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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: November 25, 2020

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

Department of Health and Social Services Regulations re: Health Care Professionals
Workforce Enhancement Program (7 AAC 24)

Attorney General File:	2019200887
Regulation Filed:	11/25/2020
Effective Date:	12/25/2020
Print:	236, January 2021

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 24 pages of regulations, dealing with the Health Care Professionals Workforce Enhancement Program (7 AAC 24), 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 18.29.105; AS 18.29.110; AS 18.29.115; AS 18.29.120; AS 18.29.125; AS 18.29.130; AS 18.29.190; AS 44.29.022, 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 & 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.

Adam Crum

Digitally signed by Adam Crum
Date: 2020.11.24 14:55:27
-09'00'

Adam Crum, Commissioner
Department of Health & Social Services

Agul Simpson for

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that¹ on November 25, 2020, at 11:19 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

for Kevin Meyer
Lieutenant Governor

Effective: December 25, 2020.

Register: 236, January 2021.

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**

**Chapter 24. Health Care Professionals Workforce Enhancement [PROFESSIONS LOAN
REPAYMENT AND INCENTIVE] Program.**

Article

- 1, Eligible Sites and Program Participation (7 AAC 24.010 - 7 AAC 24.081 [7 AAC 24.010 - 7 AAC 24.080])
- 2, Advisory Council [BODY] (7 AAC 24.300 - 7 AAC 24.350 [7 AAC 24.710 - 7 AAC 24.760])
- 3, General Provisions (7 AAC 24.710 - 7 AAC 24.995 [7 AAC 24.950 - 7 AAC 24.990])

Article 1. Eligible Sites and Program Participation.

Section

10. Repealed [DESIGNATION AS A HEALTH CARE SERVICES SHORTAGE AREA]
11. Designation as a health care services shortage area
20. Repealed [FACILITY ELIGIBILITY]
21. Employer site eligibility
30. Repealed [SITE RECRUITMENT AND RETENTION PLAN]
31. Classification of eligible sites as having either regular or very hard-to-fill positions, or both
40. Repealed [CLASSIFICATION OF ELIGIBLE SITES AS HAVING EITHER REGULAR OR VERY HARD-TO-FILL POSITIONS, OR BOTH]
41. Health care professional eligibility
50. Repealed [PRIORITIZATION OF ELIGIBLE SITES]

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51. Prioritization of eligible sites and health care professionals

60. **Repealed** [CALCULATION OF EMPLOYER PAYMENTS]

61. Program fees

70. **Repealed** [DIRECT INCENTIVE PAYMENTS AND HEALTH CARE
PROFESSIONAL EXPERIENCE]

71. Employer payments

80. **Repealed** [EMPLOYEE ELIGIBILITY TO PARTICIPATE]

81. Penalties and appeals

7 AAC 24.010 is repealed:

7 AAC 24.010. Designation as a health care services shortage area. Repealed. (Eff.
2/16/2013, Register 205; am 6/16/2016, Register 218; repealed 12 / 25 / 2020, Register 236)

[EDITOR'S NOTE: VOLUME II, PART B, PAGE 6 OF THE ALASKA RURAL
PRIMARY CARE FACILITY NEEDS ASSESSMENT PROJECT FINAL REPORT,
ADOPTED BY REFERENCE IN 7 AAC 24.010, MAY BE OBTAINED FROM THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DIVISION OF PUBLIC HEALTH,
P.O. BOX 110616, JUNEAU, ALASKA 99811-0616.]

7 AAC 24 is amended by adding a new section to read:

7 AAC 24.011. Designation as a health care services shortage area. The commissioner
will designate a service area or site as being, or as being located in, a health care services

shortage area under AS 18.29, if at least one of the following criteria are met:

(1) there is evidence that at least 30 percent of the population of the service area or site consists of underserved individuals;

(2) the service area is a rural community;

(3) the United States Department of Health and Human Services, Health Resources and Services Administration (HRSA),

(A) acting under 42 U.S.C. 254e and 256f, has designated the service area a health professional shortage area (HPSA); or

(B) acting under 42 U.S.C. 254b(b)(3), has designated the service area a medically underserved area (MUA) or one with a medically underserved population (MUP);

