

# DEPARTMENT OF HEALTH



## PROPOSED CHANGES TO REGULATIONS.

**Medicaid Behavioral Health Services State Plan Service Authorization.**

7 AAC 135. Medicaid Coverage; Behavioral Health Services.  
7 AAC 160.900. Medicaid Program; General Provisions.



**PUBLIC REVIEW DRAFT.**  
**March 18, 2024.**

**COMMENT PERIOD ENDS: April 30, 2024.**

**Please see the public notice for details about how to  
comment on these proposed changes.**

**Notes to the reader:**

- 1. Except as discussed in note 2, new text that amends an existing regulation is **bolded and underlined**.
- 2. If the lead-in line above the text of each section of the regulations states that a new section, subsection, paragraph, or subparagraph is being added, or that an existing section, subsection, paragraph, or subparagraph is being repealed and readopted (replaced), *the new or replaced text is not bolded or underlined*.
- 3. [ALL-CAPS TEXT WITHIN BRACKETS] indicates text that is to be deleted.
- 4. When the word “including” is used, Alaska Statutes provide that it means “including, but not limited to.”
- 5. Only the text that is being changed within a section of the current regulations is included in this draft. Refer to the text of that whole section, published in the current Alaska Administrative Code, to determine how a proposed change relates within the context of the whole section and the whole chapter.

**Title 7. Health and Social Services.**

**Chapter 135. Medicaid Coverage; Behavioral Health Services**

7 AAC 135.040(b) is amended to read:

(b) A community behavioral health services provider or mental health physician clinic may provide the following behavioral health clinic services, **subject to the following limitations**

[WITHOUT PRIOR AUTHORIZATION FROM THE DEPARTMENT]:

(1) **an integrated mental health and substance use intake assessment under**

**7 AAC 135.110 or a combination of a mental health intake assessment and a substance use intake assessment under 7 AAC 135.110; an assessment under this paragraph must include**

**(A) one or more face-to-face sessions; and**

**(B) a review of collaterally connected information** [ANY

COMBINATION OF INDIVIDUAL, GROUP, AND FAMILY PSYCHOTHERAPY,

NOT TO EXCEED 30 HOURS FOR EACH RECIPIENT IN A STATE FISCAL

YEAR];

(2) **short-term crisis intervention services under 7 AAC 135.160 or a combination of behavioral health clinic service, rehabilitation service, and intervention service under 7 AAC 135.010 that are included in the crisis plan that do not exceed 22 consecutive hours in a single encounter** [PSYCHIATRIC ASSESSMENTS UNDER 7 AAC 135.110(e), NOT TO EXCEED FOUR PER RECIPIENT IN A STATE FISCAL YEAR;

[3] PSYCHOLOGICAL TESTING AND EVALUATION UNDER 7 AAC 135.110(g), NOT TO EXCEED SIX HOURS PER RECIPIENT IN A STATE FISCAL YEAR, EXCEPT THAT NEUROPSYCHOLOGICAL TESTING AND EVALUATION IS LIMITED TO 12 HOURS PER RECIPIENT IN A STATE FISCAL YEAR IF THE PROVIDER HAS DOCUMENTATION VALIDATING THE PROVIDER'S QUALIFICATIONS TO PROVIDE NEUROPSYCHOLOGICAL TESTING AND EVALUATION SERVICES;

(4) PHARMACOLOGIC MANAGEMENT SERVICES, NOT TO EXCEED ONE VISIT PER RECIPIENT PER WEEK DURING THE FIRST FOUR WEEKS AFTER THE RECIPIENT BEGINS RECEIVING PHARMACOLOGIC MANAGEMENT SERVICES, AND, THEREAFTER, NOT TO EXCEED ONE VISIT PER RECIPIENT PER MONTH AS LONG AS THE RECIPIENT IS RECEIVING A SERVICE UNDER THIS CHAPTER, UNLESS MORE FREQUENT MONITORING IS REQUIRED BECAUSE OF

