

# MEMORANDUM


## State of Alaska Department of Law

TO: April Simpson, AAC Coordinator  
Office of the Lieutenant Governor

DATE: June 10, 2019

FILE NO.:

TELEPHONE NO.: 465-3600

FROM: Steven C. Weaver   
Senior Assistant Attorney General  
and Assistant Regulations Attorney  
Legislation and Regulations Section

SUBJECT: Revisor's change to Alaska  
Administrative Code (AAC):  
editor's notes following 7 AAC  
24.950, 7 AAC 44.040, 7 AAC  
44.230, 7 AAC 44.900, 7 AAC  
45.450, 7 AAC 80.050, 7 AAC  
100.980, and 7 AAC 160.900

In accordance with the authority of the regulations attorney under AS 44.62.125(b), please forward to the publisher for publication in the Alaska Administrative Code (AAC) the changes to existing editor's notes described below. I have forwarded these changes under a specific delegation dated December 3, 2018 from the regulations attorney. The purpose of the changes is to identify amended versions of materials previously adopted by reference.

The editor's notes to be changed appear after 7 AAC 24.950, 7 AAC 44.040, 7 AAC 44.230, 7 AAC 44.900, 7 AAC 45.450, 7 AAC 80.050, 7 AAC 100.980, and 7 AAC 160.900. For the editor's notes that appear after 7 AAC 24.950, 7 AAC 44.040, 7 AAC 44.230, 7 AAC 44.900, 7 AAC 45.450, 7 AAC 80.050, 7 AAC 100.980, and 7 AAC 160.900, please add a new paragraph after the existing text to read as follows:

--For the editor's note following 7 AAC 24.950:

On March 12, 2019, as required by AS 44.62.245 and AS 47.05.012, the department gave notice that the following amended version of material, previously adopted by reference in 7 AAC 24.950, would be in effect on January 31, 2019: the United States Department of Health and Human Services poverty guidelines established in 84 Fed. Reg. 1167 - 1168 (February 1, 2019). The amended version may be reviewed at the Department of Health and Social Services, 3601 C Street, Suite 902, Anchorage, Alaska 99503. The Federal Register with the amended version may be obtained through the nearest public library. If the Federal Register is not available at that library site, the material can be obtained by that library through the interlibrary loan system. It may also be obtained at <https://www.govinfo.gov>.

--For the editor's note following 7 AAC 44.040:

On March 12, 2019, as required by AS 44.62.245 and AS 47.05.012, the department gave notice that the following amended version of material, previously adopted by reference in 7 AAC 44.040, would be in effect on January 31, 2019: the United States Department of Health and Human Services poverty guidelines established in 84 Fed. Reg. 1167 - 1168 (February 1, 2019). The amended version may be reviewed at the Department of Health and Social Services, 3601 C Street, Suite 902, Anchorage, Alaska 99503. The Federal Register with the amended version may be obtained through the nearest public library. If the Federal Register is not available at that library site, the material can be obtained by that library through the interlibrary loan system. It may also be obtained at <https://www.govinfo.gov>.

--For the editor's note following 7 AAC 44.230:

On March 12, 2019, as required by AS 44.62.245 and AS 47.05.012, the department gave notice that the following amended version of material, previously adopted by reference in 7 AAC 44.230, would be in effect on January 31, 2019: the United States Department of Health and Human Services poverty guidelines established in 84 Fed. Reg. 1167 - 1168 (February 1, 2019). The amended version may be reviewed at the Department of Health and Social Services, 3601 C Street, Suite 902, Anchorage, Alaska 99503. The Federal Register with the amended version may be obtained through the nearest public library. If the Federal Register is not available at that library site, the material can be obtained by that library through the interlibrary loan system. It may also be obtained at <https://www.govinfo.gov>.

--For the editor's note following 7 AAC 44.900:

On March 12, 2019, as required by AS 44.62.245 and AS 47.05.012, the department gave notice that the following amended version of material, previously adopted by reference in 7 AAC 44.900, would be in effect on January 31, 2019: the United States Department of Health and Human Services poverty guidelines established 84 Fed. Reg. 1167 - 1168 (February 1, 2019). The amended version may be reviewed at the Department of Health and Social Services, 3601 C Street, Suite 902, Anchorage, Alaska 99503. The Federal Register with the amended version may be

obtained through the nearest public library. If the Federal Register is not available at that library site, the material can be obtained by that library through the interlibrary loan system. It may also be obtained at <https://www.govinfo.gov>.