(4) there is evidence that the site provides education or training to health care professionals to increase access to health care services; for purposes of this paragraph, a site includes

(A) a university that provides education or training to health care professionals;

(B) a technical college that provides education or training to health care professionals;

(C) a health education network; and

(D) a program for community health aide, behavioral health aide, dental health aide, public health, or substance use disorder counselor training; in this subparagraph,

(i) "behavioral health aide" means an individual with the certification described in 7 AAC 155.040(a)(2);

(ii) "community health aide" means an individual with the certification described in 7 AAC 155.040(a)(1);

(iii) "substance use disorder counselor" has the meaning given in 7 AAC 135.990. (Eff. 12 / 25 / 2020, Register 236)

Authority: AS 18.29.105 AS 18.29.190

7 AAC 24.020 is repealed:

7 AAC 24.020. Facility eligibility. Repealed. (Eff. 2/16/2013, Register 205; repealed 12 / 25 / 2020, Register 236)

7 AAC 24 is amended by adding a new section to read:

7 AAC 24.021. Employer site eligibility. An employer site must meet the following requirements to participate in the program:

- (1) the site must qualify under 7 AAC 24.011 as a health care services shortage area;
- (2) the site must submit an employer site application approved by the department;
- (3) the site must maintain clinical and employment documentation for audit, and provide required documents upon the department's request;
- (4) the site must maintain a designated site representative that is authorized by the employer to

- (A) review and sign contract and program participation documents; and
- (B) submit quarterly work reports for participating health care professionals;
- (5) if the site provides health care services, it must
 - (A) ensure that each health care professional charges for provided services at the usual and customary rates in the employer's area, except that if a service recipient is unable to pay a fee set at those rates, that individual will be charged at a reduced rate or not charged any fee;
 - (B) provide services to patients covered by Medicare and Medicaid, and submit a 12-month billing summary with its application;
 - (C) provide services to individuals eligible under 25 U.S.C.1680c (Indian Health Care Improvement Act), if the site is a tribal health organization that the federal Indian Health Service recognizes under 25 U.S.C. 1680c;
 - (D) verify each health care professional's credentials using a process that includes reference review, licensure verification, and a query of the National Practitioner Data Bank; and
 - (E) develop and maintain a plan to guide the recruitment and retention of health care professionals; the plan must include the policies and processes that the site will use to recruit and maintain appropriate clinical staffing levels needed to serve the community; a current copy of the plan must be available on site and updated as needed.

(Eff. 12/25/2020, Register 236)

Authority: AS 18.29.105 AS 18.29.110 AS 18.29.120

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7 AAC 24.030 is repealed:

7 AAC 24.030. Site recruitment and retention plan. Repealed. (Eff. 2/16/2013,
Register 205; repealed 12 / 29 / 2020, Register 236)

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

7 AAC 24.031. Classification of eligible sites as having either regular or very hard-to-fill positions, or both. The commissioner will consider the following factors to determine whether a site has either regular or very hard-to-fill positions, or both:

- (1) the length of time to fill a vacancy, including
 - (A) evidence of Internet postings for 12 months or longer; or
 - (B) evidence that a locum tenens or other short-term provider filled the position;
- (2) the length of time of active recruitment for a vacant position, including evidence of
 - (A) actual job postings and the actual dates of posting; or
 - (B) whether the position was posted during the most recent 12 months in journals, in newspapers, or on the Internet before the commissioner's determination of an eligible site under 7 AAC 24.021;
- (3) interviews conducted during the most recent 12 months before the commissioner's determination of an eligible site under 7 AAC 24.021, including
 - (A) who was interviewed; and
 - (B) the reasons for not hiring an individual who was interviewed. (Eff.

