

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: September 27, 2021

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

Department of Health and Social Services regulations re: Medicaid payments to tribal health programs enrolled as federally qualified health centers (FQHCs) (7 AAC 140.200 - 7 AAC 140.220; 7 AAC 145.700 - 7 AAC 145.720; 7 AAC 160.900(b))

Attorney General File:	2021200244
Regulation Filed:	9/27/2021
Effective Date:	11/1/2021
Print:	240, January 2022

cc with enclosures: Joseph Felkl, 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 Federally Qualified Health Center (FQHC) Medicaid Enrollment, Coverage, and Payment Options for Tribal Health Organizations (THOs), specifically, AAC 140. Medicaid Coverage; Facility and Facility-Based Services, 7 AAC 145. Medicaid Payment Rates; and 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 47.07.030, AS 47.07.040, AS 47.07.070, AS 47.07.073, AS 47.07.074, and AS 47.07.085, 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 November 1, 2021, as provided in AS 44.62.180.

Adam Crum

Digitally signed by Adam Crum
Date: 2021.09.22 14:56:04 -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 September 27, 2021, at 9:44 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

April Simpson
for Lieutenant Governor Kevin Meyer

Effective: November 1, 2021.

Register: 240. January 2022.

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**

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7 AAC 140.200(a)(1) is amended to read:

(1) meets the **enrollment and reporting** requirements of **42 C.F.R. 405.2400 - 405.2444** [42 C.F.R. 405.2400 - 405.2472], adopted by reference in 7 AAC 160.900;

7 AAC 140.200(b) is repealed and readopted to read:

(b) Each permanent site operated by a health clinic must be separately enrolled and meet the requirements of this section. In this subsection, "permanent site"

(1) means a fixed, brick-and-mortar location;

(2) does not include a temporary location where services are provided on a one-time or occasional basis, such as a health fair, school, or fish camp.

7 AAC 140.200 is amended by adding a new subsection to read:

(k) In this section, (a)(1) and (3) and (d) - (i) of this section do not apply to a federally qualified health center that elects to be reimbursed under 7 AAC 155.010(1). (Eff. 2/1/2010, Register 193; am 11 / 1 / 2021, Register 240)

Authority: AS 47.05.010 AS 47.07.040 AS 47.07.074
AS 47.07.030 AS 47.07.073

7 AAC 140.205(b) is repealed and readopted to read:

(b) In addition to the requirements of 7 AAC 140.200, to enroll with the department, a federally qualified health center that is enrolled

(1) under (a)(1), (2), or (3) of this section must

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(A) participate as a federally qualified health center in accordance with this section and 7 AAC 145.700, 42 C.F.R. 405.2430 - 405.2452, and 42 C.F.R. Part 491, adopted by reference in 7 AAC 160.900; and

(B) provide the department with a letter from CMS, certifying the entity as a federally qualified health center provider, and must provide a copy of its grant notice;

(2) under (a)(4) of this section must participate as a federally qualified health center in accordance with this section and 7 AAC 145.700 and 42 C.F.R. 405.2446 - 405.2452, adopted by reference in 7 AAC 160.900. (Eff. 2/1/2010, Register 193; am 11 / 1 / 2021, Register 240)

Authority: AS 47.05.010 AS 47.07.040 AS 47.07.074
AS 47.07.030 AS 47.07.073

7 AAC 140.215(a) is amended to read:

(a) The department will pay a health clinic for providing services under (b) - (e) of this section rendered to a patient of the clinic by an employee or a contract worker of the clinic. Except as otherwise provided in this section, the department will pay a provider for services under this section in accordance with the payment rate established in 7 AAC 145.700, or 7 AAC 155.010, as applicable.

7 AAC 140.215(b) is amended to read:

(b) The department will pay for primary care services provided by a physician, a

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physician assistant, or an advanced practice registered nurse acting within the scope of that individual's license to practice. The department will not pay a federally qualified health center under the rate methodology established in 7 AAC 145.700 for services that the department determines to be incidental to primary care services, including laboratory services, x-ray services, and supplies.

7 AAC 140.215(e) is amended by adding a new paragraph to read:

(7) screening and brief intervention services.

7 AAC 140.215(f) is amended to read:

(f) In accordance with the relevant fee schedule established under 7 AAC 145.050, the [THE] department will separately pay a health clinic eligible under 7 AAC 140.205(a)(1), (2), or (3) for labor and delivery services provided by a physician, a physician assistant, or an advanced practice registered nurse, including a nurse midwife, who has separately enrolled under 7 AAC 105 - 7 AAC 160. The department will pay a health clinic eligible under 7 AAC 140.205(a)(4) in accordance with 7 AAC 155.010. [THE DEPARTMENT WILL PAY A PROVIDER UNDER THIS SUBSECTION IN ACCORDANCE WITH THE RELEVANT FEE SCHEDULE ESTABLISHED UNDER 7 AAC 145.050.]

