

DEPARTMENT OF HEALTH & SOCIAL SERVICES



PROPOSED CHANGES TO REGULATIONS

MEDICAID BEHAVIORAL HEALTH MARITAL & FAMILY SERVICES

- 7 AAC 70. BEHAVIORAL HEALTH SERVICES;
- 7 AAC 105. MEDICAID PROVIDER & RECIPIENT PARTICIPATION;
- 7 AAC 110. MEDICAID COVERAGE; PROFESSIONAL SERVICES;
- 7 AAC 135. MEDICAID COVERAGE; BEHAVIORAL HEALTH SERVICES.



PUBLIC REVIEW DRAFT
November 1, 2019

COMMENT PERIOD ENDS: December 26, 2019

**Please see the public notice for details about how to
comment on these proposed changes.**

•PLEASE NOTE: The public review draft for this proposed regulation has lettering, numbering, and content that is based on a related regulation. The related regulation is being reviewed and finalized by the Department of Law, and will amend the existing regulations.

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paragraph, or subparagraph is being added, or that an existing section, subsection, paragraph, or subparagraph is being repealed and readopted (replaced), *the new or replaced text is not bolded or underlined*.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 70. Behavioral Health Services.

7 AAC 70.010. Applicability.

7 AAC 70.010(b) is amended by adding a new paragraph to read:

(b) This chapter does not apply to

...

(7) a marital and family therapist licensed under AS 08.63.

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

_____/_____/_____, Register _____)

Authority:	AS 47.05.010	AS 47.30.477	AS 47.30.570
	AS 47.30.470	AS 47.30.530	AS 47.37.140
	AS 47.30.475	AS 47.30.540	

Title 7 Health and Social Services.

Chapter 105. Medicaid Provider & Recipient Participation.

Sec 200. Eligible Medicaid providers.

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7 AAC 105.200. Eligible Medicaid providers.

7 AAC 105.200(a)(1) is amended by adding a new paragraph to read:

(a) Subject to all other requirements of 7 AAC 105 - 7 AAC 160, the following types of providers are eligible to enroll with the department and bill directly for services rendered:

(1) a person with an active license under AS 08, or under the laws of the jurisdiction in which the person provides services, to practice as

...

(T) a marital and family therapist;

(Eff. 2/1/2010, Register 193; am 10/1/2011, Register 199; am 5/1/2016, Register 218; am 6/16/2016, Register 218; am 7/1/2018, Register 226; am ____/____/____, Register ____)

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.040

7 AAC 110 is amended by adding a new section to read:

7 AAC 110.YYY. Marital and family services.

(a) To be eligible to provide marital and family therapy services for payment under 7 AAC 105 - 7 AAC 160, a provider must:

(1) be enrolled as a marital and family therapist under 7 AAC 105.210;

(2) have an active license to practice as a marital and family therapist issued by the jurisdiction in which the marital and family therapist provides services; if services are provided in this state, the marital and family therapist must hold an active license under AS 08.63.100.

(b) The covered marital and family therapy services are limited to the following
DHSS Proposed Changes to Regulations. Medicaid Behavioral Health Marital & Family Therapy Services (7 AAC 70, 105, 110, 135), PUBLIC REVIEW DRAFT.11/01/2019.

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behavioral health clinic services:

- (1) a mental health intake assessment;
- (2) an integrated mental health and substance use intake assessment;
- (3) individual psychotherapy;
- (4) group psychotherapy;
- (5) family psychotherapy;
- (6) multi-family group psychotherapy;
- (7) screening and brief intervention services described in 7 AAC 135.240; and
- (8) behavioral health screening under 7 AAC 135.100.

(c) The records for marital and family therapy services must be maintained under 7 AAC 105.230.

(d) If a marital and family therapist covered under this section provides behavioral health services in or for another enrolled provider, the marital and family therapist must request payment for those services under 7 AAC 135.910(a). (Eff. ____/____/____, Register ____)

Authority:

Chapter 135. Medicaid Coverage; Behavioral Health Services.

7 AAC 135.010. Scope of Medicaid behavioral health services.

7 AAC 135.010(b)(1) is amended to read:

(b) A provider shall not bill the department for the following behavioral health clinic services unless the service is provided in accordance with this chapter by

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(1) a mental health professional clinician, a physician licensed as required under 7 AAC 110.400, a physician assistant licensed as required under 7 AAC 110.455, or an advanced nurse practitioner licensed and certified as required under 7 AAC 110.100, a psychologist licensed as required under 7 AAC 110.550, or a clinical social worker licensed as required under 7 AAC 110.YYY, **or a marital and family therapist licensed as required under 7 AAC 110.YYY** if the provider is working within the scope of the provider's education, training, and experience:

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

Authority: AS 47.05.010 AS 47.07.030