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12/25/2020, Register 236)

Authority: AS 18.29.105

7 AAC 24.040 is repealed:

7 AAC 24.040. Classification of eligible sites as having either regular or very hard-to-fill positions, or both. Repealed. (Eff. 2/16/2013, Register 205; repealed 12/25/2020, Register 236)

7 AAC 24 is amended by adding a new section to read:

7 AAC 24.041. Health care professional eligibility. A health care professional must meet the following requirements to be eligible to participate in the program:

- (1) the health care professional must be eligible under AS 18.29.130(a);
- (2) the health care professional may not have a simultaneous contract or service obligation with another entity for loan repayment; for purposes of this paragraph, a simultaneous contract or service obligation does not include
 - (A) an employer's sign-on bonus, retention bonus, productivity bonus, or similar employer remuneration;
 - (B) a service obligation in the
 - (i) reserves of the armed forces of the United States;
 - (ii) Alaska National Guard, Alaska Naval Militia, or Alaska State Defense Force; or
 - (iii) commissioned corps of the United States Department of

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Health and Human Services, Office of the Surgeon General, Public Health
Service;

(3) the health care professional must be qualified to work in the United States and provide adequate evidence of citizenship, naturalization, or permanent residency to the employer to satisfy employment requirements. (Eff. 12 / 25 / 2020, Register 236)

Authority: AS 18.29.105 AS 18.29.115 AS 18.29.130

7 AAC 24.050 is repealed:

7 AAC 24.050. Prioritization of eligible sites. Repealed. (Eff. 2/16/2013, Register 205; repealed 12 / 25 / 2020, Register 236)

7 AAC 24 is amended by adding a new section to read:

7 AAC 24.051. Prioritization of eligible sites and health care professionals. The department will annually issue a public notice of priorities for the application process for eligible employer sites and health care professionals, including occupation types, localities, practice settings, distribution of program participants, and available funding. The commissioner may consider other relevant factors in considering applicants, including

- (1) the number of health care employee vacancies at a site;
- (2) the number of participants at a site;
- (3) the percentage of underserved individuals served;
- (4) the extent to which the service area is rural;
- (5) the level of social and medical need in the service area;

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- (6) whether a position serves clientele statewide;
- (7) the size of a position's anticipated workload;
- (8) a health care professional's specialty;
- (9) the occupational mix of staff;
- (10) the employer and practice setting;
- (11) whether a health care professional who has applied is a new recruit or a retention candidate; or
- (12) a health care professional's years of experience. (Eff. 12/25/2020, Register 236)

Authority: AS 18.29.105 AS 18.29.115 AS 18.29.130

7 AAC 24.060 is repealed:

7 AAC 24.060. Calculation of employer payments. Repealed. (Eff. 2/16/2013, Register 205; repealed 12/25/2020, Register 236)

7 AAC 24 is amended by adding a new section to read:

7 AAC 24.061. Program fees. (a) To help cover accounting, reports, and other program operation costs, the department will charge the employer a per-contract administrative fee of five percent of a health care professional's total contract value.

(b) If the department contracts for services described in AS 18.29.105(f)(1) or for a fiscal agent, the department will assess the employer an additional per-contract administrative fee of one and one-half percent of the health care professional's total contract value.

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(c) In the annual report to the advisory council, the department will include a summary of expenses relative to fees collected. (Eff. 12/25/2020, Register 236)

Authority: AS 18.29.105 AS 18.29.110 AS 44.29.022

7 AAC 24.070 is repealed:

7 AAC 24.070. Direct incentive payments and health care professional experience.

(Eff. 2/16/2013, Register 205; repealed 12/25/2020, Register 236)

7 AAC 24 is amended by adding a new section to read:

7 AAC 24.071. Employer payments. (a) The department will calculate the quarterly payment that an employer is to pay under AS 18.29.110 based on the fee calculated under 7 AAC 24.061 and on

(1) the quarterly amount of each payment provided according to tier level under AS 18.29.115 to each eligible health care professional working for the employer;

(2) whether a health care professional's position is full-time or half-time;

(3) whether a position is regular or very hard-to-fill;

(4) the qualifying student loan debt level or direct incentive option for a health care professional; and

(5) the number of qualified employment hours that a health care professional worked in a calendar quarter.

(b) The department will use a quarterly work report to monitor the health care professional's contractual compliance with the service obligation and to prorate quarterly

employer and benefit payments based on the number of qualified employment hours worked. A quarterly work report

(1) must be submitted by the employer and approved by the health care professional to document that the service was actually provided at the specified location, for the specified population, and for the duration of the health care professional's service;

(2) must be submitted on a form approved by the department;

(3) may not contain any information that identifies patients or discloses protected health information in violation of federal or state law; and

(4) must be received by the department not later than 30 days after the end of each calendar quarter.

