

DEPARTMENT OF HEALTH



PROPOSED CHANGES TO REGULATIONS.

MEDICAID COVERAGE & BEHAVIORAL HEALTH SERVICES PSYCHOTHERAPY LIMIT.

- 7 AAC 110. Medicaid Coverage; Professional Services.
- 7 AAC 135. Medicaid Coverage; Behavioral Health Services.
- 7 AAC 160. Medicaid Program; General Provisions.



PUBLIC REVIEW DRAFT
July 18, 2022.

COMMENT PERIOD ENDS: September 13, 2022.

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

Notes to reader:

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paragraph, or subparagraph is being added, or that an existing section, subsection, paragraph, or subparagraph is being repealed and readopted (replaced), *the new or replaced text is not bolded or underlined.*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

Title 7. Health and Social Services.

7 AAC 110. Medicaid Coverage; Professional Services.

7 AAC 110.565. Clinical social worker services.

7 AAC 110.565(b) is amended to read:

(b) Clinical social worker services include only the following behavioral health clinic services **without prior authorization**:

...

(Eff. 4/24/2020, Register 234; am ____/____/____, Register _____)

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.040

7 AAC 110.575. Marital and family therapy services.

7 AAC 110.575(b) is amended to read:

(b) The department will only pay for covered marital and family therapy services.

Covered marital and family therapy services are limited to the following behavioral health clinic services **without prior authorization**:

(Eff. 7/8/2020, Register 235; am____/____/____; Register_____)

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.040

7 AAC 110.585. Professional counseling services.

7 AAC 110.585(b) is amended to read:

(b) The department will only pay for covered professional counseling services. Covered professional counseling services are limited to the following behavioral health clinic services **without prior authorization:**

...

(Eff. 8/27/2021, Register 239; am____/____/____, Register_____).

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.040

7 AAC 135. Medicaid Coverage; Behavioral Health Services.

7 AAC 135.010. Scope of Medicaid behavioral health services.

7 AAC 135.010(c) is amended by adding a new paragraph to read:

(17) short-term crisis intervention services conducted in accordance with 7 AAC 135.160 provided by an individual listed in the definition of “mental health professional clinician” in 7 AAC 160.990;

7 AAC 135.010(c) is amended by adding a new paragraph to read:

(18) psychotherapy services under 7 AAC 135.150 provided by an individual listed in the definition of "mental health professional clinician" in 7 AAC 160.990.

(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; _____/_____/_____, Register _____)

Authority: AS 47.05.010 AS 47.07.030

7 AAC 135.040. Service authorization and limitation.

7 AAC 135.040(b)(1) is amended to read:

(b) A community behavioral health services provider or mental health physician clinic may provide the following behavioral health clinic services without prior authorization from the department:

(1) any combination of individual, group, and family psychotherapy, not to exceed **30** [10] hours **for each** recipient in a state fiscal year;

...

7 AAC 135.040(b)(7) is repealed and readopted to read:

(7) short-term crisis intervention services under 7 AAC 135.160 or any combination of behavioral health clinic, rehabilitation service, and intervention under 7 AAC 135.010 that are included in the crisis plan, that do not exceed 22 hours of the total short-term crisis intervention services provided to a recipient during a state fiscal year;

(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; am _____/_____/_____, Register _____)

Authority: AS 47.05.010 AS 47.07.030

7 AAC 135.160. Short-term crisis intervention services.

7 AAC 135.160(b) is repealed and readopted to read:

(b) The mental health professional clinician may order and deliver, as a crisis intervention service, any medically necessary and clinically appropriate behavioral health clinic or rehabilitation service or intervention under 7 AAC 135.010 that

(1) is included in the crisis plan to

(A) reduce the symptoms of the acute mental, emotional, or behavioral disorder;

(B) prevent harm to the recipient or others;

(C) prevent further relapse or deterioration of the recipient's condition; or

(D) stabilize the recipient within the family system, if one exists; and

(2) does not exceed 22 hours of the total short-term crisis intervention services provided to a recipient during a state fiscal year.

7 AAC 135.160(g) is amended to read:

(g) Except as provided in (i) of this section, short-term crisis intervention must be documented on a contact form provided by the department. **Agencies may integrate the state approved contact form into their electronic health record but all data elements from the state contact form must be maintained in the electronic version of the form.**

...

(Eff. 10/1/2011, Register 199; am ____/____/____, Register____)

Authority: AS 47.05.010 AS 47.07.030

7 AAC 135.170. Short-term crisis stabilization services.

7 AAC 135.170(e) is amended to read:

(e) Short-term crisis stabilization must be documented on a contact form provided by the department. **Agencies may integrate the state approved contact form into their electronic health record but all data elements from the state contact form must be maintained in the electronic version of the form.**

...

(Eff. 10/1/2011, Register 199; am ____/____/____, Register____)

Authority: AS 47.05.010 AS 47.07.030

Chapter 160. Medicaid Program; General Provisions.

7 AAC 160.900. Requirements adopted by reference.

7 AAC 160.900(d)(59) is amended to read:

(59) the *Chart of Community Behavioral Health and Mental Health Physician Clinic Medicaid Covered Services Rates*, dated **July 1, 2022** [JANUARY 1, 2019].

7 AAC 160.900(e)(20) is amended to read:

(20) [STATE FISCAL YEAR 2021] *Fee Schedule for Independent Licensed Professional Counselors (LPC)*, dated **July 1, 2022** [JUNE 1, 2021];

7 AAC 160.900(e)(21) is amended to read:

(21) [STATE FISCAL YEAR 2021] *Fee Schedule for Independent Licensed Marital and Family Therapists (LMFT)*, dated **July 1, 2022** [JULY 8, 2020];

7 AAC 160.900(e)(22) is amended to read:

(22) [STATE FISCAL YEAR 2021] *Fee Schedule for Independent Licensed Clinical Social Workers (LCSW)*, dated **July 1, 2022** [JULY 8, 2020].

(Eff. 2/1/2010, Register 193; am 8/25/2010, Register 195; am 12/1/2010, Register 196; am 1/1/2011, Register 196; am 1/15/2011, Register 197; am 2/9/2011, Register 197; am 3/1/2011, Register 197; am 10/1/2011, Register 199; am 12/1/2011, Register 200; am 1/26/2012, Register 201; am 3/8/2012, Register 201; am 4/1/2012, Register 201; add'l am 4/1/2012, Register 201; am 5/11/2012, Register 202; am 10/16/2012, Register 204; am 11/3/2012, Register 204; am 12/1/2012, Register 204; am 12/2/2012, Register 204; am 1/1/2013, Register 204; am 1/16/2013, Register 205; am 7/1/2013, Register 206; add'l am 7/1/2013, Register 206; am 11/3/2013, Register 208; am 1/1/2014, Register 208; am 2/2/2014, Register 209; am 3/19/2014, Register 209; am 3/22/2014, Register 209; am 5/18/2014, Register 210; am 2/26/2015, Register 213; am 3/15/2015, Register 213; am 7/1/2015, Register 214; am 5/1/2016, Register 218; am 6/16/2016, Register 218; am 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; add'l am 9/9/2021, Register 239; am 10/9/2021, Register 240; add'l am 11/1/2021, Register 240; am ____/____/____, Register____)

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.085

AS 47.05.012

AS 47.07.040