

DEPARTMENT OF HEALTH & SOCIAL SERVICES



PROPOSED CHANGES TO REGULATIONS

RECIPIENT SUPPORT SERVICES

7 AAC 135. MEDICAID COVERAGE; BEHAVIORAL HEALTH SERVICES.

- 7 AAC 135.230. *Recipient support services;*
- 7 AAC 135.990. *Definitions.*



PUBLIC REVIEW DRAFT

May 14, 2018

COMMENT PERIOD ENDS: July 6, 2018

Please see public notice for details about how to comment on these proposed changes.

Notes to reader:

1. Except as discussed in note 2, new text that amends an existing regulation is **bolded and underlined**.
2. If the lead-in line above the text of each section of the regulations states that a new section, subsection, paragraph, or subparagraph is being added, or that an existing section, subsection, paragraph, or subparagraph is being repealed and readopted (replaced), *the new or replaced text is not bolded or underlined*.
3. [ALL-CAPS TEXT WITHIN BRACKETS] indicates text that is to be deleted.
4. When the word “including” is used, Alaska Statutes provide that it means “including, but not limited to.”
5. Only the text that is being changed within a section of the current regulations is included in this draft. Refer to the text of that whole section, published in the current Alaska Administrative Code, to determine how a proposed change relates within the context of the whole section and the whole chapter.

Title 7 Health and Social Services.**Chapter 135. Medicaid Coverage; Behavioral Health Services.****Sec 230. Recipient support services.**

7 AAC 135.230 is repealed and readopted to read:

7 AAC 135.230. Recipient support services.

(a) A provider shall submit a claim for a recipient support service only if that service

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

(2) meets the requirements of (c) of this section; and

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

(b) The department will consider a recipient support service to be medically necessary only if

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

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

- (i) recipient suicidal behavior;
 - (ii) recipient self-injurious behavior;
 - (iii) recipient assaultive behavior toward others;
 - (iv) recipient destructive behavior in defiance of adult or other care giver instructional control and with demonstrated inability to appropriately self-regulate;
- (B) justifies the rationale for heightened vigilance; and
- (C) recommends the frequency, duration, and location where the service should be provided;
- (2) the recipient's behavioral health treatment plan clearly identifies
 - (A) the recipient's target symptoms; and
 - (B) how the staff of the community behavioral health services provider is expected to respond to and resolve a recipient's high-risk behavior.
- (c) To qualify for payment, an individual rendering recipient support services must manage the recipient's high risk behaviors that put the recipient or others at risk as they occur by providing active treatment and behavioral health interventions to:
 - (1) set structural limits;
 - (2) reinforce self-control; or
 - (3) direct or re-direct behavior.
- (d) Recipient support services may be provided at
 - (1) the recipient's residence;
 - (2) the recipient's workplace;
 - (3) the recipient's school; or

(4) any other appropriate community setting specified in the behavioral health treatment plan.

(e) A provider shall submit a claim for a recipient support service provided to more than one recipient by the same staff during the same session only if the service is provided to each recipient in accordance with this section.

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

(1) a parent would normally carry out to assure protection, emotional support, and management of a child; or

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

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

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

(C) a group home.

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

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

(g) The department may pay for recipient support services while the recipient is concurrently receiving other behavioral health services if a recipient is at high risk of committing violence to self or others. For purposes of this subsection, a recipient is considered at high risk of committing violence to self or others if the recipient

(1) has received a diagnosis according to the standards of the

(A) Diagnostic and Statistical Manual of Mental Disorders, adopted by reference in 7 AAC 160.900; the diagnosis may include a substance use disorder;

(B) International Classification of Diseases, adopted by reference in 7 AAC 160.900; the diagnosis may include a substance use disorder; or

(C) Diagnostic Classification of Mental Health and Developmental Disorders of Infancy and Early Childhood: Revised Edition (DC:0-3R), adopted by reference in 7 AAC 160.900;

(2) has a history of violence; the department will consider the frequency and circumstances in which the violence occurred; and

(3) currently presents

(A) assaultive or threatening behavior; or

(B) delusions or command hallucinations of violent content.

(h) With prior authorization from the department, a recipient identified in (g) of this section may receive recipient support services provided concurrently from more than one individual during the same period.

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

Authority: AS 47.05.010 AS 47.07.030

Title 7 Health and Social Services.

Chapter 135. Medicaid Coverage; Behavioral Health Services.

Sec 990. Definitions.

7 AAC 135.990(19) is amended to read:

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

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

Authority: AS 47.05.010 AS 47.07.030