(c) The department will provide a quarterly invoice to the employer. The department will include in the invoice the charges under AS 18.29.110, 7 AAC 24.061, and this section for all participating health care professionals employed by the employer. The invoice is

(1) payable to the department; and

(2) due not later than 30 days after receipt.

(d) The department will not make payments to, or on behalf of, the health care professional until the department receives the employer payment for the invoiced amount.

(e) To request an adjustment under AS 18.29.110(2) based on the employer's ability to pay, the employer must make a written request to the department. Not later than 30 days after receiving the request, the department will send the employer a written response. An adjustment is subject to the availability of funds.

(f) An employer that makes more than three late payments or fails to pay breaches the

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contract with the department. The department will classify that employer as ineligible for program participation, and the employer may incur civil penalties. (Eff. 12/25/2020, Register 236)

Authority: AS 18.29.105 AS 18.29.115 AS 18.29.120
AS 18.29.110

7 AAC 24.080 is repealed:

7 AAC 24.080. Employee eligibility to participate. (Eff. 2/16/2013, Register 205; repealed 12/25/2020, Register 236)

7 AAC 24 is amended by adding a new section to Article 1 to read:

7 AAC 24.081. Penalties and reconsideration. (a) The department will provide a contract between the eligible health care professional, the eligible employer, and the department. The department will amend or terminate a contract only through a fully executed amendment or termination document.

(b) An employer or health care professional that breaches the contract is subject to penalties under AS 18.29.105(d)(3)(B).

(c) An applicant or program participant may request reconsideration of a department decision related to eligibility, penalties, violations, and contract termination.

(d) To request reconsideration of a department decision described in (c) of this section, the applicant or program participant must submit, not later than 30 days after the date of the department's letter setting out the decision, a written request for first-level reconsideration. The

request must specify the basis upon which the decision is challenged and include any supporting documentation. The department will notify the applicant or program participant in writing of the department's first-level reconsideration decision.

(e) If unsatisfied with the first-level reconsideration decision, the applicant or program participant may request second-level reconsideration by submitting a written request to the commissioner not later than 30 days after the date of the first-level reconsideration decision. The request must include

(1) a copy of the first-level reconsideration decision;

(2) specification of the basis upon which the decision is challenged, including

(A) a copy of the request for first-level reconsideration and supporting documentation submitted with that request; and

(B) any additional supporting documentation.

(f) Second-level reconsideration includes the commissioner's review of the original reconsideration record, decision, and any additional material submitted by the applicant or program participant and the department. The department will notify the applicant or program participant in writing of the commissioner's second-level reconsideration decision. The commissioner's decision under this subsection is the final administrative decision of the department. (Eff. 12 / 25 / 2020, Register 236)

Authority: AS 18.29.105

7 AAC 24 is amended by adding new sections to read:

Article 2. Advisory Council [BODY].

Section

- 300. Advisory council membership
- 310. Establishment of committees to assist in advisory council duties
- 320. Advisory council meetings
- 330. Appointments and terms of advisory council members
- 340. Advisory council ex-officio nonvoting members
- 350. Termination and removal of advisory council members; conflict of interest

7 AAC 24.300. Advisory council membership. The advisory council has 15 voting members representing professional associations, health care sites, and health care professions education and training sites. The commissioner will appoint, as at least one of the 15 members, an expert in economic issues related to recruitment and retention of health care professionals in the state. The commissioner will appoint three at-large members, who are experts needed for specific issues that may arise during the administration of the program. (Eff. 12/25/2020, Register 236)

Authority: AS 18.29.105

7 AAC 24.310. Establishment of committee to assist in advisory council duties. As needed for it to perform its duties under AS 18.29.105(c), the advisory council may establish one or more committees. A committee may be composed of council voting members, council ex-

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officio members, and persons who are not council members. Only a voting member may chair a committee. (Eff. 12 / 25 / 2020, Register 236)

Authority: AS 18.29.105

7 AAC 24.320. Advisory council meetings. (a) Two-thirds of the individuals currently appointed as voting members constitute a quorum to convene the advisory council and conduct business.

(b) The advisory council shall meet at least quarterly and shall hold an annual meeting, at which time the advisory council shall elect officers and confirm the dates and locations for the next three quarterly meetings.

