

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES
PROPOSED CHANGES TO REGULATIONS
7 AAC 140. Medicaid Coverage; Facility and Facility-Based Services.
Sec 700. End-stage renal disease facility enrollment requirements.**

**7 AAC 145. Medicaid Payment Rates.
Sec 607. End-stage renal disease facility payment rate.**

**QUESTIONS RECEIVED BY DHSS DURING OPEN COMMENT PERIOD
June 15, 2018 – July 25, 2018**

No.	QUESTION	RESPONSE
1.	What is the effective date of the regulations?	Rates developed under the methodology defined in the regulation package will be in effect no sooner than 30 days after the final regulations have been signed by the Lt. Governor.
2.	Will the Department use the provider cost information described in the regulations to develop rates for services delivered during State Fiscal Year 2019?	Yes. Language in the draft regulation will be revised to ensure the department is able to use end-stage renal disease providers' most recently submitted Medicare Cost Reports. The department has learned that ESRD provider Medicare Cost Reports are available from the Medicare Fiscal Intermediary via a public records request and will use these reports to establish State Fiscal Year 2019 ESRD provider payment rates in accordance with Question 1.
3.	For how long will the 2% provider penalty be in place for those providers that do not timely submit the required year-end report?	The length of time the penalty may be imposed will vary depending on the date a late-filed report is received by the department. The longest penalty will be in place until the due date of the next annual report. A new 2% penalty will be incurred if the provider fails to timely submit the new year's annual report. Language will be added to the draft to clarify this issue.
4.	Now that state fiscal year 2017 has passed and the upper payment limit is no longer applicable, is there still a need to revise the ESRD payment rates?	Yes. The Alaska Medicaid program must operate within annual federal Upper Payment Limits (UPL). Without modification of the current ESRD payment rates, the program is in jeopardy of failing the federal UPL requirement each year the rates are not addressed. States that fail the federal UPL requirement lose the federal match for all payments made above the UPL limit.