

Nancy Dahlstrom
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV




530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Triptaa Surve, Department of Health

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: December 22, 2023

RE: Filed Permanent Regulations: Department of Health

Department of Health regulations re: Medicaid Pregnancy & Postpartum Coverage
(7 AAC 100, 105, 110, 160)

Attorney General File:	2023200304
Regulation Filed:	12/22/2023
Effective Date:	2/1/2024
Print:	249, April 2024

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

Department of Law

CIVIL DIVISION

P.O. Box 110300
Juneau, Alaska 99811
Main: 907.465.3600
Fax: 907.465.2520



THE STATE
of ALASKA
GOVERNOR MIKE DUNLEAVY

December 21, 2023

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: *7 AAC 100, 105, 110, 160: Dept. of Health - Medicaid Pregnancy & Postpartum Coverage*
Our file: 2023200304

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.

Implementing legislation recently enacted under ch 16, SLA 2023 (HCS SB 58(FIN)), the regulations concern Medicaid eligibility, coverage, and payment for pregnancy and postpartum mothers.

The October 18, 2023 public notice and the December 19, 2023 adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

Additionally, the adoption order sets out a special effective date of February 1, 2024. Accordingly, we respectfully request filing of the regulations on or before January 2, 2024.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.060. The corrections are incorporated into the attached copy of the regulations.

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL

By: Rebecca C. Polizzotto
Digitally signed by
Rebecca C. Polizzotto
Date: 2023.12.21
14:46:31 -0900
Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and
Legislative Research Section

RCP/SCW

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

Paul R. Peterson, Assistant Attorney General
Department of Law

Steven C. Weaver, Assistant Attorney General
Department of Law

ORDER ADOPTING CHANGES TO REGULATIONS
OF THE DEPARTMENT OF HEALTH

The attached three pages of regulations, dealing with Medicaid Eligibility & Coverage, Pregnancy & Postpartum, 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 47.07.020, AS 47.07.030, AS 47.07.040, AS 47.07.042, 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 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 February 1, 2024, as provided in AS 44.62.180.

Heidi
Hedberg

Digitally signed by Heidi
Hedberg
Date: 2023.12.19 13:58:35
-0900'

Heidi Hedberg, Commissioner
Department of Health

FILING CERTIFICATION

April Simpson for

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on December 22
2023, at 11:15a.m., I filed the attached regulations according to the provisions of AS 44.62.040 -
44.62.120.

Nancy Dahlstrom
for Lieutenant Governor Nancy Dahlstrom

Effective: February 1, 2024

Register: 249, April 2024.

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:

April Simpson, Regulations and Initiatives Specialist

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.



Nancy Dahlstrom

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

Register 249, April 2024 HEALTH

7 AAC 100.032(g)(6) is amended to read:

(6) a woman in her second or third trimester of pregnancy, as verified in accordance with 7 AAC 100.124, or who is **eligible for Medicaid postpartum coverage under 7 AAC 100.304** [IN THE 60-DAY POSTPARTUM RECUPERATION PERIOD];

(Eff. 7/20/2007, Register 183; am 2 / 1 / 2024, Register 249)

Authority: AS 47.05.010 AS 47.07.040

7 AAC 100.072(e) is repealed:

(e) Repealed 2 / 1 / 2024.

(Eff. 7/20/2007, Register 183; am 1/1/2011, Register 196; am 2 / 1 / 2024, Register 249)

Authority: AS 47.05.010 AS 47.07.020 AS 47.07.040

7 AAC 100.304(a) is repealed and readopted to read:

(a) A pregnant woman who was eligible for and receiving Medicaid coverage under any eligibility category on the last day of pregnancy, including eligibility approved under 7 AAC 100.072, is eligible for postpartum coverage under AS 47.07.020(o). (Eff. 7/20/2007, Register 183; am 2 / 1 / 2024, Register 249)

Authority: AS 47.05.010 AS 47.07.020 AS 47.07.040

7 AAC 100.304(b) is amended to read:

(b) A woman eligible for postpartum coverage under this section is not required to meet the medical support assignment requirements in 7 AAC 100.040 [OR MEDICAL SUPPORT COOPERATION REQUIREMENTS IN 7 AAC 100.042].

Register 249, April 2024 HEALTH

7 AAC 100.304(e) is amended to read:

(e) Coverage under this section continues through the last day of the month in which the woman's [60-DAY] postpartum period ends, without regard to any change in income that may occur. (Eff. 7/20/2007, Register 183; am 2 / 1 / 2024, Register 249)

Authority: AS 47.05.010 AS 47.07.020 AS 47.07.040

7 AAC 105.610(b)(3) is amended to read:

(3) a service provided to a pregnant woman, including a service provided **to a woman** during the postpartum period **under 7 AAC 100.304**;

(Eff. 2/1/2010, Register 193; am 5/18/2014, Register 210; am 3/3/2023, Register 245; am 2 / 1 / 2024, Register 249)

Authority: AS 47.05.010 AS 47.07.020 AS 47.07.042

7 AAC 110.180(b) is repealed and readopted to read:

(b) Direct-entry midwife services are those services for the management of prenatal, intrapartum, and postpartum care that a direct-entry midwife is certified to provide under 12 AAC 14. The department will pay for only the direct-entry midwife services identified in the *Fee Schedule for Direct-Entry Midwife Services*, adopted by reference in 7 AAC 160.900.

(Eff. 2/1/2010, Register 193; am 2 / 1 / 2024, Register 249)

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.040

7 AAC 160.900(e)(3) is repealed and readopted to read:

(3) State Fiscal Year 2024 *Fee Schedule for Direct-Entry Midwife Services*, revised as of August 11, 2023;

Register 249, April 2024 HEALTH

(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 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 12/23/2022, Register 244; am 3/3/2023, Register 245; am 3/26/2023, Register 245; am 5/1/2023, Register 246; am 5/19/2023, Register 246; am 1/1/2024, Register 248; am 2 / 1 / 2024, Register 249)

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