

Kevin Meyer
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV

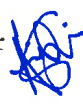


530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Triptaa Surve, Department of Health and Social Services

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: May 26, 2021

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

Department of Health and Social Services regulations re: rehabilitative services and transition to "1115" waiver services (7 AAC 70.120(c)(7); 7 AAC 70.990(12); 7 AAC 135.010(c); 7 AAC 135.020(d); 7 AAC 135.040(c); 7 AAC 135.200 - 7 AAC 135.270; 7 AAC 135.800; 7 AAC 135.990(1), (19); 7 AAC 138.030(b); 7 AAC 139.030; 7 AAC 139.325(b)(2); 7 AAC 145.580(e); 7 AAC 160.900(d)(26), (65), (68))

Attorney General File:	2021200080
Regulation Filed:	5/26/2021
Effective Date:	6/30/2021
Print:	238, July 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 7 pages of regulations, dealing with Behavioral Health Medicaid Services Transition (7 AAC 135, 138, 139, 160), specifically, 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, 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 47.05.270, AS 47.07.030, AS 47.07.036, AS 47.07.040, AS 47.30.470, AS 47.30.475, AS 47.30.477, AS 47.30.530, AS 47.30.540, AS 47.30.570, AS 47.37.130, and AS 47.37.140, 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 June 30, 2021, as provided in AS 44.62.180.

Adam Crum Digitally signed by Adam Crum
Date: 2021.05.24 08:25:24 -08'00'

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 26, 2021, at 1:39 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:

June 30, 2021

Register:

238, July 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.**




.....

**KEVIN MEYER
LIEUTENANT GOVERNOR**

Register 238, July 2021 HEALTH AND SOCIAL SERVICES

7 AAC 70.120(c)(7) is repealed:

(7) repealed 6 / 30 / 2021;

(Eff. 10/1/2011, Register 199; am 6/16/2016, Register 218; am 4/24/2020, Register 234; am 6 / 30 / 2021, Register 238)

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

7 AAC 70.990(12) is repealed:

(12) repealed 6 / 30 / 2021;

(Eff. 10/1/2011, Register 199; am 6/16/2016, Register 218; am 4/9/2017, Register 222; am 7/1/2018, Register 226; am 4/24/2020, Register 234; am 6 / 30 / 2021, Register 238)

Authority:	AS 47.05.010	AS 47.30.540	AS 47.37.130
	AS 47.30.477	AS 47.30.570	AS 47.37.140
	AS 47.30.530		

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

(5) repealed 6 / 30 / 2021;

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

(7) repealed 6 / 30 / 2021;

Register 238, July 2021 HEALTH AND SOCIAL SERVICES

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

(13) repealed 6 / 30 / 2021;

(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 6 / 30 / 2021, Register 238)

Authority: AS 47.05.010 AS 47.07.030

7 AAC 135.020(d) is repealed:

(d) Repealed 6 / 30 / 2021.

(Eff. 10/1/2011, Register 199; am 7/1/2018, Register 226; am 6 / 30 / 2021, Register 238)

Authority: AS 47.05.010 AS 47.07.030

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

(5) repealed 6 / 30 / 2021;

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

(6) repealed 6 / 30 / 2021;

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

(7) repealed 6 / 30 / 2021;

(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 6 / 30 / 2021, Register 238)

Authority: AS 47.05.010 AS 47.07.030

Register 238, July 2021 HEALTH AND SOCIAL SERVICES

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; repealed 6 / 30 / 2021, Register 238)

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 6 / 30 / 2021, Register 238)

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; repealed 6 / 30 / 2021, Register 238)

Register 238, July 2021 HEALTH AND SOCIAL SERVICES

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; repealed 6 / 30 / 2021, Register 238)

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; repealed 6 / 30 / 2021, Register 238)

7 AAC 135.990(1) is amended to read:

(1) "active treatment"

[(A)] means that the individual who renders the services actively engages the recipient and provides pre-planned specific interventions, supports, or other actions that assist the recipient in achieving the goals written in the behavioral health treatment plan;

