

Kevin Meyer
Lieutenant Governor
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Juneau, Alaska 99811
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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: June 4, 2020

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

Department of Health and Social Services regulations re: Medicaid coverage and payment regulations regarding home and community-based services that are day habilitation services (7 AAC 130.220(m)(4); 7 AAC 130.260; 7 AAC 130.319; 7 AAC 160.900(d)(36))

Attorney General File:	2019200472
Regulation Filed:	6/4/2020
Effective Date:	10/1/2020
Print:	235, October 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 7 pages of regulations, dealing with *Medicaid Coverage; Home & Community-Based Waiver Services. Amendments to Day Habilitation Services (7 AAC 130); Medicaid Program; General Provisions (7 AAC 160)*, are 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, 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.

In considering public comments, the Department of Health and 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 October 1, 2020, as provided in AS 44.62.180.

Adam Crum Digitally signed by Adam Crum
Date: 2020.05.12 09:10:11 -0800

Adam Crum, Commissioner
Department of Health & Social Services

FILING CERTIFICATION

April Simpson for
↑

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that¹ on June 4th,
2020, at 12:16 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 -
44.62.120.

for April Simpson

Lieutenant Governor *Kevin Meyer*

Effective: October 1, 2020

Register: 235, October 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.**



K. Meyer
.....

**KEVIN MEYER
LIEUTENANT GOVERNOR**

Register 235, October 2020 HEALTH AND SOCIAL SERVICES

7 AAC 130.220(m)(4) is amended to read:

(4) residential habilitation services under 7 AAC 130.265(b) and (g) [7 AAC 130.260(b) AND (g)];

(Eff. 2/1/2010, Register 193; am 7/1/2013, Register 206; am 7/1/2015, Register 214; am 7/1/2016, Register 218; am 11/5/2017, Register 224; am 10 / 1 / 2020, Register 235)

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.040

7 AAC 130.260(a)(3) is amended to read:

(3) are approved under 7 AAC 130.217 and 7 AAC 130.218 as part of the recipient's support plan [OF CARE]; and

7 AAC 130.260(b) is repealed and readopted to read:

(b) The department will consider habilitation services to be day habilitation services if the services

(1) are provided in a nonresidential setting, separate from the recipient's private residence or another residential setting, to a recipient individually or as a member of a group;

(2) include round-trip transportation for the recipient between the recipient's residence and the site where services are provided unless the recipient's support plan reflects that other transportation will be provided;

(3) provide active teaching or training that assists the recipient to acquire, retain, or improve the self-help, socialization, and adaptive skills necessary to live independently, autonomously, and fully integrated in home and community-based settings; the skills may

additionally do one or more of the following:

- (A) reinforce the skills taught in school, therapy, or other settings;
- (B) help mitigate the impact of a degenerative condition and regression of skills and functioning caused by the progression of that condition;
- (4) do not duplicate or replace services that are provided under 7 AAC 125, 7 AAC 127, or this chapter;
- (5) do not
 - (A) replace, enhance, or supplement services for which the recipient is eligible under 20 U.S.C. 1400 - 1482 (Individuals with Disabilities Education Act), or 29 U.S.C. 701 - 796l (Rehabilitation Act);
 - (B) provide only companionship for or supervision of a recipient; or
 - (C) displace activities or opportunities that natural supports provide;
- (6) for each recipient, provide
 - (A) active teaching or training based on goals that are meaningful to the recipient, outcome-based, and have the explicit purpose of developing or retaining skills and functioning reasonably necessary for community integration;
 - (B) activities that the recipient has a capacity to engage in and benefit from and that are appropriate for the recipient's needs, abilities, and interests as identified through a person-centered planning process that includes review of relevant assessments;
 - (C) the least restrictive community-based environment appropriate for that recipient; and
 - (D) opportunities that promote connections to natural supports or the

greater community.

