

DEPARTMENT OF HEALTH & SOCIAL SERVICES



PROPOSED CHANGES TO REGULATIONS

BEHAVIORAL HEALTH MEDICAID SERVICES TRANSITION

- 7 AAC 135. Medicaid Coverage; Behavioral Health Services.
- 7 AAC 138. 1115 Substance Use Disorder Waiver Services.
- 7 AAC 139. Behavioral Health 1115 Waiver Services.
- 7 AAC 160. Medicaid Program; General Provisions.



PUBLIC REVIEW DRAFT
March 11, 2021

COMMENT PERIOD ENDS: April 22, 2021

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

Notes to reader:

- 1. Except as discussed in note 2, new text that amends an existing regulation is **bolded and underlined**.
- 2. If the lead-in line above the text of each section of the regulations states that a new section, subsection, paragraph, or subparagraph is being added, or that an existing section, subsection, paragraph, or subparagraph is being repealed and readopted (replaced), *the new or replaced text is not bolded or underlined.*
- 3. [ALL-CAPS TEXT WITHIN BRACKETS] indicates text that is to be deleted.
- 4. When the word “including” is used, Alaska Statutes provide that it means “including, but not limited to.”
- 5. Only the text that is being changed within a section of the current regulations is included in this draft. Refer to the text of that whole section, published in the current Alaska Administrative Code, to determine how a proposed change relates within the context of the whole section and the whole chapter.

Title 7 Health and Social Services.

Chapter 135. Medicaid Coverage; Behavioral Health Services.

7 AAC 135.010. Scope of Medicaid behavioral health services.

7 AAC 135.010(c)(5) is repealed:

(5) repealed ____/____/____;

7 AAC 135.010(c)(7) is repealed:

(7) repealed ____/____/____;

7 AAC 135.010(c)(13) is repealed:

(13) repealed ____/____/____;

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

4/24/2020, Register 234; am 7/8/2020, Register 235; am ____/____/____, Register ____)

Authority: AS 47.05.010 AS 47.07.030

7 AAC 135.020. Recipient eligibility for Medicaid behavioral health services.

7 AAC 135.020(d) is repealed:

(d) Repealed ____/____/____; (Eff. 10/1/2011, Register 199; am 7/1/2018, Register 226; am ____/____/____, Register ____)

Authority: AS 47.05.010 AS 47.07.030

7 AAC 135.040. Service authorization and limitation.

7 AAC 135.040(c)(5) is repealed:

(5) repealed ____/____/____;

7 AAC 135.040(c)(6) is repealed:

(6) repealed ____/____/____;

7 AAC 135.040(c)(7) is repealed:

(7) repealed ____/____/____;

(Eff. 10/1/2011, Register 199; am 4/9/2017, Register 222; am 7/1/2018, Register 226; am 11/10/2019, Register 232; am 4/24/2020, Register 234; am ____/____/____, Register ____)

Authority: AS 47.05.010 AS 47.07.030

7 AAC 135.200 is repealed:

7 AAC 135.200. Comprehensive community support services for adults. Repealed.

(Eff. 10/1/2011, Register 199; am 4/24/2020, Register 234; am ____/____/____, Register ____)

7 AAC 135.210. Peer support services.

7 AAC 135.210(c) is amended to read:

(c) Subject to the limitation in 7 AAC 135.040, peer support services may only be offered in combination with

(1) individual therapeutic behavioral health services for children under 7 AAC 135.220; **or**

(2) family therapeutic behavioral health services for children under 7 AAC 135.220. [;OR

(3) INDIVIDUAL, FAMILY, OR GROUP COMPREHENSIVE COMMUNITY SUPPORT SERVICES UNDER 7 AAC 135.200.]

(Eff. 10/1/2011, Register 199; am 4/24/2020, Register 234; am ___/___/___, Register _____)

Authority: AS 47.05.010 AS 47.07.030

7 AAC 135.230 is repealed:

7 AAC 135.230. Recipient support services. Repealed. (Eff. 10/1/2011, Register 199; am 6/16/2016, Register 218; am ___/___/___, Register _____)

7 AAC 135.270 is repealed:

7 AAC 135.270. Daily behavioral rehabilitation services. Repealed. (Eff. 10/1/2011, Register 199; am 11/3/2012, Register 204; am ___/___/___, Register _____)

7 AAC 135.800 is repealed:

7 AAC 135.800. Residential behavioral rehabilitation services. Repealed. (Eff. 10/1/2011, Register 199; am 11/3/2013, Register 208; am 4/24/2020, Register 234; am ___/___/____, Register _____)

7 AAC 138. 1115 Substance Use Disorder Waiver Services.

7 AAC 138.030 is repealed:

7 AAC 138.030. Provision of Medicaid state plan services. Repealed. (Eff. 7/1/2019, Register 231; am 11/10/2019, Register 232; am ___/___/____, Register _____)

7 AAC 139. Behavioral Health 1115 Waiver Services.

7 AAC 139.325(b)(2) is amended is repealed and readopted to read:

(2) level 2: for children and adolescents who need treatment and recovery, require the intensive services of medical personnel, and who have

(A) treatment needs that cannot be met in a less restrictive setting;

(B) demonstrated an inability to adjust and progress in a family setting, therapeutic treatment home, outpatient or other structured treatment placement in the past 12 months period; or

(C) completed a higher level of care and require a step-down level of care before returning to a community setting.

(Eff. ___/___/____, Register _____)

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.036
AS 47.05.270

Chapter 160. Medicaid Program; General Provisions.

7 AAC 160.900. Requirements adopted by reference.

7 AAC 160.900(d)(65) is amended to read:

(65) *Chart of 1115 Medicaid Waiver Services*, dated **June 30, 2021** [AUGUST 4, 2020];

7 AAC 160.900(d)(68) is amended to read:

(68) *the Alaska Behavioral Health Providers Services Standards & Administrative Procedures for Behavioral Health Provider Services*, dated **June 30, 2021** [AUGUST 4, 2020];

(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 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; am 10/1/2020, Register 235; am ___/___/____, Register _____)

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.040
AS 47.05.012