(c) The advisory council shall conduct public meetings in accordance with the 2011 edition of *Robert's Rules of Order Newly Revised*. (Eff. 12 / 25 / 2020, Register 236)

Authority: AS 18.29.105

7 AAC 24.330. Appointments and terms of advisory council members. (a) Members of the advisory council serve staggered terms of three years.

(b) A member of the council shall serve until the commissioner appoints a successor.

(c) An appointment to fill a vacancy on the council is for the remainder of the unexpired term.

(d) The commissioner will not reappoint a council member who has served all or part of two successive terms unless three years have elapsed since the person last served on the council.

(e) The council shall select two co-chairs from the members to serve terms of one year.

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(Eff. 12 /25 /2020, Register 236)

Authority: AS 18.29.105

7 AAC 24.340. Advisory council ex-officio nonvoting members. The commissioner will appoint ex-officio nonvoting members as needed to support the goals of the program and the work of the advisory council. Employees of the department are ex-officio members. (Eff.

12 /25 /2020, Register 236)

Authority: AS 18.29.105

7 AAC 24.350. Termination and removal of advisory council members; conflict of interest. (a) Grounds for the commissioner to terminate, under AS 18.29.105(c), a member's service on the advisory council include

(1) misconduct;

(2) bias, including

(A) subverting the purposes of the program while representing the advisory council;

(B) taking positions in the name of the council or program without the support of the council, or promising without council support to support the positions or programs of other entities in the name of the council or program;

(3) failure to disclose a conflict of interest as required under this section; or

(4) missing three consecutive meetings.

(b) A member with a substantial financial interest in an official action must declare the

financial interest and request to be excused from voting. The chair will make a final determination on a request by a member to be excused from voting due to a conflict of interest. The council may override a ruling by the chair on a majority vote.

(c) If the chair determines that a member has a conflict of interest, that member must file a written disclosure form with the department describing the matter.

(d) A member shall inform the chair of potential conflicts of interest valued at more than \$5,000 annually if the interest is related to health care system income affecting the member or the member's immediate family. In this subsection,

(1) "health care system income" means income from a health care industry job; in this paragraph, "health care industry job" includes health care professional clinical, non-clinical, and administrative jobs;

(2) "member's immediate family" means the member's spouse, children, parents, and siblings. (Eff. 12 / 25 / 2020, Register 236)

Authority: AS 18.29.105

Article 3. General Provisions.

Section

710. Repealed [ADVISORY BODY MEMBERSHIP]

720. Repealed [ADVISORY BODY DUTIES]

730. Repealed [ADVISORY BODY MEETINGS]

740. Repealed [APPOINTMENTS AND TERMS OF ADVISORY BODY MEMBERS]

750. Repealed [ADVISORY BODY EX-OFFICIO NONVOTING MEMBERS]

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760. Repealed [TERMINATION AND REMOVAL OF ADVISORY BODY MEMBERS;
CONFLICT OF INTEREST]

950. Repealed [FEDERAL POVERTY GUIDELINES]

990. Repealed [DEFINITIONS]

995. Definitions

7 AAC 24.710 is repealed:

7 AAC 24.710. Advisory body membership. Repealed. (Eff. 2/16/2013, Register 205;
repealed 12 / 25 / 2020, Register 236)

7 AAC 24.720 is repealed:

7 AAC 24.720. Advisory body duties. Repealed. (Eff. 2/16/2013, Register 205; repealed
12 / 25 / 2020, Register 236)

7 AAC 24.730 is repealed:

7 AAC 24.730. Advisory body meetings. Repealed. (Eff. 2/16/2013, Register 205;
repealed 12 / 25 / 2020, Register 236)

7 AAC 24.740 is repealed:

7 AAC 24.740. Appointments and terms of advisory body members. Repealed. (Eff.
2/16/2013, Register 205; repealed 12 / 25 / 2020, Register 236)

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7 AAC 24.750 is repealed:

7 AAC 24.750. Advisory body ex-officio nonvoting members. Repealed. (Eff. 2/16/2013, Register 205; repealed 12 / 25 / 2020, Register 236)

