

Nancy Dahlstrom
Lieutenant Governor
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Triptaa Surve, Department of Health

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

DATE: January 3, 2024

RE: Filed Permanent Regulations: Department of Health
Department of Health regulations re: Medicaid Payments for Autism (7 AAC 145.580, 160.900)

Attorney General File:	2023200298
Regulation Filed:	1/3/2024
Effective Date:	2/2/2024
Print:	249, April 2024

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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January 2, 2024

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

Re: *7 AAC 145.580, 160.900: DOH - Medicaid Payments for Autism*
Our file: 2023200298

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 Medicaid coverage and payment for autism services.

The agency had looked towards an effective date of January 1, 2024, for these regulations. Therefore, we respectfully request that these regulations be filed as soon as possible. If the regulations are to be effective on February 1, 2024, please fill in two history notes: the first one for this project, and the second one for the amendments in project 2023200304, which is effective the same date, February 1, 2024.

The September 4, 2023 public notice and the December 27, 2023 adoption order both state that this action is expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 has been prepared and is attached to this set of regulations.

No technical corrections were necessary to conform the regulations in accordance with AS 44.62.060.

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: 2024.01.02
12:38:16 -09'00'

RCP/SCW

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

Dylan J. Krueger, 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 Behavioral Health Services Payment Rates for Autism 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
Digitally signed by Heidi Hedberg
Date: 2023.12.27 13:45:32 -09'00'

Heidi Hedberg, Commissioner
Department of Health

FILING CERTIFICATION

April Simpson for

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

January 3, 2024, at 3:50 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

for Nancy Dahlstrom
Lieutenant Governor

Effective: February 2, 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**

7 AAC 145.580(c) is amended to read:

(c) Each July 1, except July 1, 2019, that rates of payment in the *Chart of Community Behavioral Health and Mental Health Physician Clinic Medicaid Covered Services Rates*, adopted by reference in 7 AAC 160.900, are not reestablished under (b) of this section, the department will adjust the rates of payment in the *Chart of Community Behavioral Health and Mental Health Physician Clinic Medicaid Covered Services Rates* for inflation using the CMS Home Health Agency Market Basket in the most recent quarterly publication of **the IHS Markit** [GLOBAL INSIGHTS] *Healthcare Cost Review* available 60 days **before** [AFTER] July 1.

7 AAC 145.580 is amended by adding a new subsection to read:

(f) Each July 1, the department will adjust the rates of payment in the *Medicaid Procedure Codes and Rates - Autism Services*, adopted by reference in 7 AAC 160.900, for inflation using the CMS Home Health Agency Market Basket in the most recent quarterly publication of the IHS Markit *Healthcare Cost Review* available 60 days before July 1. (Eff. 2/1/2010, Register 193; am 10/1/2011, Register 199; am 4/9/2017, Register 222; am 5/21/2017, Register 222; am 7/1/2018, Register 226; am 1/1/2019, Register 228; am 7/1/2019, Register 231; am 10/25/2019, Register 232; am 4/24/2020, Register 234; am 6/30/2021, Register 238; am 5/25/2022, Register 242; am 2 / 2 / 2024, Register 249.)

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.040

7 AAC 160.900(d)(73) is amended to read:

(73) *Medicaid Procedure Codes and Rates - Autism Services*, dated April 13, 2023 [OCTOBER 11, 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 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 249, April 2024

HEALTH

Register 246; am 5/19/2023, Register 246; am 1/1/2024, Register 248; am 2 / 1 / 2024,

Register 249; am 2 / 2 / 2024, Register 249)

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

The 72nd paragraph of the editor's note following 7 AAC 160.900 is changed to read:

The *Medicaid Procedure Codes and Rates - Autism Services*, dated **April 13, 2023** [OCTOBER 11, 2021], adopted by reference in 7 AAC 160.900(d), may be obtained from the Department of Health and Social Services, Division of Behavioral Health, 3601 C Street, Suite 878, Anchorage, Alaska 99503-7167.