[(B) INCLUDES RECIPIENT SUPPORT SERVICES;]

7 AAC 135.990(19) is repealed:

(19) repealed 6 / 30 / 2021;

(Eff. 10/1/2011, Register 199; am 6/16/2016, Register 218; am 7/1/2018, Register 226; am 11/10/2019, Register 232; am 4/24/2020, Register 234; am 6 / 30 / 2021, Register 238)

Authority: AS 47.05.010 AS 47.07.030

Register 238, July 2021 HEALTH AND SOCIAL SERVICES

7 AAC 138.030(b) is repealed:

(b) Repealed 6 / 30 / 2021. (Eff. 7/1/2019, Register 231; am 11/10/2019, Register 232; am 6 / 30 / 2021, Register 238)

7 AAC 139.030 is repealed:

7 AAC 139.030. Provision of Medicaid state plan services. (Eff. 5/21/2020, Register 234; am 10/4/2020, Register 236; repealed 6 / 30 / 2021, Register 238)

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

(2) level 2: for children and adolescents who need intensive treatment and recovery services, 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, or outpatient or other structured treatment placement in the past 12-month period; or

(C) completed a higher level of care and require a step-down level of care before returning to a community setting. (Eff. 10/4/2020, Register 236; am 6 / 30 / 2021, Register 238)

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.036
AS 47.05.270

Register 238, July 2021 HEALTH AND SOCIAL SERVICES

7 AAC 145.580(e) is repealed:

(e) Repealed 6 / 30 / 2021. (Eff. 2/1/2010, Register 193; am 10/1/2011, Register 199; am 4/9/2017, Register 222; am 5/21/2017, Register 222; am 7/1/2018, Register 226; am 1/1/2019, Register 228; am 7/1/2019, Register 231; am 10/25/2019, Register 232; am 4/24/2020, Register 234; am 6 / 30 / 2021, Register 238)

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.040

7 AAC 160.900(d)(26) is repealed:

(26) repealed 6 / 30 / 2021;

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

Register 238, July 2021 HEALTH AND SOCIAL SERVICES

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; am 10/1/2020, Register 235; am 10/4/2020, Register 236; am 1/1/2021, Register 236; am 3/31/2021, Register 238; am 6 /30 /2021, Register 238)

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.040
AS 47.05.012

The 31st paragraph of the editor's note following 7 AAC 160.900 is deleted:

[THE DEPARTMENT'S RESIDENTIAL BEHAVIORAL REHABILITATION SERVICES HANDBOOK, ADOPTED BY REFERENCE IN 7 AAC 160.900, MAY BE OBTAINED FROM THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DIVISION OF BEHAVIORAL HEALTH, P.O. BOX 110620, JUNEAU, ALASKA 99811-0620.]

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: May 25, 2021

File No.: 2021200080

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

Susan R
Pollard

Digitally signed by Susan
R Pollard
Date: 2021.05.26
10:29:46 -08'00'

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: rehabilitative
services and transition to "1115"
waiver services (7 AAC 70.120(c)(7);
7 AAC 70.990(12); 7 AAC
135.010(c); 7 AAC 135.020(d);
7 AAC 135.040(c); 7 AAC 135.200 -
7 AAC 135.270; 7 AAC 135.800;
7 AAC 135,990(1), (19); 7 AAC
138.030(b); 7 AAC 139.030; 7 AAC
139.325(b)(2); 7 AAC 145.580(e);
7 AAC 160.900(d)(26), (65), (68))

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 agency has requested that these regulations be in effect on or before July 1, 2021; so that they take effect on the requested date, we request that the regulations be filed on or before May 28, 2021.*

The regulations make amendments to Medicaid coverage and payment provisions for behavioral health services, to comply with the state's corrective action plan with the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS). The regulations include the repeal of specific rehabilitative services from current regulations, amendments to reflect the transition to Medicaid behavioral health services available as "section 1115" waiver services under 42 U.S.C. 1315(a), and related conforming changes.