7 AAC 130.260(c) is repealed and readopted to read:

(c) The department will only pay for a maximum of 624 hours each year of all types of day habilitation services from all providers combined. The department may approve a limited amount of additional day habilitation services if

(1) the department finds that

(A) the recipient's current physical or behavioral condition places the recipient at risk of institutionalization or incarceration if additional day habilitation services are not provided;

(B) the recipient's support plan and records indicate that the recipient has a critical need for additional day habilitation services because of one or more of the following:

(i) the recipient has an acute or degenerative physical condition that necessitates participation in activities to maintain or improve that condition that are available only in the community;

(ii) the recipient exhibits behaviors that create a risk of physical harm to the recipient or others that can only be mitigated by the development of skills related to appropriate behavior in the community;

(iii) the recipient's one-to-one support provided under 7 AAC 130.267 was recently terminated, and the recipient needs to learn skills required for living successfully in the community; or

(iv) the recipient's release from an intermediate care facility for individuals with intellectual disabilities or the criminal justice system within the current or prior support plan year increases the need for additional day habilitation services for teaching or training skills for community integration; and

(C) the recipient's medical, social, educational, or other records support the recipient's need for, and capacity to engage in and benefit from, additional active teaching or training; those records include the following:

- (i) the current and prior year assessments under 7 AAC 130.213;
- (ii) the current and prior year support plans;
- (iii) records maintained under 7 AAC 105.230(d);
- (iv) direct service case notes;

(2) the request for additional day habilitation services is submitted in a recipient's support plan that

(A) describes how the recipient's physical or behavioral condition and one or more of the circumstances in (1)(B) of this subsection justify additional services;

(B) identifies goals related to the skills specified in (b)(3) of this section and explains why additional services in a day habilitation setting are necessary to reach the recipient's goals;

(C) lists interventions used or in use to address the recipient's condition and whether each intervention was successful or unsuccessful; and

(D) indicates how additional day habilitation services will not duplicate or supplant other services rendered to the recipient.

7 AAC 130.260 is amended by adding a new subsection to read:

(e) In this section,

(1) "critical need" means the condition resulting from the recipient's circumstances that would result in institutionalization within the support plan year if additional day habilitation services are not approved;

(2) "limited amount" means day habilitation services

(A) that exceed 624 hours in a plan year; and

(B) for which the department determines, on an hour-by-hour basis, that a recipient can reasonably be expected to engage in and benefit from active teaching or training, given that recipient's physical or behavioral condition. (Eff. 2/1/2010, Register 193; am 7/1/2013, Register 206; am 10/1/2017, Register 223; am 11/5/2017, Register 224; am 10 / 1 / 2020, Register 235)

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.040

7 AAC 130.319(6) is repealed:

(6) repealed 10 / 1 / 2020;

7 AAC 130.319 is amended by adding new paragraphs to read:

(17) "active teaching or training" means the use of appropriate measures or interventions that are evidence-informed, address objectives described in a recipient's approved support plan, lead to positive outcomes, and engage a recipient during each unit of service;

(18) "habilitation" means active teaching or training that

(A) assists a recipient to acquire, retain, or improve the self-help, socialization, and adaptive skills necessary to reside successfully in home and community-based settings; and

(B) is planned to help a recipient reach the level of physical, mental, and social functioning that the recipient has the capacity to engage in and benefit from;

(19) "residential habilitation" means habilitation provided in a location that is

(A) a recipient's private residence; or

(B) a facility licensed under AS 47.32 that provides

(i) a structured setting with supervision and care;

(ii) shelter, food, household maintenance, and transportation;

(iii) encouragement, assistance, and guidance as necessary with activities of daily living described in 7 AAC 125.030(b);

(iv) social and recreational activities and opportunities both in the home and in the community; and

(v) arrangements for medical services if the need is indicated in the recipient's medical records;

(20) "risk of institutionalization" means it is likely that the recipient's current condition would require the recipient to be relocated, within the support plan year, from the recipient's current residence to an acute care hospital, nursing facility, or intermediate care facility for individuals with intellectual disabilities. (Eff. 2/1/2010, Register 193; am 11/3/2012, Register 204; am 7/1/2013, Register 206; am 7/1/2015, Register 214; am 11/5/2017, Register 224; am 10/1/2018, Register 227; am 10 / 1 / 2020, Register 235)

