

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

M E M O R A N D U M

TO: Triptaa Surve
Department of Health and Social Services

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: July 28, 2021

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

Department of Health and Social Services regulations re: Medicaid coverage and payment for behavioral health professional counseling services, and miscellaneous matters (7 AAC 70.010(b)(8); 7 AAC 105.200(a)(1)(U); 7 AAC 110.585; 7 AAC 135.010(b)(1); 7 AAC 160.900(e)(20 - (22))

Attorney General File:	2021200049
Regulation Filed:	7/28/2021
Effective Date:	8/27/2021
Print:	239, October 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 4 pages of regulations, dealing with Medicaid Behavioral Health Licensed Professional Counselor Services & Miscellany (7 AAC 70, 105, 110, 135, 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, AS 47.30.470, AS 47.30.475, AS 47.30.477, AS 47.30.530, AS 47.30.540, AS 47.30.570, 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.

It is estimated that this action will require increased appropriations as shown on the attached fiscal note.

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: 2021.07.26 08:25:48 -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 July 28,
2021, at 11:25a.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:

August 27, 2021

Register:

239, October 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.**



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

**KEVIN MEYER
LIEUTENANT GOVERNOR**

Register 239 October 2021 HEALTH AND SOCIAL SERVICES

7 AAC 70.010(b) is amended by adding a new paragraph to read:

(8) a professional counselor licensed under AS 08.29.

(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 8 / 27 / 2021, Register 239)

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 105.200(a)(1) is amended by adding a new subparagraph to read:

(U) a licensed professional counselor;

(Eff. 2/1/2010, Register 193; am 10/1/2011, Register 199; am 5/1/2016, Register 218; am 6/16/2016, Register 218; am 7/1/2018, Register 226; am 6/2/2019, Register 230; am 4/24/2020, Register 234; am 7/8/2020, Register 235; am 8 / 27 / 2021, Register 239)

Authority:	AS 47.05.010	AS 47.07.030	AS 47.07.040
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7 AAC 110 is amended by adding a new section to read:

Article 16. Professional Counseling Services.

Section

585. Professional counseling services

7 AAC 110.585. Professional counseling services. (a) To be eligible to provide

professional counseling services for payment under 7 AAC 105 - 7 AAC 160, a provider must

(1) be enrolled as a licensed professional counselor under 7 AAC 105.210; and

(2) have an active license to practice as a professional counselor issued by the

jurisdiction in which the professional counselor provides services; if services are provided in this state, the professional counselor must hold an active license under AS 08.29.

(b) The department will only pay for covered professional counseling services. Covered professional counseling services are limited to the following behavioral health clinic services:

(1) a mental health intake assessment;

(2) an integrated mental health and substance use intake assessment;

(3) individual psychotherapy;

(4) group psychotherapy;

(5) family psychotherapy;

(6) multi-family group psychotherapy;

(7) screening and brief intervention services described in 7 AAC 135.240;

(8) behavioral health screening under 7 AAC 135.100.

(c) A professional counseling services provider must maintain records in accordance with 7 AAC 105.230.

(d) If a licensed professional counselor covered under this section provides professional counseling services for another enrolled provider, the licensed professional counselor must request payment for those services in accordance with 7 AAC 135.910(a). (Eff. 8 / 27 / 2021,

Register 239)

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.040

Register 239, October 2021 HEALTH AND SOCIAL SERVICES

The introductory language of 7 AAC 135.010(b)(1) is amended to read:

(1) a mental health professional clinician within the meaning given under 7 AAC 160.990(b), a physician licensed as required under 7 AAC 110.400, a physician assistant licensed as required under 7 AAC 110.455, an advanced practice registered nurse licensed and certified as required under 7 AAC 110.100, a psychologist licensed as required under 7 AAC 110.550, a clinical social worker licensed as required under 7 AAC 110.565, [OR] a marital and family therapist licensed as required under 7 AAC 110.575, or a professional counselor licensed as required under 7 AAC 110.585, if the provider is working within the scope of the provider's education, training, and experience:

...

(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; am 8 / 27 / 2021, Register 239)

Authority: AS 47.05.010 AS 47.07.030

7 AAC 160.900(e) is amended by adding new paragraphs to read:

(20) *State Fiscal Year 2021 Fee Schedule for Independent Licensed Professional Counselors (LPC)*, dated June 1, 2021;

(21) *State Fiscal Year 2021 Fee Schedule for Independent Licensed Marital and Family Therapists (LMFT)*, dated July 8, 2020;

(22) *State Fiscal Year 2021 Fee Schedule for Independent Licensed Clinical Social Workers (LCSW)*, dated July 8, 2020.