7 AAC 24.760 is repealed:

7 AAC 24.760. Termination and removal of advisory body members; conflict of interest. Repealed. (Eff. 2/16/2013, Register 205; repealed 12 / 25 / 2020, Register 236)

7 AAC 24.950 is repealed:

7 AAC 24.950. Federal poverty guidelines. Repealed. (Eff. 2/16/2013, Register 205; repealed 12 / 25 / 2020, Register 236)

[EDITOR'S NOTE: ON FEBRUARY 22, 2016, 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, 2017: THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES POVERTY GUIDELINES ESTABLISHED IN 82 FED. REG. 8831 - 8832 (JANUARY 31, 2017). THE AMENDED VERSION MAY BE REVIEWED AT THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DIVISION OF PUBLIC HEALTH, P.O. BOX 110616, JUNEAU, ALASKA, 99811-0616. THE FEDERAL REGISTER WITH THE AMENDED VERSION MAY BE OBTAINED THROUGH THE NEAREST PUBLIC LIBRARY. IF THE FEDERAL REGISTER IS NOT AVAILABLE AT

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THAT LIBRARY SITE, THE MATERIAL CAN BE OBTAINED BY THAT LIBRARY THROUGH THE INTERLIBRARY LOAN SYSTEM. IT MAY ALSO BE OBTAINED AT [HTTP://WWW.GPO.GOV/FDSYS](http://www.gpo.gov/fdsys).

ON FEBRUARY 22, 2017, 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, 2017: THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES POVERTY GUIDELINES ESTABLISHED IN 82 FED. REG. 8831 - 8832 (JANUARY 31 , 2017). THE AMENDED VERSION MAY BE REVIEWED AT THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DIVISION OF PUBLIC HEALTH, P.O. BOX 110616, JUNEAU, ALASKA, 99811-0616. 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 [HTTP://WWW.GPO.GOV/FDSYS](http://www.gpo.gov/fdsys).

ON MARCH 11, 2018, 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, 2018: THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES POVERTY GUIDELINES ESTABLISHED IN 83 FED. REG. 2642 - 2644 (JANUARY 18, 2018). THE AMENDED VERSIONS MAY BE REVIEWED AT THE

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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 [HTTP://WWW.GPO.GOV/FDSYS](http://www.gpo.gov/fdsys).

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](https://www.govinfo.gov).

ON FEBRUARY 25, 2020, 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 14, 2020: THE UNITED STATES DEPARTMENT OF HEALTH

Register 236, January 2021 HEALTH AND SOCIAL SERVICES

AND HUMAN SERVICES POVERTY GUIDELINES ESTABLISHED IN 85 FED. REG. 3060-3061 (JANUARY 17, 2020). 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](https://www.govinfo.gov).]

7 AAC 24.990 is repealed:

7 AAC 24.990. Definitions. Repealed. (Eff. 2/16/2013, Register 205; repealed 12 / 25 / 2020, Register 236)

7 AAC 24 is amended by adding a new section to read:

7 AAC 24.995. Definitions. (a) In the definitions of "tier I health care professional" and "tier II health care professional" in AS 18.29.190, "direct patient health care services" includes case consultation, case management, management of an individual's medications, charting, care coordination activities, diagnostic services follow-up, telehealth, and patient correspondence.

(b) In AS 18.29 and this chapter,

(1) "direct incentive" means money specified in a health care professional's authorized service contract to be paid directly to the health care professional;

(2) "employer" includes a clinic, hospital, tribal health organization that the

federal Indian Health Service recognizes under 25 U.S.C. 1680c, developmental disability service, substance use disorder treatment services, behavioral health clinic, dental care clinic, long-term care facility, assisted living home, correctional facility, school, university, or other health care organization that hires and employs health care professionals and that the commissioner may include;

(3) "fiscal agent" means an entity that contracts with the department to maintain and operate the program's funding account;

(4) "full-time position" means a program-eligible position in which the health care professional, regardless of whether that individual is a half-time employee,

(A) works at least 36 hours each week in at least one contract-specified site;

(B) works those 36 hours in no less than three days each week; and

(C) performs no more than 12 hours of work in any 24-hour period;

(5) "half-time position" means a program-eligible position in which the health care professional, regardless of whether that individual is a full-time employee,

(A) works at least 20 hours each week in at least one contract-specified site;

(B) works those 20 hours in no less than two days each week; and

(C) performs no more than 12 hours of work in any 24-hour period

(6) "regular position" means the default classification for all positions that participate in the program, unless the position is identified as very hard-to-fill;

(7) "very hard-to-fill position" means a position that, as determined under 7 AAC

24.031,

(A) has been vacant for 12 months or longer; and

(B) is one for which, during the 12-month vacancy period, the employer conducted active personnel recruitment, used temporary health care professional staff, and interviewed, but did not hire a candidate.

