calcote by e-mail at [rick.calcote@alaska.gov](mailto:rick.calcote@alaska.gov) or by telephone at (907) 269-3617, not later than October 20, 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 at <https://aws.state.ak.us/OnlinePublicNotices/> and by contacting Rick Calcote by e-mail at [rick.calcote@alaska.gov](mailto:rick.calcote@alaska.gov) or by telephone at (907) 269-3617.

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 47.07.030; AS 47.07.040; AS 47.30.470; AS 47.30.475; AS 47.30.477; AS 47.30.530; AS 47.30.540; AS 47.30.570; AS 47.37.140.

**Statutes being implemented, interpreted, or made specific:** AS 47.05.010; AS 47.07.030; AS 47.07.040; AS 47.30.470; AS 47.30.475; AS 47.30.477; AS 47.30.530; AS 47.30.540; AS 47.30.570; AS 47.37.140.

**Fiscal information:** It is estimated that the proposed regulation changes will require increased appropriations (in thousands of dollars) as follows: FY18, \$373.4; FY19, \$275.7; FY20, \$310.7.

Date: 10/12/2017  
/s/Jon Sherwood, Deputy Commissioner  
Department of Health & Social Services

Published: October 22, 2017

270229  
#1411817  
\$353.60

# AFFIDAVIT OF PUBLICATION

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Joleesa Stepetin  
being first duly sworn on oath  
deposes and says that 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

October 15, 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 Joleesa Stepetin

Subscribed and sworn to before

me this 8 day of Jan

20 18

Britney Thompson

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

2/23/2019

SUPPLEMENTAL NOTICE OF PROPOSED CHANGES ON BEHAVIORAL  
HEALTH SERVICES,  
MEDICAID COVERAGE & PAYMENT: AUTISM SERVICES IN THE  
REGULATIONS OF DEPARTMENT  
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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.**

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

Date: 10/12/2017  
/s/Jon Sherwood, Deputy Commissioner  
Department of Health & Social Services

Published: October 15, 2017

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

270229  
0001409022  
\$363.54

# AFFIDAVIT OF PUBLICATION

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Joleesa Stepetin  
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

August 14, 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 Joleesa Stepetin

Subscribed and sworn to before me  
this 14th day of August, 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

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Oral or written comments also may be submitted at a hearing to be held on September 22, 2017, at Conference Room 890 & 896, 3601 C St., Anchorage, AK 99503. The hearing will be held from 9am to 1pm and might be extended to accommodate those present before 12:30pm who did not have an opportunity to comment. If you are unable to attend in person, but would like to comment during the oral public hearing, you can call the teleconference number (800) 315-6338 (Toll Free) and use the code 36171#.

You may submit written questions relevant to the proposed action to Rick Calcote at the Division of Behavioral Health, 3601 C Street Suite 878, Anchorage, AK 99503. 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 response available on the Alaska Online Public Notice System at <https://aws.state.ak.us/OnlinePublicNotices/> and agency website at <http://dhss.alaska.gov/dbh/Pages/default.aspx>.

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

DATE: August 9, 2017  
/s/ Jon Sherwood  
Deputy Commissioner  
Department of Health & Social Services

Published: August 14, 2017