Register 239, October 2021 HEALTH AND SOCIAL SERVICES

(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 6/25/2020, Register 234; am 10/1/2020, Register 235; am 1/1/2021, Register 236; am 3/31/2021, Register 238; am 6/30/2021, Register 238; am 9 / 27 / 2021, Register 239)

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: July 28, 2021

File No.: 2021200049

Thru: Susan R. Pollard Digitally signed by Susan R Pollard
Date: 2021.07.27 09:58:38 -0800
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 for behavioral
health professional counseling
services, and miscellaneous matters
(7 AAC 70.010(b)(8); 7 AAC
105.200(a)(1)(U); 7 AAC 110.585;
7 AAC 135.010(b)(1); 7 AAC
160.900(e)(20) - (22))

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 for behavioral health services from licensed professional counselors (LPCs), and the adoption by reference of a number of fee schedules.

Please note that that this project is one of several, close in time, that amend 7 AAC 160.900. We have prepared the history note for these regulations on the assumption that they will be first to be filed. But if we are incorrect, please adjust the history notes accordingly. Also, if two projects that amend 7 AAC 160.900 are filed on the same day, please note this with the special "am __/__/__, Register ____; add'l am __/__/__, Register ____" notation.

The March 7, 2021 public notice and the July 26, 2021 adoption order both state that this action is estimated to require increased appropriations. Therefore, a fiscal note under AS 44.62.195 has been prepared and is attached.

SCW

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

Triptaa Surve, Regulations Contact
Department of Health and Social Services

Gennifer Moreau-Johnson, Director
Division of Behavioral Health
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

Stacie L. Kraly, Chief Assistant Attorney General
Human Services Section

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

NOTICE OF PROPOSED CHANGES ON MEDICAID BEHAVIORAL HEALTH LICENSED
PROFESSIONAL COUNSELOR SERVICES & MISCELLANY IN THE REGULATIONS OF THE
DEPARTMENT OF HEALTH & SOCIAL SERVICES

BRIEF DESCRIPTION

The Department of Health & Social Services proposes to change regulations on the Medicaid behavioral health services related to licensed professional counselor services.

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

- **7 AAC 70. Behavioral Health Services**, is proposed to be changes as follows:
 - Add LPC to the list of providers eligible to provide Medicaid behavioral health clinic services.
- **7 AAC 105. Medicaid Provider and Recipient Participation**, is proposed to be changed as follows:
 - Add LPC as an eligible Medicaid provider.
- **7 AAC 110. Medicaid Coverage; Professional Services**, is proposed to be changed as follows:
 - Add a new section related to professional counseling services.
- **7 AAC 160. Medicaid Program; General Provisions**, is proposed to be changed as follows:
 - Add new paragraphs to include the
 - Independent LPC fee schedule;
 - Independent Licensed Marital and Family Therapists (LMFT) fee schedule; and
 - Independent Licensed Clinical Social Worker (LCSW) fee schedule.

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 15, 2021.

You may provide oral comments relevant to the proposed action **via telephone** at the hearing to be held on April 6, 2021, 11 a.m. – 2 p.m., **by calling 1-800-315-6338, and using the participant access code number #59481. 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 11 a.m. The Department of Health & Social Services will give priority to those who call in before 1:30 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 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 March 30, 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 47.07.030; 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 47.37.140.

Statutes being implemented, interpreted, or made specific: AS 47.05.010; AS 47.05.012; AS 47.07.030; 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 47.37.140.

Fiscal information: It is estimated that the proposed regulation changes will require increased appropriations as follows (in thousands of dollars): FY2022, \$232.2; FY2023, \$246.3.

DATE: March 3, 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: Medicaid Behavioral Health Licensed Professional Counselor Services (7 AAC 70, 105, 110), specifically, 7 AAC 70. Behavioral Health Services; 7 AAC 105. Medicaid Provider & Recipient Participation; 7 AAC 110. Medicaid Coverage; Professional Services; 7 AAC 160. Medicaid Program; General Provisions.
3. Citation of regulation (may be grouped): 7 AAC 70, 105, 110, 160.
4. Department of Law file number, if any: 2021200049
5. Reason for the proposed action:
 - (X) Compliance with federal law or action (identify): Comply with the Centers for Medicare & Medicaid Services (CMS) requirements regarding the type of provider eligible to provide Medicaid services.
 - (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):

	Initial Year FY2022	Subsequent Years FY2023
Operating Cost	\$ _____	\$ _____
Capital Cost	\$ _____	\$ _____
1002 Federal receipts	<u>\$597.3</u>	<u>\$657.0</u>
1003 General fund match	<u>\$232.2</u>	<u>\$246.3</u>
1004 General fund	\$ _____	
1005 General fund/ program	\$ _____	\$ _____
Other (identify)-Grants & Benefits	\$ _____	\$ _____