--For the editor's note following 7 AAC 45.450:

On March 12, 2019, as required by AS 44.62.245 and AS 47.05.012, the department gave notice that the following amended version of material, previously adopted by reference in 7 AAC 45.450, would be in effect on January 31, 2019: the United States Department of Health and Human Services poverty guidelines established in 84 Fed. Reg. 1167 - 1168 (February 1, 2019). The amended version may be reviewed at the Department of Health and Social Services, 3601 C Street, Suite 902, Anchorage, Alaska 99503. The Federal Register may be obtained through the nearest public library. If the Federal Register is not available at that library site, the material can be obtained by that library through the interlibrary loan system. It may also be obtained at <https://www.govinfo.gov>.

--For the editor's note following 7 AAC 80.050:

On March 12, 2019, as required by AS 44.62.245 and AS 47.05.012, the department gave notice that the following amended version of material, previously adopted by reference in 7 AAC 80.050, would be in effect on January 31, 2019: the United States Department of Health and Human Services poverty guidelines established in 84 Fed. Reg. 1167 - 1168 (February 1, 2019). The amended version may be reviewed at the Department of Health and Social Services, 3601 C Street, Suite 902, Anchorage, Alaska 99503. The Federal Register with the amended version may be obtained through the nearest public library. If the Federal Register is not available at that library site, the material can be obtained by that library through the interlibrary loan system. It may also be obtained at <https://www.govinfo.gov>.

--For the editor's note following 7 AAC 100.980:

On March 12, 2019, as required by AS 44.62.245 and AS 47.05.012, the department gave notice that the following amended version of material, previously adopted by reference in 7 AAC 100.980, would be in effect on January 31, 2019: the United

--For the editor's note following 7 AAC 160.900:

We have enclosed affidavits of notice from the department for your files, as well as an original of the updated item to be adopted by reference. Thank you for your assistance, and please contact me if you have additional questions.

cc: Triptaa Surve, Regulations Contact  
Department of Health and Social Services

**NOTICE OF AMENDED VERSION OF MATERIAL  
PREVIOUSLY ADOPTED BY REFERENCE**

As required by AS 44.62.245, the Department of Health & Social Services gives notice that the following amended version of material adopted by reference in 7 AAC 24.950, 7 AAC 44.040, 7 AAC 44.230, 7 AAC 44.900, 7 AAC 45.450, 7 AAC 80.050, 7 AAC 100.980, and 7 AAC 160.900, under authority of AS 44.62.245 and AS 47.05.012, and dealing with the health care professions loan repayment & incentive program, the heating assistance programs, Alaska temporary assistance programs, fees for department services, Medicaid eligibility, and Medicaid program general provisions, is in effect:

Amended version of the material adopted by reference: Department of Health & Human Services, Office of the Secretary, Annual Update of the HHS Poverty Guidelines; Federal Register, Vol. 83, No. 12; January 18, 2019.

A copy of the above material is available for public review at the following location: Department of Health & Social Services, 3601 C Street, Suite 902, Anchorage, AK 99503.

The effective date for the amended version of the material described above is January 31, 2019.

For more information, please contact Triptaa Surve, 3601 C St. Suite 902, Anchorage, AK 99503; telephone number (907) 269-7870; e-mail address [triptaa.surve@alaska.gov](mailto:triptaa.surve@alaska.gov)

DATE: March 6, 2019.

  
\_\_\_\_\_  
Adam Crum  
Commissioner  
Department of Health & Social Services

AFFIDAVIT OF NOTICE OF AMENDED VERSION  
OF MATERIAL PREVIOUSLY ADOPTED BY REFERENCE

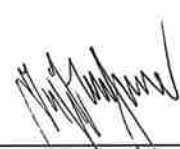
I, Triptaa Surve, Project Coordinator, of Department of Health & Social Services, being sworn, state the following:

As required by AS 44.62.245, notice of the amended version of material previously adopted by reference in 7 AAC 24.950, 7 AAC 44.040, 7 AAC 44.230, 7 AAC 44.900, 7 AAC 45.450, 7 AAC 80.050, 7 AAC 100.980, and 7 AAC 160.900, and dealing with the health care professions loan repayment & incentive program, the heating assistance programs, Alaska temporary assistance programs, fees for department services, Medicaid eligibility, and Medicaid program general provisions, has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to every person who has filed a request for notice of proposed action with the state agency;
- (3) furnished to appropriate state officials;
- (4) furnished to interested persons;
- (5) furnished to the Department of Law, along with a copy of the proposed regulation;
- (6) furnished electronically to incumbent State of Alaska legislators;
- (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).

