

Kevin Meyer
Lieutenant Governor
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Triptaa Surve
Department of Health and Social Services

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: May 26, 2020

RE: Filed Permanent Regulations: Department of Health and Social Services

Department of Health and Social Services Regulation re: Division of Health Care
Services - Medicaid Pharmacy Preferred Drug List & Prior Authorization Medications
List (7 AAC 160.900)

Attorney General File:	2019200790
Regulation Filed:	5/26/2020
Effective Date:	6/25/2020
Print:	234, July 2020

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO REGULATIONS
OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES

The attached one page of regulations, dealing with the Medicaid Pharmacy Preferred Drug List & Prior Authorization Medications List, specifically, 7 AAC 160.900. Medicaid Program; General Provisions. Requirements adopted by reference, is adopted and certified to be a correct copy of the regulation changes that the Department of Health and Social Services adopts under the authority of AS 47.05.010, AS 47.05.012, AS 47.07.030, and AS 47.07.040, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

Although no public comments were received, the Department of Health & Social Services paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: _____

Adam Crum

Digitally signed by Adam Crum
Date: 2020.05.05 12:49:37 -0800

[original or password-protected electronic signature]

Adam Crum, Commissioner

Department of Health & Social Services

April Simpson for

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that¹ on May 26th, 2020, at 11:55a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

for *Kevin Meyer*
Lieutenant Governor *Kevin Meyer*

Effective: June 25, 2020.

Register: 234, July 2020.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,
designate the following state employees to perform the Administrative Procedures Act
filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have
signed and affixed the Seal of the State of
Alaska, in Juneau, on December 11th,
2018.**



A handwritten signature in blue ink, appearing to read "K. Meyer", is written over a dotted line.

**KEVIN MEYER
LIEUTENANT GOVERNOR**

7 AAC 160.900 (d)(1) is amended to read:

~~(d) The following department documents are adopted by reference:~~

(1) the Alaska Medicaid Preferred Drug List, as amended from time to time

[REVISED AS OF AUGUST 8, 2014];

7 AAC 160.900 (d)(2) is amended to read:

(2) the Alaska Medicaid Prior-Authorization Medications List, as amended from

time to time [DATED MAY 8, 2013];

(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 3/1/2018, Register 225; am 10/1/2018, Register 227; am 1/1/2019, Register 228; am

3/24/2019, Register 229; am 6/2/2019, Register 230; am 6/13/2019, Register 230; am 7/1/2019, Register 231; am 10/25/2019, Register 232; am 11/10/2019, Register 232; am 4/24/2020, Register 234; am 5/21/2020, Register 234; am 6/25/2020, Register 234)"

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.040

AS 47.05.012

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: May 22, 2020

File No.: 2019200790

Tel. No.: 465-3600

From: Susan R. Pollard *SRP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

Re: Department of Health and Social
Services Regulation re: 7 AAC
160.900: Division of Health Care
Services - Medicaid Pharmacy
Preferred Drug List & Prior
Authorization Medications List

The Department of Law has reviewed the attached regulations of the Department of Health and Social Services against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Department of Health and Social Services after the close of the public comment period. The regulations concern incorporating future amended versions of the Alaska Medicaid Preferred Drug List and Prior-Authorization Medications List, as provided for in AS 47.05.012 (15).

The November 26, 2019 public notice and the May 5, 2020 adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

SRP:sjw

NOTICE OF PROPOSED CHANGES ON MEDICAID PHARMACY PREFERRED DRUG LIST & PRIOR
AUTHORIZATION MEDICATIONS LIST IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH &
SOCIAL SERVICES

BRIEF DESCRIPTION

The Department of Health & Social Services proposes to change regulations on the Alaska Medicaid preferred drug list and prior authorization medications list.

The Department of Health & Social Services proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with the Alaska Medicaid preferred drug list and prior authorization medications list, including the following:

- 7 AAC 160.900. Medicaid Program; General Provisions. Requirements adopted by reference, are proposed to be changed as follows:
 - Remove specific version dates to allow for adoption of updated versions following each Pharmacy and Therapeutics Committee and Drug Utilization Review Committee meeting.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Ms. Jolene Withers at the Department of Health & Social Services, Division of Health Care Services, 4501 Business Park Blvd., Building L, Attention: Jolene Withers, Anchorage, AK 99503. Additionally, the Department of Health & Social Services will accept comments by electronic mail at jolene.withers@alaska.gov. The comments must be received not later than 5 p.m. on January 10, 2020.