(c) In this chapter,

(1) "advisory council" means the body established under AS 18.29.105(c);

(2) "Medicaid" has the meaning given in 7 AAC 160.990(b);

(3) "Medicare" has the meaning given in 7 AAC 160.990(b);

(4) "program" means the health care professionals workforce enhancement

program established under AS 18.29. (Eff. 12/25/2020, Register 236)

Authority:	AS 18.29.105	AS 18.29.120	AS 18.29.130
	AS 18.29.110	AS 18.29.125	AS 18.29.190
	AS 18.29.115		


MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: November 24, 2020

File No.: 2019200887

Thru: Susan R. Pollard 
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: Health Care
Professionals Workforce
Enhancement Program (7 AAC 24)

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 implement, interpret, and make specific amendments to AS 18.29 made under sec. 1, ch. 15, SLA 2019 (HCS CSSB 93(FIN)), establishing the Health Care Professionals Workforce Enhancement Program.

The May 5, 2020 public notice and the November 24, 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

Jill Lewis, Division Operations Officer
Division of Public Health
Department of Health and Social Services

Tricia Franklin
Rural and Community Health Systems Bureau
Division of Public Health
Department of Health and Social Services

Robert Sewell
Rural and Community Health Systems Bureau
Division of Public Health
Department of Health and Social Services

Leah R. Farzin, Assistant Attorney General
Human Services Section

NOTICE OF PROPOSED CHANGES ON THE HEALTH CARE PROFESSIONALS WORKFORCE ENHANCEMENT PROGRAM IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES.

BRIEF DESCRIPTION

The Department of Health & Social Services proposes to adopt regulations on a workforce enhancement program for health care professionals. The program is a public-private partnership. The purpose of the program is to increase access to health care services for all Alaskans by improving recruitment, retention and distribution of health care professionals. This statewide program will provide financial support-for-service through loan repayment or direct incentive to health care professionals to serve all Alaskans, especially the underserved.

The Department of Health & Social Services proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with the Health Care Professionals Workforce Enhancement Program, including the following:

- 7 AAC 24 is proposed to be changed as follows: Adopt regulations to related to implementing the program, including the following: designation of health care services shortage areas, employer site and health care professional eligibility, site classification, prioritization of eligible sites and health care professionals, program fees, employer payments, penalties and appeals, advisory council, and definitions.

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 the State of Alaska, Department of Health & Social Services, Division of Public Health, Section of Rural & Community Health Systems, SHARP Program, Attn: Robert Sewell, P.O. Box 110616, Juneau, AK 99811-0616. Additionally, the Department of Health & Social Services will accept comments by facsimile at (907) 465-4101 and by electronic mail at sharp.inquiry@alaska.gov. The comments must be received not later than 5 p.m. on July 15, 2020.

You may provide oral comments relevant to the proposed action via telephone at the hearing to be held on June 15, 2020, by calling 1-888-392-4560, and using the participant access code number 5818485#. **Please note that in-person attendance will not be permitted at the hearing site because of the public health and safety concerns associated with the COVID – 19 pandemic. Please prepare to share your oral comments by telephone only.** If you call to provide oral testimony, you should be on the line before the hearing begins at 10:00 a.m. The Department of Health & Social Services will give priority to those who call in before 12:00 p.m. The Department of Health & Social Services may, before the hearing begins, limit the time allotted for each person providing oral testimony. The time limit may be necessary to conclude the hearing in the time provided.