The introductory language of 7 AAC 140.215(h) is amended to read:

(h) The department will not pay a health clinic eligible under 7 AAC 140.205(a)(1), (2), or (3) for

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...

7 AAC 140.215(h)(3) is amended to read:

(3) services provided off-site of the health clinic, except as provided in 7 AAC 140.220; **this paragraph does not apply to a federally qualified health center**. (Eff. 2/1/2010, Register 193; am 10/1/2011, Register 199; am 4/24/2020, Register 234; am 11 / 1 / 2021, Register 240)

Authority: AS 47.05.010 AS 47.07.040 AS 47.07.073
AS 47.07.030 AS 47.07.070

7 AAC 140.220 is amended by adding a new subsection to read:

(c) This section does not apply to a federally qualified health center. (Eff. 2/1/2010, Register 193; am 4/24/2020, Register 234; am 11 / 1 / 2021, Register 240)

Authority: AS 47.05.010 AS 47.07.040 AS 47.07.073
AS 47.07.030 AS 47.07.070

7 AAC 145.700(a) is amended to read:

(a) Except for services listed in (e) of this section, **and as otherwise provided in (l) of this section**, the department will determine a rural health clinic's payment rate or a federally qualified health center's payment rate based on the health clinic's reasonable costs. Reasonable costs must be determined by using the same methodology used under 42 U.S.C. **1395l(a)(3)** [1395l(a)(3)] and 42 C.F.R. 413.1 - 413.157. Costs must be related to furnishing medically

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necessary and appropriate services to Medicaid-eligible patients in accordance with 7 AAC 140.215. Costs may not include the cost of providing prescription drugs. The department will consider only costs that are related to providing Medicaid-eligible services to Medicaid-eligible patients, and will exclude other costs. A health clinic may receive payment only for services provided to a patient of the clinic by an employee or a contract worker of the clinic. The department's payment for services provided by the health clinic will be paid to the health clinic.

7 AAC 140.700 is amended by adding a new subsection to read:

(l) This section does not apply to a federally qualified health center that elects to be reimbursed under 7 AAC 155.010(1). (Eff. 2/1/2010, Register 193; am 10/1/2017, Register 223; am 4/24/2020, Register 234; am 11 / 1 / 2021, Register 240)

Authority: AS 47.05.010 AS 47.07.040 AS 47.07.073
AS 47.07.030 AS 47.07.070

7 AAC 140.710 is amended by adding a new subsection to read:

(e) This section does not apply to a federally qualified health center that elects to be reimbursed under 7 AAC 155.010(1). (Eff. 2/1/2010, Register 193; am 4/24/2020, Register 234; am 11 / 1 / 2021, Register 240)

Authority: AS 47.05.010 AS 47.07.040 AS 47.07.073
AS 47.07.030 AS 47.07.070

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7 AAC 140.720 is amended by adding a new subsection to read:

(c) This section does not apply to a federally qualified health center that elects to be reimbursed under 7 AAC 155.010(1). (Eff. 2/1/2010, Register 193; am 10/1/2017, Register 223; am 11 / 1 / 2021, Register 240)

Authority: AS 47.05.010 AS 47.07.073 AS 47.07.074
AS 47.07.070

7 AAC 160.900(b)(4) is amended to read:

(4) 42 C.F.R. 405.2400 - 405.2452 [42 C.F.R. 405.2400 - 405.2472] (rural health clinic and federally qualified health clinic services), revised as of October 1, 2020 [OCTOBER 1, 2008];

7 AAC 160.900(b)(16) is amended to read:

(16) 42 C.F.R. Part 491 (certification of certain health care facilities), revised as of October 1, 2020 [OCTOBER 1, 2008];

(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 240, January 2022 HEALTH AND SOCIAL SERVICES

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 10/4/2020, Register 236; am 1/1/2021, Register 236; am 3/31/2021, Register 238; am 6/30/2021, Register 238; am 8/27/2021, Register 239; am 9/9/2021, Register 239; am 10/9/2021, Register 240; am 11 / 1 / 2021, Register 240)

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.085
AS 47.05.012 AS 47.07.040

MEMORANDUM


State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: September 23, 2021

File No.: 2021200244

Tel. No.: 907-465-3600

From: Rebecca C. Polizzotto 
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

Re: Department of Health and Social
Services regulations re: Medicaid
payments to tribal health programs
enrolled as federally qualified health
centers (FQHCs) (7 AAC 140.200 -
7 AAC 140.220; 7 AAC 145.700 -
7 AAC 145.720; 7 AAC 160.900(b))

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 clarify the conditions under which a tribal clinic that enrolls as a federally qualified health center (FQHC) for purposes of Medicaid reimbursements, and that receives reimbursements under Medicaid provisions for tribal health programs--also known as tribal health organizations (THOs)--may continue to offer identified covered services outside the "four walls" of the clinic's fixed, brick-and-mortar site.