Register 235, October 2020 HEALTH AND SOCIAL SERVICES

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.040

7 AAC 160.900(d)(36) is amended to read:

(36) the *Day Habilitation Services Conditions of Participation*, dated January 8, 2020 [SEPTEMBER 5, 2017];

(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 10 / 1 / 2020, Register 235)

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 21, 2020

File No.: 2019200472

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

Tel. No.: 465-3600

From: Steven C. Weaver *SCW*
Senior Assistant Attorney General
Legislation and Regulations Section

Re: Department of Health and Social
Services regulations re: Medicaid
coverage and payment regulations
regarding home and community-
based services that are day
habilitation services (7 AAC
130.220(m)(4); 7 AAC 130.260;
7 AAC 130.319; 7 AAC
160.900(d)(36))

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 Medicaid coverage and payment under the home and community-based waiver program, in particular coverage and payment for day habilitation services.

Please note that in the adoption order the department has set a special effective date of October 1, 2020 for these regulations. Accordingly, the regulation changes should take effective October 1, 2020.

The August 11, 2019 public notice and the May 12, 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.

SCW

cc w/enc.: Hon. Adam Crum, Commissioner
Department of Health and Social Services

Triptaa Surve, Regulations Contact
Department of Health and Social Services

John Lee, Director
Division of Senior and Disabilities Services
Department of Health and Social Services

Lynne Kellman-Cruz
Division of Senior and Disabilities Services
Department of Health and Social Services

Jetta Whittaker
Division of Senior and Disabilities Services
Department of Health and Social Services

Anthony Newman
Division of Senior and Disabilities Services
Department of Health and Social Services

Paul R. Peterson, Assistant Attorney General
Human Services Section

NOTICE OF PROPOSED CHANGES ON MEDICAID COVERAGE, HOME & COMMUNITY-BASED
WAIVER SERVICES, AMENDMENTS TO DAY HABILITATION
IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES

BRIEF DESCRIPTION

The Department of Health & Social Services proposes to adopt regulations on Medicaid coverage, home and community-based waiver services, related to limitations on day habilitation services.

The Department of Health & Social Services proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with Medicaid coverage, home and community-based waiver services, limitations on day habilitation services, including the following:

- 7 AAC 130.260(a) is proposed to be amended to use current terminology;
- 7 AAC 130.260 (b) is proposed to be repealed and readopted to describe day habilitation;
- 7 AAC 130.260 (c) is proposed to be repealed and readopted to describe recipient eligibility and department approval for a limited amount of additional time above the limit for day habilitation services, and the method for seeking approval for that additional time;
- 7 AAC 130.260 is proposed to be amended to add a new subsection define new terms;
- 7 AAC 130.319 is proposed to be amended to add new definitions.
- 7 AAC 160.900(d) is proposed to be amended to add the most recent version of the *Day Habilitation Services Conditions of Participation*.

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. Jetta Whittaker at the Department of Health & Social Services, Division of Senior & Disabilities Services, P.O. Box 110680, Juneau, AK 99811. Additionally, the Department of Health & Social Services will accept comments by facsimile at (907) 465-1170 and by electronic mail at jetta.whittaker@alaska.gov . The comments must be received not later than 5 p.m. on September 30, 2019.

Oral or written comments also may be submitted at two hearings to be held on September 13, 2019, at the Atwood Building, in Room 102, 550 W 7th Avenue, Anchorage, AK 99503. The hearings will be held from 2 p.m. to 4 p.m., and from 5:00 p.m. to 7 p.m. The hearings might be extended to accommodate those present 30 minutes before the scheduled ending of each hearing who did not have an opportunity to comment. If you are unable to attend in person, but would like to comment during the oral public hearing, you can call the teleconference Toll Free Access number 1-(800) 618-4714.

