

MEMORANDUM

State of Alaska Department of Law

TO: April Simpson, Regulation and Initiative Specialist
Office of the Lieutenant Governor

DATE: February 29, 2024

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

FILE NO.: JU2013200714/
2019200243

TEL. NO.: 465-3600

SUBJECT: Corrections to the Alaska Administrative Code (AAC):
7 AAC 70.030(a) - (d)

In accordance with my authority under AS 44.62.125(b), please forward to the publisher the corrections to the Alaska Administrative Code (AAC) contained in the attached document package on pages 6 - 9. This revision consists of the complete repeal and readoption of 7 AAC 70.030(a), (b), (c), and (d).

The changes were part of a project that the Lieutenant Governor filed on March 25, 2020, for submission to Register 234 with an effective date of April 24, 2020. The publisher did not add these changes to the register.

In addition, please add an editor's note following 7 AAC 70.030 to read as follows:

Editor's Note: As of Register 249 (April 2024), the regulations attorney made technical revisions under AS 44.62.125(b)(6), to 7 AAC 70.030(a), (b), (c), and (d). Amendments to those provisions took effect April 24, 2020, and ought to have appeared in Register 234 (July 2020); but they were not published until Register 249, the April 2024 Alaska Administrative Code supplement.

Thank you for your assistance, and please contact me if you have additional questions.

RCP/bhp

CC: Kady Levale, Regulations Coordinator
Office of the Lt. Governor

Triptaa Surve, Regulations Contact
Department of Health

7 AAC 70.030(a) is repealed and readopted to read:

7 AAC 70.030. Department approval of a provider of behavioral health services. (a)

The department will approve an organization to provide behavioral health services in this state only if that organization meets the requirements for a community behavioral health services provider under 7 AAC 70.100 or 7 AAC 70.130 and provides one or more of the following:

- (1) behavioral health clinic services under 7 AAC 135.010(b);
- (2) behavioral health rehabilitation services under 7 AAC 135.010(c);
- (3) day treatment services for children under 7 AAC 135.250;
- (4) 1115 substance use disorder waiver services under 7 AAC 138;
- (5) one or more withdrawal management services under 7 AAC 70.110;
- (6) one or more residential substance use disorder treatment services under 7 AAC 70.120;
- (7) opioid use disorder treatment services under 7 AAC 70.125;
- (8) behavioral health services to a recipient referred by the alcohol safety action program under 7 AAC 70.145; or
- (9) autism services under 7 AAC 135.350.

7 AAC 70.030(b) is repealed and readopted to read:

- (b) In an approval issued under this section, the department will identify
- (1) one or more of the services identified in (a) of this section for which the provider is approved;
 - (2) the service area for which the provider is approved;
 - (3) the physical location approved by the department for each facility operated by

the provider where an individual in the community can access behavioral health services;

(4) the local school district that has a written agreement with a community behavioral health services provider for day treatment services, in accordance with 7 AAC 135.250(d); and

(5) the total number of alcohol and other drug withdrawal management beds or the total number of residential substance use disorder treatment service beds regardless of the funding source.

7 AAC 70.030(c) is repealed and readopted to read:

(c) If a behavioral health services provider is accredited under 7 AAC 70.150, the department will issue a department approval for a fixed period of time not to exceed 180 days from the expiration date of the provider's certificate of accreditation, except as provided in (f) and (k) of this section. A provider must seek renewal of a department approval before the expiration date of a current department approval.

7 AAC 70.030(d) is repealed and readopted to read:

(d) The department will issue a provisional department approval to a community behavioral health services provider who otherwise meets the requirements of this chapter to allow the provider sufficient time to obtain national accreditation in accordance with 7 AAC 70.150 if the provider

(1) is seeking initial department approval that complies with the interim standards set out in 7 AAC 70.200, and is currently working to get national accreditation;

(2) has a current department approval and is accredited, but is adding a location

or service category; or

(3) has a current department approval and is accredited, but the accreditation is not applicable to the services provided.

(Eff. 10/1/2011, Register 199; am 4/9/2017, Register 222; am 7/1/2018, Register 226; am ____/____/_____, Register _____)

Authority:	AS 47.05.010	AS 47.30.477	AS 47.30.570
	AS 47.30.470	AS 47.30.530	AS 47.37.140
	AS 47.30.475	AS 47.30.540	