Please note that the adoption order sets a special effective date of November 1, 2021 for the regulations. Accordingly, we request a filing date for the regulations on or before September 30, 2021.

The June 17, 2021 public notice and the September 22, 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.

RCP:scw

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

Triptaa Surve, Regulations Contact
Department of Health and Social Services

Renee Gayhart, Director
Division of Health Care Services
Department of Health and Social Services

Jamie Walker, Division Operations Manager
Division of Health Care Services
Department of Health and Social Services

Susan Miller Dunkin, Medicaid Program Coordinator
Division of Health Care Services
Department of Health and Social Services

Stacie L. Kraly, Chief Assistant Attorney General
Civil Division

NOTICE OF PROPOSED CHANGES ON FEDERALLY QUALIFIED HEALTH CENTER (FQHC)
MEDICAID ENROLLMENT, COVERAGE, & PAYMENT OPTIONS FOR TRIBAL HEALTH
ORGANIZATIONS (THOs) IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL
SERVICES

BRIEF DESCRIPTION

The Department of Health & Social Services proposes to change regulations related to federally qualified health center (FQHC) Medicaid enrollment, coverage, and payment options for tribal health organizations (THOs).

The Department of Health & Social Services proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, related to federally qualified health center (FQHC) Medicaid enrollment, coverage, and payment options for tribal health organizations (THOs), to allow tribal clinics to continue to offer services outside the "four walls" of the clinic, including the following:

- 7 AAC 140. Medicaid Coverage; Facility and Facility-Based Services, is proposed to be changed as follows:
 - Amend to exclude or partially exclude a tribal organization that enrolls as a FQHC; identify coverage and requirements for screening and brief intervention services; and identify covered services and payment conditions for a THO that enrolls as a FQHC.
- 7 AAC 145. Medicaid Payment Rates, is proposed to be changed as follows:
 - Amend to exclude a THO that enrolls as a FQHC.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Ms. Susan Miller Dunkin at the Department of Health & Social Services, Division of Health Care Services, 4501 Business Park Blvd., Bldg. K, Attention: Susan Miller Dunkin, Anchorage, AK 99503-7167. Additionally, the Department of Health & Social Services will accept comments by electronic mail at susan.dunkin@alaska.gov. The comments must be received not later than 5 p.m. on August 5, 2021.

You may submit written questions relevant to the proposed action to Ms. Susan Miller Dunkin by e-mail at susan.dunkin@alaska.gov or at the Department of Health & Social Services, Division of Health Care Services, 4501 Business Park Blvd., Bldg. K, Attention: Susan Miller Dunkin, Anchorage, AK 99503-7167. 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 agency website at <http://www.dhss.alaska.gov/dhcs/Pages/default.aspx>.

If you are a person with a disability who needs a special accommodation to participate in this process, please contact Ms. Susan Miller Dunkin at susan.dunkin@alaska.gov or at (907) 269-3638 not later than July 22, 2021, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Ms. Susan Miller Dunkin at susan.dunkin@alaska.gov or by telephone at (907) 269-3638.

After the public comment period ends, the Department of Health & Social Services will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

Statutory authority: AS 47.05.010; AS 47.07.030; AS 47.07.040; AS 47.07.070; AS 47.07.073; AS 47.07.074.

Statutes being implemented, interpreted, or made specific: AS 47.05.010; AS 47.07.030; AS 47.07.040; AS 47.07.070; AS 47.07.073; AS 47.07.074.

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

The Department of Health & Social Services, Division of Health Care Services, keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Department of Health & Social Services, Division of Health Care Services, notices of proposed regulation changes. To be added to or removed from the list, send a request to the Department of Health & Social Services, Division of Health Care Services at susan.dunkin@alaska.gov, giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

DATE: June 23, 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: Federally Qualified Health Center (FQHC) Medicaid Enrollment, Coverage, and Payment Options for Tribal Health Organizations.
3. Citation of regulation (may be grouped): 7 AAC 140, 145.
4. Department of Law file number, if any: 2021200244
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) Provide alternative enrollment for tribal health organizations (THOs) in response to federal enforcement of tribal health "four walls" requirement.
6. Appropriation/Allocation: Department of Health and Social Services/Health Care Services/Medical Assistance Administration
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	Subsequent
	FY _____	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: Ms. Susan Miller Dunkin
Title: Medicaid Program Specialist IV

Address: 4501 Business Park Blvd., Bldg. K, Anchorage, AK 99503-7167

Telephone: (907) 269-3638 or (907) 310-2769

E-mail address: susan.dunkin@alaska.gov

10. The origin of the proposed action:

☒ Staff of state agency

☐ Federal government

☐ General public

☐ Petition for regulation change⁷

☒ Other (identify): Tribal health organizations (THOs).

