

DEPARTMENT OF HEALTH & SOCIAL SERVICES



PROPOSED CHANGES TO REGULATIONS

**7 AAC 130.235. Medicaid Coverage; Home and Community-Based Waiver Services.
Nursing oversight and care management services.**

**7 AAC 160.900. Medicaid Program; General Provisions. Requirements adopted by
reference.**



PUBLIC REVIEW DRAFT

September 20, 2018

COMMENT PERIOD ENDS: November 15, 2018

*Please see the 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paragraph, or subparagraph is being added, or that an existing section, subsection, paragraph, or subparagraph is being repealed and readopted (replaced), *the new or replaced text is not bolded or underlined*.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.

Chapter 130. Medicaid Coverage; Home and Community-Based Waiver Services.

7 AAC 130.235 is amended to read:

Sec 235. Nursing oversight and care management services.

- (a) The department **may authorize** [WILL REQUIRE] nursing oversight and care management services for a recipient that is eligible under the recipient category of
- (1) children with complex medical conditions; or
 - (2) individuals with intellectual and developmental disabilities if the recipient meets, except for the age requirement in 7 AAC 130.205(d)(1)(A), the criteria for the recipient category for children with complex medical conditions under 7 AAC 130.205(d)(1).
- (b) The department will pay for nursing oversight and care management services that
- (1) are approved under 7 AAC 130.217 and 7 AAC 130.218 as part of the recipient's **support** plan [OF CARE];
 - (2) receive prior authorization; [AND]
 - (3) are provided by a registered nurse that is

(A) **qualified** [LICENSED] to practice under AS 08.68 **or 7 AAC 105.200**; and

(B) employed by a home and community-based waiver services provider;
[.] **and**

(4) are provided in compliance with the department's Nursing Oversight and Care Management Services Conditions of Participation, adopted by reference in 7 AAC 160.900.

(c) For a home and community-based waiver services provider to qualify for payment for nursing oversight and care management services, a registered nurse must

(1) conduct a nursing assessment of the recipient's medical care needs;

(2) develop, for inclusion in the recipient's **support** plan [OF CARE], **in a format provided by the department,**

(A) a nursing plan that addresses the

(i) [(A)] recipient's health and safety;

(ii) [(B)] [RECIPIENT'S MEDICAL CARE] needs **that require the recipient or the recipient's paid and unpaid caregivers to perform medical care tasks;**
and

(B) [(C)] **a training plan that specifies the** training required for **the recipient and the recipient's** paid and unpaid caregivers to perform **the medical care tasks necessary to meet the recipient's needs** [DELEGATED NURSING DUTIES UNDER THIS SECTION];

(3) participate in planning the recipient's care in accordance with 7 AAC 130.217;

(4) provide oversight by evaluating whether [SERVICES]

(A) services are delivered in accordance with the nursing plan and in a manner that promotes [PROTECTS] the health, safety, and welfare of the recipient; [AND]

(B) services are reasonable and necessary for the recipient's medical condition and the complexity of the care required to treat that condition; [AND]

(C) additional training is necessary for the recipient or recipient's paid and unpaid care givers;

(5) remain in contact with the recipient in a manner and with a frequency appropriate to the medical condition of the recipient and to the complexity of the care to be delivered; at a minimum, the contact must include at least one on-site evaluation every 90 days during which the recipient and any individual to which nursing duties were delegated shall be in attendance.

(d) The department will not pay separately for services under this section that duplicate

(1) specialized private-duty nursing services under 7 AAC 110.525 or 7 AAC 130.285;

(2) private-duty nursing services under 7 AAC 110.525; or

(3) intensive active treatment services under 7 AAC 130.275.

(Eff. 2/1/2010, Register 193; am 7/1/2013, Register 206; am 11/5/2017, Register 224; am

____/____/____, Register _____)

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.040

Chapter 160. Medicaid Program; General Provisions.

Sec 900. Requirements adopted by reference.

7 AAC 160.900(d)(8) is repealed:

(8) repealed ____/____/____; [THE HOME AND COMMUNITY-BASED WAIVER SERVICES PROVIDER CERTIFICATION APPLICATION, DATED APRIL 4, 2014;]

7 AAC 160.900(d)(18) is amended to read:

(18) the *Specialized Medical Equipment Fee Schedule*, dated **July 6, 2018**, [AUGUST 16, 2013], for home and community-based waiver services **and community first choice services**;

7 AAC 160.900(d)(44) is amended to read:

(44) the *Home and Community-Based Waiver Services Provider Conditions of Participation*, dated **June 27, 2018** [SEPTEMBER 5, 2017];

7 AAC 160.900(d)(56) is amended by adding a paragraph to read:

(56) the Nursing Oversight and Care Management Services Conditions of Participation, dated July 5, 2018.

(Eff. 2/1/2010, Register 193; am 8/25/2010, Register 195; am 12/1/2010, Register 196; am 1/1/2011, Register 196; am 1/15/2011, Register 197; am 2/9/2011, Register 197; am 3/1/2011, Register 197; am 10/1/2011, Register 199; am 12/1/2011, Register 200; am 1/26/2012, Register 201; am 3/8/2012, Register 201; am 4/1/2012, Register 201; add'l am 4/1/2012, Register 201; am 5/11/2012, Register 202; am 10/16/2012, Register 204; am 11/3/2012, Register 204; am 12/1/2012, Register 204; am 12/2/2012, Register 204; am 1/1/2013, Register 204; am 1/16/2013, Register 205; am 7/1/2013, Register 206; add'l am 7/1/2013, Register 206; am 11/3/2013,

Register 208; am 1/1/2014, Register 208; am 2/2/2014, Register 209; am 3/19/2014, Register 209; am 3/22/2014, Register 209; am 5/18/2014, Register 210; am 2/26/2015, Register 213; am 3/15/2015, Register 213; am 7/1/2015, Register 214; am 5/1/2016, Register 218; am 6/16/2016, Register 218; am 6/16/2016, Register 218; am 7/22/2017, Register 223; am 11/5/2017, Register 224; am ____/____/____, Register _____)

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.040
AS 47.05.012