

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 
465.4081

DATE: January 17, 2024

RE: Filed Permanent Regulations: Department of Health

Department of Health regulations re: Medicaid Payment Rates, FQHC Productivity Standards and Rate Setting (7 AAC 145)

Attorney General File:	2023200092
Regulation Filed:	1/17/2024
Effective Date:	2/16/2024
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 17, 2024

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

Re: *7 AAC 145: Dept. of Health - Medicaid Payment Rates, FQHC Productivity Standards and Rate Setting*
Our file: 2023200092

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 payment rates for federally qualified health centers (FQHCs), productivity standards, and rate setting.

The April 11, 2023, public notice and the January 12, 2024, adoption order both state that this action is expected to require increased appropriations. Therefore, a fiscal note under AS 44.62.060 has been prepared and is attached.

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

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Rebecca C. Polizzotto
Date: 2024.01.17
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RCP/SCW

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

Steven C. Weaver, Assistant Attorney General
Department of Law

ORDER ADOPTING CHANGES TO REGULATIONS
OF THE DEPARTMENT OF HEALTH.

The attached one page of regulations, dealing with Medicaid Payment Rates, Federally Qualified Health Center (FQHC) Productivity Standards & Rate Setting, 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 47.07.030, AS 47.07.040, AS 47.07.070, AS 47.07.073, and AS 47.07.074, 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: 2024.01.12
09:34:52 -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 17, 2024, at 2:00 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

for 

Lieutenant Governor *Nancy Dahlstrom*

Effective: February 16, 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.



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

7 AAC 145.710 is repealed and readopted to read:

7 AAC 145.710. Calculating total health clinic visits. For newly rebased rates on or February 16, 2024 after {~~effective date of regulations~~}, for the purposes of calculating a rate under 7 AAC 145.700(c) for a rural health clinic, or a federally qualified health center, the department will consider the total number of visits to be the sum of the total visits from *Worksheet B Parts I & II* of the adjusted Medicare cost report, and if applicable, dental visits. (Eff. 2/1/2010, Register 193; am 4/24/2020, Register 234; am 2 / 16 / 2024, Register 249)

Authority: AS 47.05.010 AS 47.07.040 AS 47.07.073
AS 47.07.030 AS 47.07.070

7 AAC 145.739 is amended by adding a new paragraph to read:

(4) "adjusted Medicare cost report" means a base year's Medicare cost report that has been adjusted in accordance with 7 AAC 145.700 - 7 AAC 145.720. (Eff. 2/1/2010, Register 193; am 2 / 16 / 2024, Register 249)

Authority: AS 47.05.010 AS 47.07.073 AS 47.07.074
AS 47.07.070

((Publisher: Please change the period at the end of 7 AAC 145.739(3)(C) to a semicolon.)))