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 (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: April 12, 2019

  
Triptaa Surve, Project Coordinator

Subscribed and sworn to before me at DTSS Frontier Building  
on April 12, 2019  
(date)

  
Notary Public in and for the State of Alaska



# ANCHORAGE DAILY NEWS

## AFFIDAVIT OF PUBLICATION

Account #: 270229

ST OF AK/DHSS/COMMISSIONERS  
3601 C STREET STE 902  
ANCHORAGE, AK 99503

Order#  
Cost

0001435563  
\$184.26

Product ADN-Anchorage Daily News  
Placement 0300  
Position 0301

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

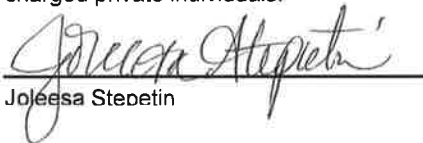
Joleesa Stepetin

being first duly sworn on oath deposes and says that he/she is a representative of the Anchorage Daily 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

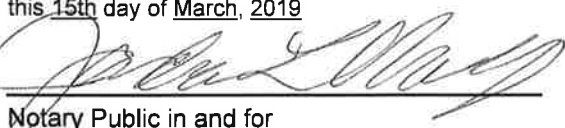
March 12, 2019

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 15th day of March, 2019

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

MY COMMISSION EXPIRES

STATE OF ALASKA  
NOTARY  
PUBLIC  
Jada L. Nowling

### NOTICE OF AMENDED VERSION OF MATERIAL PREVIOUSLY ADOPTED BY REFERENCE

As required by AS 44.62.245, the Department of Health & Social Services gives notice that the following amended version of material adopted by reference in 7 AAC 24.950, 7 AAC 44.040, 7 AAC 44.230, 7 AAC 44.900, 7 AAC 45.450, 7 AAC 80.050, 7 AAC 100.980, and 7 AAC 160.900, under authority of AS 44.62.245 and AS 47.05.012, and dealing with the health care professions loan repayment & incentive program, the hearing assistance programs, Alaska temporary assistance programs, fees for department services, Medicaid eligibility, and Medicaid program general provisions, is in effect:

Amended version of the material adopted by reference: Department of Health & Human Services, Office of the Secretary, Annual Update of the HHS Poverty Guidelines; Federal Register, Vol. 83, No. 12; January 18, 2019.

A copy of the above material is available for public review at the following location: Department of Health & Social Services, 3601 C Street, Suite 902, Anchorage, AK 99503.

The effective date for the amended version of the material described above is January 31, 2019.

For more information, please contact Triptaa Surve, 3601 C St. Suite 902, Anchorage, AK 99503; telephone number (907) 269-7870; e-mail address triptaa.surve@alaska.gov

DATE: March 6, 2019.  
/s/Adam Crum  
Commissioner,  
Department of Health & Social Services.

Published: March 12, 2019

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Committee on Vital and Health Statistics: Meeting

Pursuant to the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) announces the following advisory committee meeting.

**Name:** National Committee on Vital and Health Statistics (NCVHS), Subcommittee on Privacy, Confidentiality and Security.

**Date and Times:** Thursday, March 21, 2019: 9:00 a.m.–5:30 p.m. (EDT), Friday, March 22, 2019: 8:30 a.m.–3:00 p.m. (EDT).

**Place:** Centers for Disease Control and Prevention, National Center for Health Statistics, 3311 Toledo Road, Auditorium, Hyattsville, Maryland 20782.

**Status:** Open. There will be an opportunity for public comment at the end of the first day of the meeting.

**Purpose:** NCVHS is charged with studying and identifying privacy and security and access measures to protect individually identifiable health information in an environment of electronic networking and multiple uses of data. Further, the Committee advises the Secretary and is mandated to report to Congress on the status of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), which establishes the regulatory framework for personally identifiable health information by covered entities and business associates.

Through the Subcommittee on Privacy, Confidentiality and Security, the Committee undertook a “Beyond HIPAA” initiative to examine emerging health information privacy and security issues that are beyond the scope of HIPAA to consider a health data privacy and security framework for the 21st century. The goals for the Beyond HIPAA initiative are to:

1. Identify and describe the changing environment and the risks to privacy and security of confidential health information; highlight promising policies, practices and technology;
2. Lay out integrative models for how best to protect individuals’ privacy and secure health data uses outside of HIPAA protections while enabling useful uses, services and research;
3. Formulate recommendations for the Secretary on actions that HHS and other federal Departments might take; and
4. Prepare a report for data stewardship.