You may submit written questions relevant to the proposed action to the Department of Health & Social Services by e-mail at jetta.whittaker@alaska.gov or at the Department of Health & Social Services, Division

of Senior & Disabilities Services, P.O. Box 110680, Juneau, AK 99811. 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.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Ms. Jetta Whittaker at jetta.whittaker@alaska.gov or at (907) 465-1605 not later than September 3, 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. Jetta Whittaker at jetta.whittaker@alaska.gov or at (907) 465-1605.

A copy of material proposed for adoption by reference is available on the Alaska Online Public Notice System, and may be viewed at the agency's office at Department of Health & Social Services, Senior & Disabilities Services, 240 Main Street, Juneau, AK 99801.

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 Senior & Disabilities 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 Senior & Disabilities 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 Senior & Disabilities Services at jetta.whittaker@alaska.gov, giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

DATE: 8/8/19


Adam Crum
Commissioner,
Department of Health & Social Services

NOTICE OF PROPOSED CHANGES ON MEDICAID COVERAGE, HOME & COMMUNITY-BASED
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DATE: _____

8/8/19



Adam Crum
Commissioner,
Department of Health & Social Services

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))¹

1. Adopting agency: Department of Health & Social Services
2. General subject of regulation: Medicaid Coverage, Home & Community-Based Waiver Services, Day Habilitation Services Amendments.
3. Citation of regulation (may be grouped): 7 AAC 130.260, .319.
4. Department of Law file number, if any: 2019200472
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): Terms of legal settlement for case number 1:18-CV-00004-HRH.
6. Appropriation/Allocation: Medicaid Services/Senior & Disabilities Services
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 FY 19 _____	Subsequent Years
Operating Cost	<u>\$0</u>	<u>\$0</u>
Capital Cost	<u>\$0</u>	<u>\$0</u>
1002 Federal receipts	<u>\$</u>	<u>\$</u>
1003 General fund match	<u>\$</u>	<u>\$</u>
1004 General fund	<u>\$</u>	<u>\$</u>
1005 General fund/ program	<u>\$</u>	<u>\$</u>
Other (identify)	<u>\$0</u>	<u>\$0</u>
9. The name of the contact person for the regulation:

Name: Jetta Whittaker
Title: Health Program Manager III
Address: 240 Main Street, Suite 600, Juneau, AK 99801
Telephone: (907) 464-1605

E-mail address: jetta.whittaker@alaska.gov

10. The origin of the proposed action:

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

11.

Date:

7.31.19

Prepared by:



[signature]

Name (printed):

Deb Etheridge

Title (printed):

Deputy Director, DSDS

Telephone:

465-5481

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Jetta Whittaker, Health Program Manager III, of the Department of Health & Social Services, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 7 AAC 130 *Medicaid Coverage; Home & Community-Based Waiver Services. Amendments to Day Habilitation Services, and 7 AAC 160. 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: _____

1/28/20

Jetta Whittaker

Jetta Whittaker, Health Program Manager III

Subscribed and sworn to before me at DHSS - FMS Office

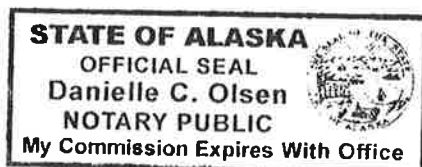
on 1/28/2020

(date)

Danielle C. Olsen

Notary Public in and for the State of Alaska

[NOTARY SEAL]



ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 270229

Order #: W0011089

Cost: \$537.86

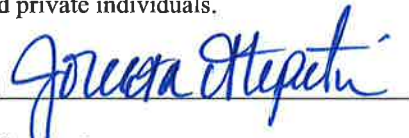
STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Joleesa Stepetin 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 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 new

08/11/2019

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 12th day of August 2019.