The March 18, 2021 public notice and the May 24, 2021 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.

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

Triptaa Surve, Regulations Contact
Department of Health and Social Services

Farina Brown, Deputy Director
Division of Behavioral Health
Department of Health and Social Services

Allison Weeks
Division of Behavioral Health
Department of Health and Social Services

Kelly E. Henriksen, Senior Assistant Attorney General
Human Services Section

NOTICE OF PROPOSED CHANGES ON BEHAVIORAL HEALTH MEDICAID SERVICES TRANSITION IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES

BRIEF DESCRIPTION

The Department of Health & Social Services proposes to change regulations on behavioral health Medicaid services to comply with the state's corrective action plan with the Centers for Medicare & Medicaid Services (CMS). The plan includes the repeal of specific rehabilitative services from current regulations and transition to 1115 waiver services.

The Department of Health & Social Services proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with behavioral health Medicaid services, including the following:

- 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, are proposed to be changed as follows:
 - Amend and repeal regulations to comply with the state's corrective action plan with the Centers for Medicare & Medicaid Services (CMS). The plan includes the repeal of specific rehabilitative services from current regulations and transition to 1115 waiver services.

You may comment on the regulation changes, including the potential costs to private persons of complying with the changes, by submitting written comments to Ms. Allison Weeks, State of Alaska, Division of Behavioral Health, 3601 C Street, Suite 878, Anchorage, AK 99503. Additionally, the Department of Health & Social Services will accept comments by electronic mail at allison.weeks@alaska.gov. The comments must be received not later than 5 p.m. on April 22, 2021.

You may submit written questions relevant to the proposed action to Ms. Allison Weeks, by electronic mail at allison.weeks@alaska.gov or at the State of Alaska, Department of Health & Social Services, Division of Behavioral Health, 3601 C Street, Suite 878, 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.

If you are a person with a disability who needs a special accommodation to participate in this process, please contact Ms. Allison Weeks at (907) 385-8312 not later than April 13, 2021, to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System at <https://aws.state.ak.us/OnlinePublicNotices/Default.aspx> and by contacting Ms. Allison Weeks at allison.weeks@alaska.gov or at (907) 385-8312.

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 the State of Alaska, Department of Health & Social Services, Division of Behavioral Health, 3601 C Street, Suite 878, Anchorage, AK 99503.

After the public comment period ends, the Department of Health & Social Service 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 47.05.010; AS 47.05.012; AS 47.05.270; AS 47.07.030; AS 47.07.036; AS 47.07.040.

Statutes being implemented, interpreted, or made specific: AS 47.05.010; AS 47.05.012; AS 47.05.270; AS 47.07.030; AS 47.07.036; AS 47.07.040.

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

The Division of Behavioral Health/Department of Health & Social 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 Division of Behavioral Health/Department of Health & Social Services notices of proposed regulation changes. To be added to or removed from the list, send a request to the Division of Behavioral Health/Department of Health & Social Services at 3601 C Street, Suite 878, Anchorage, AK 99503, or to Ms. Allison Weeks at allison.weeks@alaska.gov, giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

DATE: March 12, 2021.

/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: Behavioral Health Medicaid Services Transition
3. Citation of regulation (may be grouped): 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, for the Division of Behavioral Health.
4. Department of Law file number, if any: 2021200080
5. Reason for the proposed action:
 - (X) Compliance with federal law or action (identify): Comply with the state's corrective action plan with the Centers for Medicare & Medicaid Services (CMS).
 - (X) Compliance with new or changed state statute
 - () Compliance with federal or state court decision (identify): _____
 - () Development of program standards
 - () Other (identify): _____
6. Appropriation/Allocation: Medicaid/Medicaid 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 _____	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: Farina Brown

Title: Deputy Director

Address: 3601 C St., Suite 878, Anchorage, AK 99503

Telephone: (907) 269-5948

E-mail address: farina.brown@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 & Prepared by:

Farina
Brown

Digitally signed by
Farina Brown
Date: 2021.03.11
15:50:39 -09'00'

[signature]

Name (printed): Farina Brown

Title (printed): Deputy Director

Telephone: (907) 269-5948

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 100871 ST OF AK/DHSS/COMMISSIONERS
3601 C STREET STE 902, ANCHORAGE, AK 99503

Order #: W0021303

Cost: \$453.22

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 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 newspaper on

03/18/2021

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 18th day of March 2021.