The objective of this meeting is to develop recommendations to define a

contemporary framework of data stewardship for the HHS Secretary, including a pathway for improving private and public sector governance of health information over the next decade. To accomplish this, the Subcommittee plans to:

(a) Outline key principles for stewardship of health data in the environment described in a recent NCVHS environmental scan report and the essential public and private levers to ensure appropriate governance;

(b) Reach consensus on actions to update NCVHS’ 2008 report, “Enhanced Protections for Uses of Health Data: A Stewardship Framework for “Secondary Uses” of Electronically Collected and Transmitted Health Data—Summary for Policy Makers.”

Through this work, the Subcommittee also plans to identify key themes for communications with individuals, policymakers, and stakeholders in the private sector. The times and topics for this meeting are subject to change. Please refer to the posted agenda for any updates.

**Contact Persons for More Information:** Substantive program information may be obtained from Rebecca Hines, MHS, Executive Secretary, NCVHS, National Center for Health Statistics, Centers for Disease Control and Prevention, 3311 Toledo Road, Hyattsville, Maryland 20782, telephone (301) 458–4715. Information pertaining to meeting content may be obtained from Rachel Seeger, MA, MPA, Office of the Secretary/Office of Civil Rights, Room 509E, Department of Health and Human Services, 200 Independence Avenue SW, Washington, DC 20201, telephone: (202) 260–7106. Summaries of meetings and a roster of Committee members are available on the NCVHS website: [www.ncvhs.hhs.gov](http://www.ncvhs.hhs.gov), where further information including a meeting agenda and instructions to access the live broadcast of the meeting will be posted.

Should you require reasonable accommodation, please contact the CDC Office of Equal Employment Opportunity on (770) 488–3210 as soon as possible.

Dated: January 28, 2019.

**Sharon Arnold,**

*Associate Deputy Assistant Secretary for Planning and Evaluation, Science and Data Policy, Office of the Assistant Secretary for Planning and Evaluation.*

[FR Doc. 2019–00706 Filed 1–31–19; 8:45 am]

**BILLING CODE 4151–05–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

#### Annual Update of the HHS Poverty Guidelines

**AGENCY:** Department of Health and Human Services.

**ACTION:** Notice.

**SUMMARY:** This notice provides an update of the Department of Health and Human Services (HHS) poverty guidelines to account for last calendar year’s increase in prices as measured by the Consumer Price Index.

**DATES:** *Applicable Date:* January 11, 2019 unless an office administering a program using the guidelines specifies a different effective date for that particular program.

**ADDRESSES:** Office of the Assistant Secretary for Planning and Evaluation, Room 404E, Humphrey Building, Department of Health and Human Services, Washington, DC 20201.

**FOR FURTHER INFORMATION CONTACT:** For information about how the guidelines are used or how income is defined in a particular program, contact the Federal, state, or local office that is responsible for that program. For information about poverty figures for immigration forms, the Hill-Burton Uncompensated Services Program, and the number of people in poverty, use the specific telephone numbers and addresses given below.

For general questions about the poverty guidelines themselves, contact Kendall Swenson, Office of the Assistant Secretary for Planning and Evaluation, Room 422F.5, Humphrey Building, Department of Health and Human Services, Washington, DC 20201—telephone: (202) 690–7409—or visit <http://aspe.hhs.gov/poverty/>.

For information about the percentage multiple of the poverty guidelines to be used on immigration forms such as USCIS Form I–864, Affidavit of Support, contact U.S. Citizenship and Immigration Services at 1–800–375–5283.

For information about the Hill-Burton Uncompensated Services Program (free or reduced-fee health care services at certain hospitals and other facilities for persons meeting eligibility criteria involving the poverty guidelines), contact the Health Resources and Services Administration Information Center at 1–800–638–0742. You also may visit <https://www.hrsa.gov/get-health-care/affordable/hill-burton/index.html/>.



For information about the number of people in poverty, visit the Poverty section of the Census Bureau's website at <https://www.census.gov/topics/income-poverty/poverty.html> or contact the Census Bureau's Customer Service Center at 1-800-923-8282 (toll-free) or visit <https://ask.census.gov> for further information.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 673(2) of the Omnibus Budget Reconciliation Act (OBRA) of 1981 (42 U.S.C. 9902(2)) requires the Secretary of the Department of Health and Human Services to update the poverty guidelines at least annually, adjusting them on the basis of the Consumer Price Index for All Urban Consumers (CPI-U). The poverty guidelines are used as an eligibility criterion by Medicaid and a number of other Federal programs. The poverty guidelines issued here are a simplified version of the poverty thresholds that the Census Bureau uses to prepare its estimates of the number of individuals and families in poverty.

