

FREQUENTLY ASKED QUESTIONS ON
PROPOSED REGULATIONS AMENDMENTS TO THE LEVEL OF CARE DETERMINATION PROCESS FOR
WAIVER, COMMUNITY FIRST CHOICE AND INSTITUTIONAL SERVICES FOR
INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES

1) What do these regulations do?

The proposed regulations do three main things:

- A) Replace the term “reassessment” with “interim file review” in years when the Inventory for Client and Agency Planning (ICAP) assessment tool is not used to determine level of care;
- B) Update the regulatory language on the frequency of assessment to reflect current practice for determining level of care to qualify for the two waivers serving people with intellectual and developmental disabilities, and for the Community First Choice (CFC) program; and
- C) Update the Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID) level of care determination process to add substantial functional limitation criteria and allow for the use of other tools (those used by other states, since Alaska doesn’t have an ICF/IID) to make level of care determinations.

With these changes, the annual renewal process should be more streamlined, as level of care re-determinations can be made from a file review rather than having to assess a person when their condition hasn’t changed. The file review should be less intrusive for applicants, and give SDS a method for more streamlined operations, so that SDS resources can be redirected to other mandated activities.

2) Who is primarily affected by these regulations?

People with intellectual and developmental disabilities who want to be determined eligible for services through the two waivers available to them, for the services available through the Community First Choice program, and for placement in an intermediate care facility for individuals with intellectual disabilities (ICF/IID); children seeking access to Medicaid state plan services through the ICF/IID TEFRA option.

3) Why are these regulations proposed now?

The proposed regulations amendments align with the level of care determination language that was recently approved by the Centers for Medicare and Medicaid Services (CMS) in the renewal of the People with Intellectual and Developmental Disabilities (IDD) waiver for the five-year renewal period 7/1/21 through 6/30/26. A corresponding amendment to the Individualized Supports Waiver (ISW) is being prepared and will be issued for public comment and tribal consultation soon.