

# DEPARTMENT OF HEALTH & SOCIAL SERVICES



## PROPOSED CHANGES TO REGULATIONS

### MEDICAID COVERAGE, TRANSPORTATION & ACCOMMODATION SERVICES.

**7 AAC 120. MEDICAID COVERAGE;** Prescription Drugs and Medical Supplies; Durable Medical Equipment; **Transportation Services.**

- 7 AAC 120.405. Transportation and accommodation covered services.
- 7 AAC 120.410. Prior authorization for nonemergency transportation services.
- 7 AAC 120.425. Accommodation services.
- 7 AAC 120.430. Authorized escort.



**PUBLIC REVIEW DRAFT**  
**August 28, 2019**

**COMMENT PERIOD ENDS: October 18, 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paragraph, or subparagraph is being added, or that an existing section, subsection, paragraph, or subparagraph is being repealed and readopted (replaced), *the new or replaced text is not bolded or underlined*.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 120. Medicaid Coverage; Prescription Drugs and Medical Supplies; Durable Medical Equipment; Transportation Services.****7 AAC 120.405. Transportation and accommodation covered services.**

The introductory language of 7 AAC 120.405(b) is amended to read:

(b) The department **will** [MAY] approve **nonemergency** transportation and **accommodation services** [ACCOMMODATIONS] outside the recipient's community of residence to obtain medically necessary services **covered under 7 AAC 105 – 7 AAC 160** for the recipient if **the prior authorization requirements of 7 AAC 120.410 are met and if**

7 AAC 120.405(c)(4) is amended to read:

(4) **except as provided in 7 AAC 120.415(a)**, transportation for a recipient or an authorized escort to travel **to receive services from** a [HEALTH CARE PROVIDER OR MEDICAID SERVICE] provider that is not enrolled as a Medicaid provider **under the requirements of 7 AAC 105 – 7 AAC 160** [IN THIS STATE BY THE

DEPARTMENT] at the time the travel occurs, unless the provider is a military or veterans' facility;

7 AAC 120.405(c)(6) is repealed:

(6) Repealed\_\_\_\_/\_\_\_\_/\_\_\_\_;

(Eff. 2/1/2010, Register 193; am 5/1/2016, Register 218; \_\_\_\_/\_\_\_\_/\_\_\_\_, Register\_\_\_\_)

**Authority:** AS 47.05.010 AS 47.07.030 AS 47.07.040

7 AAC 120.410 is repealed and readopted to read:

**7 AAC 120.410. Nonemergency transportation services.**

(a) The department will pay for the least expensive mode of nonemergency transportation to and from an appointment with the closest appropriate provider for a recipient if the

(1) services are medically necessary services and covered under 7 AAC 105 – 7 AAC 160;

(2) provider is enrolled under 7 AAC 105.210 at the time the travel occurs; and

(3) recipient does not have transportation available on their own or through any voluntary source.

(b) The mode of nonemergency transportation authorized will be determined after considering the:

(1) recipient's physical and mental condition;

(2) distance to the appointment;

(3) length of time it will take to travel to the appointment; and

(4) availability of commercial transportation providers.

(c) Payment for nonemergency transportation services, with the exception of transportation services described under (i) of this section and services authorized under 7 AAC 110.210(c) and (d), requires prior authorization by the department.

(d) The recipient's health care provider shall request prior authorization for nonemergency transportation and accommodation services on behalf of the recipient by submitting a request to the department or its designee; if accommodation services are necessary, the provider must request authorization for accommodation services at the same time nonemergency transportation authorization is requested.

(e) The department will pay for changes to nonemergency transportation services authorized under this section if a recipient is forced to change authorized travel plans for reasons beyond the recipient's control, including the cancellation of an airline flight due to weather conditions or the closing of an airport for security reasons, or if the recipient's provider determines that the recipient must stay longer than previously approved because the medical service for which the recipient traveled reveals the need for additional services, screening, or treatment; the recipient's provider must notify the department or its designee of the change in the recipient's travel plans immediately upon becoming aware that the change is necessary, but no later than the next business day.

(f) Payment for rescheduled travel that occurs

(1) no later than the month following the originally authorized travel dates does not require a new prior authorization;

(2) later than the month following the originally authorized travel requires a new prior authorization by the department.

(g) If a recipient's travel plans change for a reason other than a reason described in (e) of this section, the department may not pay to change or rebook a flight unless, prior to the departure of the flight, the recipient, the recipient's escort, or the recipient's provider notify the Medicaid travel office that originally arranged the travel.

(h) The department will not pay for the following nonemergency transportation services:

(1) the cost to change or reschedule a flight and the remainder of a cancelled itinerary when a flight is missed for reasons that are within the control of the recipient, including but not limited to a recipient's failure to

(A) arrange for timely transportation to the airport;

(B) arrive at the airport early enough to meet airport, airline, and security check-in requirements;

(C) take an identification card that meets Transportation Security Administration requirements; and

(D) behave in a manner that is consistent with airport, airline, and security requirements;

(2) travel on a charter air service, unless the department, but not a department designee, determines that a delay of travel until a commercial flight is available will be detrimental to the health of the recipient.

(i) A claim submitted to the department for the cost of nonemergency ground and air ambulance transportation service must be accompanied by written medical justification for the service.

(Eff. 2/1/2010, Register 193; am 5/1/2016, Register 218; am 9/1/2017, Register 223;

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_).

Authority: AS 47.05.010

AS 47.07.030

AS 47.07.040

**7 AAC 120.425. Accommodation services.**

7 AAC 120.425(a) is amended to read:

(a) The department will pay for accommodation services, including **meals** [FOOD] and lodging, **that are authorized by the department and** incurred by a recipient and the recipient's authorized escort who are required to travel to receive necessary medical care and cannot reasonably return to the recipient's home community on the same day. **A meal is covered only if the recipient stays at a hotel that is enrolled under 7 AAC 105 – 7 AAC 160 and that offers meals.**

7 AAC 120.425(b) is amended to read:

(b) The department will pay for **lodging** [ACCOMMODATION SERVICES] at an all-inclusive flat rate **and for meals up to the maximum daily rate** established by the department.

(Eff. 2/1/2010, Register 193; \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority: AS 47.05.010

AS 47.07.030

AS 47.07.040

**7 AAC 120.430. Authorized escort.**

7 AAC 120.430 is amended by adding a new subsection to read:

(f) The department may deny approval of an individual to serve as escort if the individual has demonstrated behavior that is not in the best interest of the recipient or if the individual cannot fulfill the responsibilities of an escort.

(Eff. 2/1/2010, Register 193; am 6/7/2018, Register 226; \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Register \_\_\_\_\_, \_\_\_\_\_ 2019**

**HEALTH AND SOCIAL SERVICES**

**Authority:** AS 47.05.010

AS 47.07.030

AS 47.07.040