As required by law, this update is accomplished by increasing the latest published Census Bureau poverty thresholds by the relevant percentage change in the Consumer Price Index for All Urban Consumers (CPI-U). The guidelines in this 2019 notice reflect the 2.4 percent price increase between calendar years 2017 and 2018. After this inflation adjustment, the guidelines are rounded and adjusted to standardize the differences between family sizes. In rare circumstances, the rounding and standardizing adjustments in the formula result in small decreases in the poverty guidelines for some household sizes even when the inflation factor is not negative. In cases where the year-to-year change in inflation is not negative and the rounding and standardizing adjustments in the formula result in reductions to the guidelines from the previous year for some household sizes, the guidelines for the affected household sizes are fixed at the prior year's guidelines. As in prior years, these 2019 guidelines are roughly equal to the poverty thresholds for calendar year 2018 which the Census Bureau expects to publish in final form in September 2019.

The poverty guidelines continue to be derived from the Census Bureau's current official poverty thresholds; they are not derived from the Census Bureau's Supplemental Poverty Measure (SPM).

The following guideline figures represent annual income.

#### 2019 POVERTY GUIDELINES FOR THE 48 CONTIGUOUS STATES AND THE DISTRICT OF COLUMBIA

Persons in family/household	Poverty guideline
1 .....	\$12,490
2 .....	16,910
3 .....	21,330
4 .....	25,750
5 .....	30,170
6 .....	34,590
7 .....	39,010
8 .....	43,430

For families/households with more than 8 persons, add \$4,420 for each additional person.

#### 2019 POVERTY GUIDELINES FOR ALASKA

Persons in family/household	Poverty guideline
1 .....	\$15,600
2 .....	21,130
3 .....	26,660
4 .....	32,190
5 .....	37,720
6 .....	43,250
7 .....	48,780
8 .....	54,310

For families/households with more than 8 persons, add \$5,530 for each additional person.

#### 2019 POVERTY GUIDELINES FOR HAWAII

Persons in family/household	Poverty guideline
1 .....	\$14,380
2 .....	19,460
3 .....	24,540
4 .....	29,620
5 .....	34,700
6 .....	39,780
7 .....	44,860
8 .....	49,940

For families/households with more than 8 persons, add \$5,080 for each additional person.

Separate poverty guideline figures for Alaska and Hawaii reflect Office of Economic Opportunity administrative practice beginning in the 1966–1970 period. (Note that the Census Bureau poverty thresholds—the version of the poverty measure used for statistical purposes—have never had separate figures for Alaska and Hawaii.) The poverty guidelines are not defined for Puerto Rico or other outlying jurisdictions. In cases in which a Federal program using the poverty guidelines serves any of those jurisdictions, the Federal office that

administers the program is generally responsible for deciding whether to use the contiguous-states-and-DC guidelines for those jurisdictions or to follow some other procedure.

Due to confusing legislative language dating back to 1972, the poverty guidelines sometimes have been mistakenly referred to as the “OMB” (Office of Management and Budget) poverty guidelines or poverty line. In fact, OMB has never issued the guidelines; the guidelines are issued each year by the Department of Health and Human Services. The poverty guidelines may be formally referenced as “the poverty guidelines updated periodically in the **Federal Register** by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2).”

Some federal programs use a percentage multiple of the guidelines (for example, 125 percent or 185 percent of the guidelines), as noted in relevant authorizing legislation or program regulations. Non-Federal organizations that use the poverty guidelines under their own authority in non-Federally-funded activities also may choose to use a percentage multiple of the guidelines.

The poverty guidelines do not make a distinction between farm and non-farm families, or between aged and non-aged units. (Only the Census Bureau poverty thresholds have separate figures for aged and non-aged one-person and two-person units.)

Note that this notice does not provide definitions of such terms as “income” or “family,” because there is considerable variation in defining these terms among the different programs that use the guidelines. These variations are traceable to the different laws and regulations that govern the various programs. This means that questions such as “Is income counted before or after taxes?”, “Should a particular type of income be counted?”, and “Should a particular person be counted as a member of the family/household?” are actually questions about how a specific program applies the poverty guidelines. All such questions about how a specific program applies the guidelines should be directed to the entity that administers or funds the program, since that entity has the responsibility for defining such terms as “income” or “family,” to the extent that these terms are not already defined for the program in legislation or regulations.

**Alex M. Azar,**

*Secretary of Health and Human Services.*

[FR Doc. 2019–00621 Filed 1–31–19; 8:45 am]

BILLING CODE 4150–05–P