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

MY COMMISSION EXPIRES

7/14/2020

STATE OF ALASKA
NOTARY
PUBLIC
Jade L. Nowling

NOTICE OF PROPOSED CHANGES ON MEDICAID COVERAGE, HOME & COMMUNITY-BASED WAIVER SERVICES, AMENDMENTS TO DAY HABILITATION IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES

The Department of Health & Social Services proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with Medicaid coverage, home and community-based waiver services, limitations on day habilitation services, including the following:

- 7 AAC 130.260(a) is proposed to be amended to use current terminology;
- 7 AAC 130.260 (b) is proposed to be repealed and readopted to describe day habilitation;
- 7 AAC 130.260 (c) is proposed to be repealed and readopted to describe recipient eligibility and department approval for a limited amount of additional time above the limit for day habilitation services, and the method for seeking approval for that additional time;
- 7 AAC 130.260 is proposed to be amended to add a new subsection define new terms;
- 7 AAC 130.319 is proposed to be amended to add new definitions;
- 7 AAC 160.900(d) is proposed to be amended to add the most recent version of the Day Habilitation Services Conditions of Participation.

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. Jetta Whittaker at the Department of Health & Social Services, Division of Senior & Disabilities Services, P.O. Box 110680, Juneau, AK 99811. Additionally, the Department of Health & Social Services will accept comments by facsimile at (907) 465-1170 and by electronic mail at jetta.whittaker@alaska.gov. The comments must be received not later than 5 p.m. on September 30, 2019.

Oral or written comments also may be submitted at two hearings to be held on September 13, 2019, at the Atwood Building, in Room 102, 550 W 7th Avenue, Anchorage, AK 99503. The hearings will be held from 2 p.m. to 4 p.m., and from 5:00 p.m. to 7 p.m. The hearings might be extended to accommodate those present 30 minutes before the scheduled ending of each hearing who did not have an opportunity to comment. If you are unable to attend in person, but would like to comment during the oral public hearing, you can call the teleconference Toll Free Access number 1-(800) 618-4714.

You may submit written questions relevant to the proposed action to the Department of Health & Social Services by e-mail at jetta.whittaker@alaska.gov or at the Department of Health & Social Services, Division of Senior & Disabilities Services, P.O. Box 110680, Juneau, AK 99811. 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.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Ms. Jetta Whittaker at jetta.whittaker@alaska.gov or at (907) 465-1605 not later than September 3, 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. Jetta Whittaker at jetta.whittaker@alaska.gov or at (907) 465-1605.

A copy of material proposed for adoption by reference is available on the Alaska Online Public Notice System, and may be viewed at the agency's office at Department of Health & Social Services, Senior & Disabilities Services, 240 Main Street, Juneau, AK 99801.

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 Senior & Disabilities 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 Senior & Disabilities 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 Senior & Disabilities Services at jetta.whittaker@alaska.gov, giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

DATE: August 8, 2019

/s/Adam Crum Commissioner, Department of Health & Social Services

Published: August 11, 2019

AFFIDAVIT OF ORAL HEARING

I, Caitlin Rogers, Health Program Manager III, of the Department of Health & Social Services, being sworn, state the following:

On September 13, 2019, at 2 p.m. and 5 p.m., in room 102 of the Atwood Building, 550 West 7th, Anchorage, AK 99501, I presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to 7 AAC 130. Medicaid Coverage; Home & Community-Based Waiver Services. Amendments to Day Habilitation Services; and 7 AAC 160. Medicaid Program; General Provisions.

Date: December 10, 2019


Caitlin Rogers, Health Program Manager III

Subscribed and sworn to before me at Anchorage, Alaska on
December 10, 2019
(date)




Notary Public in and for the State of Alaska

[NOTARY SEAL]

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Jetta Whittaker, Health Program Manager III, of the Department of Health & Social Services, being sworn, state the following:

In compliance with AS 44.62.215, the Department of Health & Social Services has kept a record of its use or rejection of factual or other substantive information that was submitted in writing and 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 130 Medicaid Coverage; Home & Community-Based Waiver Services. Amendments to Day Habilitation Services, and 7 AAC 160. Medicaid Program; General Provisions.*

Date: _____

1/28/20

Jetta Whittaker

Jetta Whittaker, Health Program Manager III

Subscribed and sworn to before me at DHSS - FMS Office

on 1/28/2020

(date)

Danielle C. Olsen

Notary Public in and for the State of Alaska

[NOTARY SEAL]