9. The name of the contact person for the regulation:
Name: Allison Weeks, LCSW
Title: Health Program Manager III
Address: 3601 C St., Suite 878, Anchorage, AK 99503
Telephone: (907) 385-8312
E-mail address: allison.weeks@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 & Prepared by: **Allison** Digitally signed
by Allison Weeks
Date: 2021.03.01
10:01:05 -09'00'
Weeks
[signature]
Name (printed): Allison Weeks, LCSW
Title (printed): Health Program Manager III
Telephone: (907) 385-8312

FISCAL NOTE

Agency: Department of Health & Social Services

Appropriation/Allocation: Medicaid/Medicaid Services

General subject of regulation: Medicaid Behavioral Health Licensed Professional Counselor (LPC) Services

Citation of regulation: 7 AAC 70. Behavioral Health Services; 7 AAC 105. Medicaid Provider and Recipient Participation; 7 AAC 110. Medicaid Coverage; Professional Services; 7 AAC 160. Medicaid Program; General Provisions.

Estimated appropriations required (in thousands of dollars) \$232.2

Expenditures/Revenues

	FY __ Appropriation Requested	(Thousands of Dollars)	
OPERATING EXPENDITURES	FY2022	FY2023	FY2024
Personal Services			
Travel			
Services			
Commodities			
Capital Outlay			
Grants & Benefits			
Miscellaneous			
TOTAL OPERATING			

FUNDING SOURCE		(Thousands of Dollars)	
1002	Federal Receipts	597.3	657.0
1003	GF Match	232.2	246.3
1004	General Fund		
1005	GF/Program (DGF)		
1007	I/A Rcpts (Other)		
1037	GF/MH (UGF)		

POSITIONS			
Full-time			
Part-time			
Temporary			

CHANGE IN REVENUES	232.2	246.3	
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Date & Prepared by: Allison Weeks Digitally signed by Allison Weeks
Date: 2021.03.01 10:01:41 -09'00'

Allison Weeks, LCSW

Health Program Manager III

Division of Behavioral Health/Department of Health & Social Services

Telephone Number: (907) 385-8312

AFFIDAVIT OF ORAL HEARING

I, Allison Weeks, Health Program Manager III, of the Department of Health & Social Services, under penalty of perjury, certify the following:

On April 6, 2021, at 11:00 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 Medicaid Behavioral Health Licensed Professional Counselor Services & Miscellany (7 AAC 70, 105, 110, 135, 160), specifically, 7 AAC 70. Behavioral Health Services; 7 AAC 105. Medicaid Provider & Recipient Participation; 7 AAC 110. Medicaid Coverage; Professional Services; 7 AAC 135. Medicaid Coverage; Behavioral Health 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.

Allison Weeks

Digitally signed by Allison Weeks
Date: 2021.06.03 09:14:37 -08'00'

[original or password-protected electronic signature]

Allison Weeks, Health Program Manager III

State of Alaska
Anchorage, AK 99503

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Allison Weeks, 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 Medicaid Behavioral Health Licensed Professional Counselor Services & Miscellany (7 AAC 70, 105, 110, 135, 160), specifically, 7 AAC 70. Behavioral Health Services; 7 AAC 105. Medicaid Provider & Recipient Participation; 7 AAC 110. Medicaid Coverage; Professional Services; 7 AAC 135. Medicaid Coverage; Behavioral Health 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.

Allison Weeks Digitally signed by Allison Weeks
Date: 2021.06.03 09:12:23 -08'00'

[original or password-protected electronic signature]

Allison Weeks, Health Program Manager III

State of Alaska
Anchorage, AK 99503.

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Allison Weeks, 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 as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Health & Social Services regulation on Medicaid Behavioral Health Licensed Professional Counselor Services & Miscellany (7 AAC 70, 105, 110, 135, 160), specifically, 7 AAC 70. Behavioral Health Services; 7 AAC 105. Medicaid Provider & Recipient Participation; 7 AAC 110. Medicaid Coverage; Professional Services; 7 AAC 135. Medicaid Coverage; Behavioral Health 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.

Allison Weeks

Digitally signed by Allison Weeks
Date: 2021.06.03 09:15:12 -08'00'

[original or password-protected electronic signature]

Allison Weeks, Health Program Manager III

State of Alaska
Anchorage, AK 99503.

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

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

Order #: W0021069

Cost: \$537.88

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

03/07/2021

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 8th day of March 2021.

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

MY COMMISSION EXPIRES

7/14/2024

NOTICE OF PROPOSED CHANGES ON MEDICAID BEHAVIORAL HEALTH LICENSED PROFESSIONAL COUNSELOR SERVICES & MISCELLANY 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 behavioral health services related to licensed professional counselor (LPC) services, including the following:

• **7 AAC 70. Behavioral Health Services.** is proposed to be changed as follows: o Add LPC to the list of providers eligible to provide Medicaid behavioral health clinic services.