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

STATE OF ALASKA
NOTARY
PUBLIC

Jada L. Nowling

MY COMMISSION EXPIRES

7/14/2021

NOTICE OF PROPOSED CHANGES ON BEHAVIORAL HEALTH MEDICAID SERVICES TRANSITION 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 behavioral health Medicaid services, including the following:

- 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, are proposed to be changed as follows:
 - o Amend and repeal regulations to comply with the state's corrective action plan with the Centers for Medicare & Medicaid Services (CMS). The plan includes the repeal of specific rehabilitative services from current regulations and transition to 1115 waiver services.

You may comment on the regulation changes, including the potential costs to private persons of complying with the changes, by submitting written comments to Ms. Allison Weeks, State of Alaska, Division of Behavioral Health, 3601 C Street, Suite 878, Anchorage, AK 99503. Additionally, the Department of Health & Social Services will accept comments by electronic mail at allison.weeks@alaska.gov. The comments must be received not later than 5 p.m. on April 22, 2021.

You may submit written questions relevant to the proposed action to Ms. Allison Weeks, by electronic mail at allison.weeks@alaska.gov or at the State of Alaska, Department of Health & Social Services, Division of Behavioral Health, 3601 C Street, Suite 878, 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.

If you are a person with a disability who needs a special accommodation to participate in this process, please contact Ms. Allison Weeks at (907) 385-8312 not later than April 13, 2021, to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System at <https://aws.state.ak.us/OnlinePublicNotices/Default.aspx> and by contacting Ms. Allison Weeks at allison.weeks@alaska.gov or at (907) 385-8312.

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 the State of Alaska, Department of Health & Social Services, Division of Behavioral Health, 3601 C Street, Suite 878, Anchorage, AK 99503. After the public comment period ends, the Department of Health & Social Service 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 47.05.010; AS 47.05.012; AS 47.05.270; AS 47.07.030; AS 47.07.036; AS 47.07.040.

Statutes being implemented, interpreted, or made specific: AS 47.05.010; AS 47.05.012; AS 47.05.270; AS 47.07.030; AS 47.07.036; AS 47.07.040.

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

The Division of Behavioral Health/Department of Health & Social 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 Division of Behavioral Health/Department of Health & Social Services notices of proposed regulation changes. To be added to or removed from the list, send a request to the Division of Behavioral Health/Department of Health & Social Services at 3601 C Street, Suite 878, Anchorage, AK 99503, or to Ms. Allison Weeks at allison.weeks@alaska.gov, giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

DATE: March 12, 2021.
/s/Adam Crum
Commissioner,
Department of Health & Social Services
State of Alaska.

Pub: March 18, 2021

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Farina Brown, Deputy Director, 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 Behavioral Health Medicaid Services Transition (7 AAC 135, 138, 139, 160), specifically, 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, 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.

Farina Brown Digitally signed by Farina Brown
Date: 2021.05.04 16:37:52 -08'00'

[original or password-protected electronic signature]

Farina Brown, Deputy Director

State of Alaska
Anchorage, AK 99503.

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Farina Brown, Deputy Director, 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 as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Health & Social Services regulation on Behavioral Health Medicaid Services Transition (7 AAC 135, 138, 139, 160), specifically, 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.

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.

Farina Brown

Digitally signed by Farina Brown
Date: 2021.05.04 16:39:31
-08'00'

[original or password-protected electronic signature]

Farina Brown, Deputy Director

State of Alaska
Anchorage, AK 99503.