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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

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: November 23, 2022

RE: Filed Permanent Regulations: Department of Health

Department of Health regulations re: Medicaid Electronic Visit Verification (EVV)
Requirements for Home Health Care & Specialized Private-Duty Nursing Services (7
AAC 105, 125, 130)

| | |
|------------------------|-------------------|
| Attorney General File: | 2022200287 |
| Regulation Filed: | 11/23/2022 |
| Effective Date: | 1/1/2023 |
| Print: | 244, January 2023 |

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO REGULATIONS
OF THE DEPARTMENT OF HEALTH

The attached three pages of regulations, dealing with Medicaid Electronic Visit Verification (EVV) Requirements for Home Health Care & Specialized Private-Duty Nursing Services, is adopted and certified to be a correct copy of the regulation changes that the Department of Health adopts under the authority of AS 47.05.010, AS 47.07.030, and AS 47.07.040, 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.

Although no public comments were received, the Department of Health 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 January 1, 2023, as provided in AS 44.62.180.

Adam Crum

Digitally signed by Adam
Crum
Date: 2022.09.30 11:35:58
-08'00'

Adam Crum, Commissioner
Department of Health

April Simpson for
↑

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that¹ on November 23,
2022, at 12:54 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 -
44.62.120.

for *Kevin Meyer*
Lieutenant Governor *Kevin Meyer*

Effective: January 1, 2023

Register: 244, January 2023

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.**



K-Meyer
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**KEVIN MEYER
LIEUTENANT GOVERNOR**

The introductory language of 7 AAC 105.230(f) is amended to read:

(f) A provider who maintains all or part of the provider's records in an electronic format shall ensure that the data required to be maintained by this section is available and accessible under this chapter or if requested under 7 AAC 105.240(a). The electronic records include the use of an electronic visit verification system required under 7 AAC 125.070, 7 AAC 125.350, 7 AAC 127.053, [AND 127.053] and 7 AAC 130.285. A provider's electronic data storage system must

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(Eff. 2/1/2010, Register 193; am 6/7/2018, Register 226; am 2/6/2020, Register 233; am 2/12/2021, Register 237; am 1 / 1 / 2023, Register 244)

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.040

7 AAC 125 is amended by adding a new section to read:

7 AAC 125.350. Electronic visit verification. (a) A provider of home health services under 7 AAC 125.310 shall use an electronic visit verification (EVV) system that is either provided or approved by the department. If a provider decides to use its own EVV system or vendor, that system must include at the time of service delivery, and report to the state's EVV system, the following data:

- (1) the name of the agency;
- (2) the identity of the rendering provider;
- (3) the identity of the recipient;
- (4) the location of the service;
- (5) the date of the service;

(6) the start and stop times of the service; and

(7) the type of service provided.

(b) A provider of home health services under 7 AAC 125.350

(1) may not submit a claim for payment of home health services under 7 AAC 125.310 without also submitting the EVV data to support the claim;

(2) must affirm the accuracy of each EVV submission, and must review and resolve, at least every calendar quarter, any exceptions in the EVV system that the provider uses;

(3) must repay to the department any identified overpayment within 90 days; and

(4) must coordinate and upload all aggregate data into the department's EVV system on a daily basis or at another frequency specified by the department, if the provider is not using the department's EVV system.

(c) In this section, "EVV" means electronic visit verification. (Eff. 1 / 1 / 2023,

Register 244)

Authority: AS 47.07.030 AS 47.07.040

7 AAC 130.285 is amended by adding new subsections to read:

(d) A provider of specialized private duty nursing services under this section shall use an electronic visit verification (EVV) system that is either provided or approved by the department. If a provider decides to use its own EVV system or vendor, that system must include at the time of service delivery, and report to the state's EVV system, the following data:

(1) the name of the agency;

(2) the identity of the rendering provider;

(3) the identity of the recipient;

- (4) the location of the service;
- (5) the date of the service;
- (6) the start and stop times of the service; and
- (7) the type of service provided.

(e) A provider of specialized private duty nursing services under this section

(1) may not submit a claim for payment of specialized private duty nursing under this section without also submitting the EVV data to support the claim;

(2) must affirm the accuracy of each EVV submission, and must review and resolve, at least every calendar quarter, any exceptions in the EVV system that the provider uses;

(3) must repay to the department any identified overpayment within 90 days; and

(4) must coordinate and upload all aggregate data into the department's EVV system on a daily basis or at another frequency specified by the department, if the provider is not using the department's EVV system.

(f) In this section, "EVV" means electronic visit verification. (Eff. 2/1/2010, Register 193; am 7/1/2013, Register 206; am 11/5/2017, Register 224; am 4/24/2020, Register 234; am 3/31/2021, Register 238; am 1 / 1 / 2023, Register 244)

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.040