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• **7 AAC 160. Medicaid Program; General Provisions.** is proposed to be changed as follows: o Add new paragraphs to include the

• Independent LPC fee schedule;
• Independent Licensed Marital and Family Therapists (LMFT) fee schedule; and
• Independent Licensed Clinical Social Worker (LCSW) fee schedule.

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 15, 2021.

You may provide oral comments relevant to the proposed action via telephone at the hearing to be held on April 6, 2021, 11 a.m. - 2 p.m., by calling 1-800-315-6338, and using the participant access code number #59481. 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 11 a.m. The Department of Health & Social Services will give priority to those who call in before 1:30 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 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 March 30, 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 47.07.030; 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 47.37.140.

Statutes being implemented, interpreted, or made specific: AS 47.05.010; AS 47.05.012; AS 47.07.030; 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 47.37.140.

Fiscal information: It is estimated that the proposed regulation changes will require increased appropriations as follows (in thousands of dollars): FY2022, \$232.2; FY2023, \$246.3.

DATE: March 3, 2021.
/s/Adam Crum
Commissioner,
Department of Health & Social Services
State of Alaska.

Pub: March 7, 2021

NOTARY PUBLIC
JADA L. NOWLING
STATE OF ALASKA
MY COMMISSION EXPIRES JULY 14, 2024

LPC Medicaid Covered Services

Adult or Child A=Adult C=Child	Procedure Code / Modifier	Service Description	Duration	Service Limit & Service Authorization Unit of Measure	Unit Payment	Limits- per State Fiscal Year (\$FY) unless otherwise indicated	Can or Cannot be extended with Service Authorization	Telemed Y/N
A/C	T1023	Behavioral Health Screen	1 screening	N/A	\$ 41.95	1 per admission to program	Cannot	Yes
A/C	H0031	Mental Health Intake Assessment	1 Assessment	1 Assessment	\$ 428.50	1 assessment every 6 months	Can	Yes
A/C	H0031-HH	Integrated Mental Health & Substance Use Intake Assessment	1 Assessment	1 Assessment	\$ 492.78	1 assessment every 6 months	Can	Yes
A/C	90832	Psychotherapy, Individual	16-37 minutes	30 minutes	\$ 63.98	Limit for All Psychotherapy (Individual, Group, Family, Multi- Family Group) Services COMBINED Any combination of psychotherapy services; 10 hours/SFY	Can	Yes
A/C	90834	Psychotherapy, Individual	38-52 minutes	60 minutes	\$ 95.97			Yes
A/C	90837	Psychotherapy, Individual	53-60	60 minutes	\$ 127.96			Yes
A/C	90846	Psychotherapy, Family (w/o patient present)	60 minutes	60 minutes	\$ 134.60			Yes
A/C	90846-U7	Psychotherapy, Family (w/o patient present)	30 minutes	30 minutes	\$ 67.30			Yes
A/C	90847	Psychotherapy, Family (with patient present)	60 minutes	60 minutes	\$ 130.76			Yes
A/C	90847-U7	Psychotherapy, Family (with patient present)	30 minutes	30 minutes	\$ 65.30			Yes
A/C	90849	Psychotherapy, Multi-family group	60 minutes	60 minutes	\$ 52.31			Yes
A/C	90849-U7	Psychotherapy, Multi-family group	30 minutes	30 minutes	\$ 26.14			Yes
A/C	90853	Psychotherapy, Group	60 minutes	60 minutes	\$ 51.19			Yes
A/C	90853-U7	Psychotherapy, Group	30 minutes	30 minutes	\$ 25.59			Yes
A/C	99408	Screening, Brief Intervention, and Referral for Treatment (SBIRT)	15 to 30 minute episode	N/A	\$ 40.17	No annual limit	N/A	Yes

Services that are provided via telemedicine require a procedure code modifier "GT" to designate that the service was not performed in person. When applicable, providers should report multiple procedure code modifiers with a single procedure code as appropriate. For example, report both modifier U7 and GT with procedure code 90847 if the family psychotherapy with the patient present was provided for 30 minutes via telemedicine (90847-U7-GT)

LCSW Medicaid Covered Services, eff. 7/8/20

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A/C	90849-U7	Psychotherapy, Multi-family group	30 minutes	30 minutes	\$ 26.14			Yes
A/C	90853	Psychotherapy, Group	60 minutes	60 minutes	\$ 51.19			Yes
A/C	90853-U7	Psychotherapy, Group	30 minutes	30 minutes	\$ 25.59			Yes
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LMFT Medicaid Covered Services, eff. 7/8/20

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