

DEPARTMENT OF HEALTH & SOCIAL SERVICES



PROPOSED CHANGES TO REGULATIONS

MEDICAID COVERAGE, MENTAL HEALTH PHYSICIAN CLINIC
REVISED REQUIREMENTS

- 7 AAC 135. MEDICAID COVERAGE; BEHAVIORAL HEALTH SERVICES.



PUBLIC REVIEW DRAFT
February 26, 2019

COMMENT PERIOD ENDS: May 7, 2019

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or subparagraph is being added, or that an existing section, subsection, paragraph, or subparagraph is being repealed and readopted (replaced), *the new or replaced text is not bolded or underlined.*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

Title 7 Health and Social Services.

Chapter 135. Medicaid Coverage; Behavioral Health Services.

Sec 10. Scope of Medicaid behavioral health services.

7 AAC 135.030. Provider enrollment and organization

7 AAC 135.030(a)(2) is amended to read:

(a) to be eligible for payment under 7 AAC 135.010 – 7 AAC 135.350 for providing Medicaid behavioral health services, a provider must be enrolled in Medicaid under 7 AAC 105.210 and must be either

...

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

7 AAC 135.030(d) is repealed and readopted to read:

(d) The department will pay for behavioral health clinic services provided by a mental health physician clinic only if

(1) the mental health physician clinic is operated by one or more physicians licensed under AS 08.64.170 or AS 08.64.250 who provide direct supervision in accordance with AS 47.07.030(h) to all clinic employees and to individuals on contract with the clinic to provide behavioral health clinic services;

(2) the services are for treatment of a diagnosable mental health disorder;

(3) the services are provided by one of the physicians operating the clinic or by one of the following individuals who work under the direct supervision of those physicians:

(A) a psychologist who is licensed as required under 7 AAC 110.550;

(B) a psychological associate who is licensed under AS 08.86 or in the jurisdiction where services are provided, and who renders the services within the scope of practice identified in 12 AAC 60;

(C) a clinical social worker who is licensed under AS 08.95;

(D) a physician assistant who is licensed as required under 7 AAC 110.455;

(E) an advanced nurse practitioner who is licensed and certified as required under 7 AAC 110.100;

(F) a psychiatric nursing clinical specialist who is licensed under AS 08.68 or in the jurisdiction where services are provided;

(G) a marital and family therapist who is licensed under AS 08.63 or in a jurisdiction with requirements substantially similar to the requirements of AS 08.63 where services are provided; or

(H) a professional counselor who is licensed under AS 08.29 or in a jurisdiction with requirements substantially similar to the requirements of AS 08.29 where services are provided;

(4) the services are provided on the premises of the mental health physician clinic or through a telemedicine application under 7 AAC 110.620 - 7 AAC 110.639, unless the service is provided to a homeless person.

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

Authority: AS 47.05.010 AS 47.07.030

7 AAC 135.030(e) is repealed:

(e) Repealed ___/___/___. (Eff. 10/1/2011, Register 199; am ___/___/___, Register ___)

Authority: AS 47.05.010 AS 47.07.030

7 AAC 135.040(b) is amended to read:

(b) A community behavioral health services provider or mental health physician clinic may provide the following behavioral health clinic services without prior authorization from the department:

...

(7) short-term crisis intervention services under 7 AAC 135.160 that do not exceed 22 hours of the total short-term crisis intervention services provided to a recipient during a state fiscal year;

(8) screening and brief intervention services, with no limit.

7 AAC 135.040(c)(16) is repealed:

(16) repealed ___/___/___;

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

7 AAC 135.040(c)(17) – (19) is amended to read:

(16) [(17)] residential substance use treatment services under 7 AAC 135.280, with no limit;

(17) [(18)] short-term crisis stabilization services under 7 AAC 135.170 that

(A) do not exceed 22 hours of the total short-term crisis stabilization services provided to a recipient during a state fiscal year; and

(B) are provided during a psychiatric emergency that is documented in the recipient's clinical record.

(18) [(19)] autism services provided in accordance with 7 AAC 135.350 that do not exceed more than

...

Authority: AS 47.05.010 AS 47.07.030

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

7 AAC 135.110. Professional behavioral health assessments.

7 AAC 135.110(a)(2) is amended to read:

(2) a mental health physician clinic for

DHSS Proposed Changes to Regulations. Medicaid Mental Health Physician Clinic Revised Requirements DHSS PUBLIC REVIEW DRAFT.02/26/2019.

(C) psychological testing and evaluation under (g) of this section;

(D) an integrated mental health and substance use intake assessment under (d) of this section.

7 AAC 135.110(f) is repealed:

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

Authority: AS 47.05.010 AS 47.07.030

7 AAC 135.240. Screening and brief intervention services.

7 AAC 135.240(a) is amended to read:

(a) A [THE DEPARTMENT WILL PAY] community behavioral health services provider, **or a mental health physician clinic shall bill the department** for screening and brief intervention services **only** if that provider conducts the screening component and, if needed, the brief intervention component in accordance with this section.

7 AAC 135.240(b) is amended to read:

(b) A **provider listed in (a) of this section** [COMMUNITY BEHAVIORAL HEALTH SERVICES PROVIDER] shall provide a screening

...

7 AAC 135.240(c) is amended to read:

(c) A **provider listed in (a) of this section** [COMMUNITY BEHAVIORAL HEALTH SERVICES PROVIDER] shall refer the recipient to a behavioral health treatment program that provides services that will meet the recipient's need if

...

7 AAC 135.240(d) is amended to read:

(d) A **provider listed in (a) of this section** [COMMUNITY BEHAVIORAL HEALTH SERVICES PROVIDER] shall document screening and brief intervention services in a progress note in accordance with 7 AAC 135.130(a)(8).

7 AAC 135.240 is amended by adding a new subsection to read:

(f) Screening and brief intervention services must be provided by a person that qualifies as a substance use disorder counselor or higher level clinician.

(Eff. 10/1/2011, Register 199; am ___/___/___, Register _____)

Authority: AS 47.05.010 AS 47.07.030

Chapter 135. Medicaid Coverage; Behavioral Health Services.

Sec 990. Definitions.

7 AAC 135.990(20) is amended to read:

(20) "screening and brief intervention" means non-mandatory screening by a [COMMUNITY BEHAVIORAL HEALTH SERVICES] provider **listed in 7 AAC 135.240(a)** for the purposes of

...

(Eff. 2/1/2010, Register 193; am 7/7/2010, Register 195; am 1/1/2011, Register 196; am
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REVIEW DRAFT.02/26/2019.*

10/1/2011, Register 199; am 4/1/2012, Register 201; am 7/1/2013, Register 206; am 5/18/2014, Register 210; am 6/16/2016, Register 218; am ___/___/____, Register _____)

Authority: AS 47.05.010 AS 47.07.040 AS 47.07.055