You may submit written questions relevant to the proposed action to Ms. Jolene Withers by e-mail at jolene.withers@alaska.gov or at the Department of Health & Social Services, Division of Health Care Services, 4501 Business Park Blvd., Building L, Attention: Jolene Withers, Anchorage, AK 99503. The questions must be received at least 10 days before the end of the public comment period. The Department of Health & Social Services will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and agency website at <http://www.dhss.alaska.gov/dhcs/Pages/default.aspx>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Ms. Jolene Withers at jolene.withers@alaska.gov or at (907) 334-2446 not later than December 30, 2019, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Ms. Jolene Withers at jolene.withers@alaska.gov or by telephone at (907) 334-2446.

After the public comment period ends, the Department of Health & Social Services will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed

regulation. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

Statutory authority: AS 47.05.010; AS 47.05.012; AS 47.07.030; AS 47.07.040.

Statutes being implemented, interpreted, or made specific: AS 47.05.010; AS 47.05.012; AS 47.07.030; AS 47.07.040.

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

The Department of Health & Social Services, Division of Health Care Services, keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Department of Health & Social Services, Division of Health Care Services, notices of proposed regulation changes. To be added to or removed from the list, send a request to the Department of Health & Social Services, Division of Health Care Services at jolene.withers@alaska.gov, giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

Date: November 22, 2019.

/s/Adam Crum

Commissioner,

Department of Health & Social Services

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Department of Health & Social Services
2. General subject of regulation: Medicaid Pharmacy Preferred Drug List & Prior Authorization Medications List.
3. Citation of regulation (may be grouped): 7 AAC 160.900.
4. Department of Law file number, if any: 2019200790
5. Reason for the proposed action:
☐ Compliance with federal law or action (identify): _____
☒ Compliance with new or changed state statute
☐ Compliance with federal or state court decision (identify): _____
☐ Development of program standards
☐ Other (identify): _____
6. Appropriation/Allocation: N/A
7. Estimated annual cost to comply with the proposed action to:
A private person: \$0.
Another state agency: \$0.
A municipality: \$0.
8. Cost of implementation to the state agency and available funding (in thousands of dollars): None.

	Initial Year	Subsequent
	FY _____	Years
Operating Cost	\$ _____	\$ _____
Capital Cost	\$ _____	\$ _____
1002 Federal receipts	\$ _____	\$ _____
1003 General fund match	\$ _____	\$ _____
1004 General fund	\$ _____	\$ _____
1005 General fund/ program	\$ _____	\$ _____
Other (identify)	\$ _____	\$ _____
9. The name of the contact person for the regulation:
Name: Erin Narus
Title: Lead Pharmacist
Address: 4501 Business Park Blvd., Bldg. L, Anchorage, AK 99503.
Telephone: (907) 334-2425
E-mail address: erin.narus@alaska.gov

10. The origin of the proposed action:

- ☒ Staff of state agency
☐ Federal government
☐ General public
☐ Petition for regulation change⁷
☐ Other (identify): _____

11. Date: 11-14-19

Prepared by:



(signature)

Name (printed): Erin Narus

Title (printed): Lead Pharmacist

Telephone: (907) 334-2425

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Jolene Withers, Program Coordinator, of the Department of Health & Social Services, under penalty of perjury, certify the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 7 AAC 160.900. Medicaid Program; General Provisions. Requirements adopted by reference, 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.

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

I certify under penalty of perjury that the foregoing is true.

Date: _____

Jolene Withers

Digitally signed by Jolene Withers
Date: 2020.05.05 09:54:33 -08'00'

[original or password-protected electronic signature]

Jolene Withers, Program Coordinator

State of Alaska
Anchorage, AK 99503.

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Jolene Withers, Program Coordinator, of the Department of Health & Social Services, under penalty of perjury, state the following:

The Department of Health & Social Services did not receive any factual or other substantive information that was submitted in writing or orally as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Health & Social Services regulation on 7 AAC 160.900. Medicaid Program; General Provisions. Requirements adopted by reference.

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

I certify under penalty of perjury that the foregoing is true.

Date: _____

Jolene Withers

Digitally signed by Jolene Withers
Date: 2020.05.05 09:56:00 -08'00'

[original or password-protected electronic signature]

Jolene Withers, Program Coordinator.

State of Alaska
Anchorage, AK 99053.

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 270229 ST OF AK/DHSS/COMMISSIONERS
3601 C STREET STE 902, ANCHORAGE, AK 99503

Order #: W0012526

Cost: \$433.3

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Lisi Misa being first duly sworn on oath deposes and says that 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 afore-said 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

11/26/2019

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



Subscribed and sworn to before me
this 26th day of November 2019.

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

STATE OF ALASKA
NOTARY

MY COMMISSION EXPIRES

PUBLIC

Jada L. Nowling

7/14/2020

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Date: November 22, 2019.
/s/Adam Crum
Commissioner,
Department of Health & Social Services

Published: November 26, 2019