You may submit written questions relevant to the proposed action to Robert Sewell by e-mail at sharp.inquiry@alaska.gov or mail at State of Alaska, Department of Health & Social Services, Division of Public Health, Section of Rural & Community Health Systems, P.O. Box 110616, Juneau, AK 99811-0616. 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 at <http://dhss.alaska.gov/dph/healthplanning/pages/sharp/default.aspx>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Robert Sewell by electronic mail at robert.sewell@alaska.gov or phone at (907) 465-4065 not later than June 5, 2020, 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 Robert Sewell at sharp.inquiry@alaska.gov or by phone at (907) 465-4065.

A copy of material proposed for adoption by reference is available on the Alaska Online Public Notice System or through the electronic link <http://dhss.alaska.gov/dph/HealthPlanning/Documents/sharp/SHARP-III/MOA%20Template%207%20AAC%2024.%2004-08-2020.pdf>. A copy of material proposed for adoption by reference may be viewed at the agency's office at the Department of Health & Social Services, Division of Public Health, 350 Main Street, Suite 508, 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.**

Statutory authority: AS 18.29.105; AS 18.29.110; AS 18.29.115; AS 18.29.120; AS 18.29.125; AS 18.29.130; AS 18.29.190; AS 44.29.022.

Statutes being implemented, interpreted, or made specific: AS 18.29.105; AS 18.29.110; AS 18.29.115; AS 18.29.120; AS 18.29.125; AS 18.29.130; AS 18.29.190; AS 44.29.022.

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

DATE: April 28, 2020.

/s/Adam Crum

Commissioner,

Department of Health & Social Services

State of Alaska.

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Department of Health & Social Services
2. General subject of regulation: Health Care Professionals Workforce Enhancement Program
3. Citation of regulation (may be grouped): 7 AAC 24
4. Department of Law file number, if any: 2019200887
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: None.
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 _____	Subsequent 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: Tricia Franklin
Title: Health Program Manager III
Address: 3601 C Suite 424, Anchorage, AK 99503.
Telephone: (907) 269-3445
E-mail address: tricia.franklin@alaska.gov

10. The origin of the proposed action:

☐ Staff of state agency

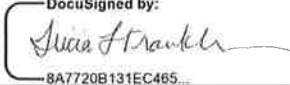
☐ Federal government

☐ General public

☐ Petition for regulation change⁷

☒ Other (identify): Comply with and implement new state statute.

11. Date: 4/23/2020

Prepared by:  8A7720B131EC465

[signature]

Name (printed): Tricia Franklin

Title (printed): Health Program Manager III

Telephone: (907) 269-3445

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Tricia Franklin, Health Program Manager III, 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 the Healthcare Professionals Workforce Enhancement Program (7 AAC 24), 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.

DocuSigned by:

8A7720B131EC465... 7/31/2020
[original or password-protected electronic signature]
Tricia Franklin, Health Program Manager III

State of Alaska
Anchorage, AK 99503


AFFIDAVIT OF ORAL HEARING

I, Tricia Franklin, Health Program Manager III, of the Department of Health & Social Services, under penalty of perjury, state the following:

On June 15, 2020, at 10 a.m., via teleconference and without in-person attendance because of the public health and safety concerns related to the COVID-19 pandemic, 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 the Healthcare Professionals Workforce Enhancement Program (7 AAC 24).

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.

DocuSigned by:

8A7720B131EC465... 7/31/2020

[original or password-protected electronic signature]

Tricia Franklin, Health Program Manager III

State of Alaska
Anchorage, AK 99503

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Tricia Franklin, Health Program Manager III, of the Department of Health & Social Services, under penalty of perjury, 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 the Healthcare Professionals Workforce Enhancement Program (7 AAC 24).

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.

DocuSigned by:



7/31/2020

8A7720B131EC465...

[original or password-protected electronic signature]

Tricia Franklin, Health Program Manager III

State of Alaska
Anchorage, AK 99503

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

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

Order #: W0014993

Cost: \$503.02

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

05/05/2020

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 7th day of May 2020.

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

MY COMMISSION EXPIRES

7/14/2020

NOTICE OF PROPOSED CHANGES ON THE HEALTH CARE PROFESSIONALS WORKFORCE ENHANCEMENT PROGRAM IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES.

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

DATE: April 28, 2020.
/s/Adam Crum
Commissioner
Department of Health & Social Services
State of Alaska.

Published: May 5, 2020