11. Date & Prepared by: Susan Miller Dunkin

Digitally signed by Susan
Miller Dunkin
Date: 2021.06.22 16:48:18
+08'00'

[signature]

Name (printed): Susan Miller Dunkin

Title (printed): Medicaid Program Specialist IV

Telephone: (907) 269-3638 or (907) 310-2769

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Susan Miller Dunkin, 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 Federally Qualified Health Center (FQHC) Medicaid Enrollment, Coverage, and Payment Options for Tribal Health Organizations (THOs), specifically, 7 AAC 140. Medicaid Coverage; Facility and Facility-Based Services, and 7 AAC 145. Medicaid Payment Rates, 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 available to notarize this document.

I certify under penalty of perjury that the foregoing is true.

**Susan Miller
Dunkin**

Digitally signed by Susan
Miller Dunkin
Date: 2021.08.17 16:54:20
-08'00'

[original or password-protected electronic signature]

Susan Miller Dunkin, Medicaid Program Specialist IV

State of Alaska
Anchorage, AK 99503

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Susan Miller Dunkin, 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 Federally Qualified Health Center (FQHC) Medicaid Enrollment, Coverage, and Payment Options for Tribal Health Organizations (THOs), specifically, 7 AAC 140. Medicaid Coverage; Facility and Facility-Based Services, and 7 AAC 145. Medicaid Payment Rates.

There is no notary public or other official available to notarize this document.

I certify under penalty of perjury that the foregoing is true.

Susan Miller
Dunkin

Digitally signed by Susan
Miller Dunkin
Date: 2021.08.17
16:55:11 -08'00'

[original or password-protected electronic signature]

Susan Miller Dunkin, Medicaid Program Specialist IV

State of Alaska
Anchorage, AK 99503.

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

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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

06/27/2021

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 28th day of June 2021.

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

MY COMMISSION EXPIRES



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

NOTICE OF PROPOSED CHANGES ON FEDERALLY QUALIFIED HEALTH CENTER (FQHC) MEDICAID ENROLLMENT, COVERAGE, & PAYMENT OPTIONS FOR TRIBAL HEALTH ORGANIZATIONS (THOs) 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, related to federally qualified health center (FQHC) Medicaid enrollment, coverage, and payment options for tribal health organizations (THOs), to allow tribal clinics to continue to offer services outside the "four walls" of the clinic, including the following:

• 7 AAC 140. Medicaid Coverage; Facility and Facility-Based Services, is proposed to be changed as follows:

o Amend to exclude or partially exclude a tribal organization that enrolls as a FQHC; identify coverage and requirements for screening and brief intervention services; and identify covered services and payment conditions for a THO that enrolls as a FQHC.

• 7 AAC 145. Medicaid Payment Rates, is proposed to be changed as follows:

o Amend to exclude a THO that enrolls as a FQHC.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Ms. Susan Miller Dunkin at the Department of Health & Social Services, Division of Health Care Services, 4501 Business Park Blvd., Bldg. K, Attention: Susan Miller Dunkin, Anchorage, AK 99503-7167. Additionally, the Department of Health & Social Services will accept comments by electronic mail at susan.dunkin@alaska.gov. The comments must be received not later than 5 p.m. on August 5, 2021.

You may submit written questions relevant to the proposed action to Ms. Susan Miller Dunkin by e-mail at susan.dunkin@alaska.gov or at the Department of Health & Social Services, Division of Health Care Services, 4501 Business Park Blvd., Bldg. K, Attention: Susan Miller Dunkin, Anchorage, AK 99503-7167. 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 agency website at <http://www.dhss.alaska.gov/dhcs/Pages/default.aspx>.

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A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Ms. Susan Miller Dunkin at susan.dunkin@alaska.gov or by telephone at (907) 269-3638.

After the public comment period ends, the Department of Health & Social Services will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

Statutory authority: AS 47.05.010; AS 47.07.030; AS 47.07.040; AS 47.07.070; AS 47.07.073; AS 47.07.074.

Statutes being implemented, interpreted, or made specific: AS 47.05.010; AS 47.07.030; AS 47.07.040; AS 47.07.070; AS 47.07.073; AS 47.07.074.

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation. The Department of Health & Social Services, Division of Health Care Services, keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Department of Health & Social Services, Division of Health Care Services, notices of proposed regulation changes. To be added to or removed from the list, send a request to the Department of Health & Social Services, Division of Health Care Services at susan.dunkin@alaska.gov, giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

DATE: June 23, 2021.
/s/Adam Crum
Commissioner
Department of Health & Social Services
State of Alaska

Pub: June 27, 2021