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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**M E M O R A N D U M**

**TO:** Triptaz Surve  
Department of Health

**FROM:** April Simpson, Office of the Lieutenant Governor   
465.4081

**DATE:** February 24, 2023

**RE:** Filed Permanent Regulations: Department of Health

Department of Health regulations re: Medicaid Payment Rates for Behavioral Health  
1115 Waiver Services (7 AAC 160.900)

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Attorney General File:	2022200556
Regulation Filed:	2/24/2023
Effective Date:	3/26/2023
Print:	245, April 2023

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



THE STATE  
of ALASKA  
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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February 24, 2023

The Honorable Nancy Dahlstrom  
Lieutenant Governor  
State of Alaska  
P.O. Box 110001  
Juneau, AK 99811-0001

Re: *7 AAC 160.900: Dept. of Health - Medicaid Payment Rates for Behavioral Health 1115 Waiver Services*

Our file: 2022200556

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Department of Health against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This letter 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 after the close of the public comment period.

The regulations concern the payment rates for behavioral health "1115 waiver" services available to certain at-risk recipients as part of the corresponding federal demonstration project under 42 U.S.C. 1315 (sec. 1115, Title XI, Social Security Act).

The department has requested an effective date of April 1, 2023 for these regulations. Accordingly, we respectfully request that the regulations be filed on or before March 2, 2023.

The November 29, 2022 public notice and the January 26, 2023 order adopting changes both state that this action is expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 has been prepared and is attached.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are incorporated into the attached copy of the regulations.

Sincerely,

TREG TAYLOR  
ATTORNEY GENERAL

By: Rebecca C. Polizzotto  
Rebecca C. Polizzotto  
Chief Assistant Attorney General  
Legislation, Regulations, and  
Legislative Research Section

Digitally signed by  
Rebecca C. Polizzotto  
Date: 2023.02.24  
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RCP/ehp

CC w/enclosure: Triptaa Surve, Regulations Contact  
Department of Health

Dylan Krueger, Assistant Attorney General  
Department of Law

Steven C. Weaver, Assistant Attorney General  
Department of Law

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, NANCY DAHLSTROM, 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,  
2022.**



  
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**NANCY DAHLSTROM  
LIEUTENANT GOVERNOR**

7 AAC 160.900(d)(65) is amended to read:

(65) *Chart of 1115 Medicaid Waiver Services*, dated **October 6, 2022** [JUNE 30, 2021];

(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 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 6/16/2016, Register 218;** 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; am 5/25/2022, Register 242; am 9/4/2022, Register 243; am 9/18/2022, Register 243; am 10/16/2022, Register 244; am 12/1/2022, Register 244; am

Register 245, April 2023

HEALTH

12/23/2022, Register 244; am 3/3/2023, Register 245; am 3 / 26 / 2023, Register 245 )

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

APPENDIX I: Adoption Order

ORDER ADOPTING CHANGES TO REGULATIONS  
OF THE DEPARTMENT OF HEALTH.

The attached two pages of regulations, dealing with Medicaid Payment Rates for Behavioral Health 1115 Waiver Services, are 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 47.05.012, AS 47.07.030, AS 47.07.040, 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.

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 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.

**Heidi Hedberg**

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Hedberg  
Date: 2023.01.26 09:26:50 -09'00'

Heidi Hedberg, Commissioner  
Department of Health

FILING CERTIFICATION

*April Simpson for*  
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I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on

February 24, 2023, at 3:32 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



Lieutenant Governor Nancy Dahlstrom

Effective: March 26, 2023.

Register: 245, April 2023.