(A) THE REQUIREMENTS OF THE SPECIFIC MEDICATION; OR

(B) A RECIPIENT'S UNUSUAL CLINICAL REACTION TO A MEDICATION;

(5) IF THE INDIVIDUAL IS NOT ALREADY RECEIVING SERVICES UNDER THIS CHAPTER AT THE TIME THE ASSESSMENT IS PROVIDED UNDER THIS PARAGRAPH, ONE INTEGRATED MENTAL HEALTH AND SUBSTANCE USE INTAKE

ASSESSMENT UNDER 7 AAC 135.110, OR A COMBINATION OF ONE MENTAL HEALTH INTAKE ASSESSMENT AND ONE SUBSTANCE USE INTAKE ASSESSMENT UNDER 7 AAC 135.110; THE ASSESSMENT OR COMBINATION OF ASSESSMENTS MUST CONSIST OF

(A) ONE OR MORE FACE-TO-FACE SESSIONS; AND

(B) A REVIEW OF COLLATERALLY CONNECTED INFORMATION;

(6) BASED ON A CURRENT BEHAVIORAL HEALTH TREATMENT PLAN, ONE INTEGRATED MENTAL HEALTH AND SUBSTANCE USE INTAKE ASSESSMENT UNDER 7 AAC 135.110, OR A COMBINATION OF ONE MENTAL HEALTH INTAKE ASSESSMENT AND ONE SUBSTANCE USE INTAKE ASSESSMENT UNDER 7 AAC 135.110, EVERY SIX MONTHS;

(7) SHORT-TERM CRISIS INTERVENTION SERVICES UNDER 7 AAC 135.160, OR A COMBINATION OF BEHAVIORAL HEALTH CLINIC SERVICE, REHABILITATION SERVICE, AND INTERVENTION SERVICE UNDER 7 AAC 135.010 THAT ARE INCLUDED IN THE CRISIS PLAN, THAT DO NOT EXCEED 22 HOURS OF THE TOTAL SHORT-TERM CRISIS INTERVENTION SERVICES PROVIDED TO A RECIPIENT DURING A STATE FISCAL YEAR;

(8) SCREENING AND BRIEF INTERVENTION SERVICES, WITH NO LIMIT].

7 AAC 135.040(c) is amended to read:

(c) A community behavioral health services provider may provide the following behavioral health rehabilitation services, **subject to the following limitations** [WITHOUT PRIOR AUTHORIZATION BY THE DEPARTMENT]:

(1) case management; **a directing clinician may not use** [, NOT TO EXCEED 180 HOURS PER RECIPIENT PER STATE FISCAL YEAR; NO] more than one hour per week per recipient **of case management** [MAY BE USED] in monitoring **the provision of services** [BY THE DIRECTING CLINICIAN OF THE PROVISION OF SERVICES];

(2) **medication administration services, as provided in the recipient's behavioral health treatment plan, limited to one billable service each day** [INDIVIDUAL THERAPEUTIC BEHAVIORAL HEALTH SERVICES FOR CHILDREN UNDER 7 AAC 135.220, OR A COMBINATION OF INDIVIDUAL THERAPEUTIC BEHAVIORAL HEALTH SERVICES FOR CHILDREN AND PEER SUPPORT SERVICES UNDER 7 AAC 135.210 AND 7 AAC 135.220; THE SERVICES OR COMBINATION OF SERVICES MAY NOT EXCEED 100 HOURS PER RECIPIENT PER STATE FISCAL YEAR];

(3) **day treatment services for children under 7 AAC 135.250, not to exceed six hours each school day** [GROUP THERAPEUTIC BEHAVIORAL HEALTH SERVICES FOR CHILDREN UNDER 7 AAC 135.220, NOT TO EXCEED 140 HOURS PER RECIPIENT PER STATE FISCAL YEAR];

(4) **residential substance use disorder treatment services under 7 AAC 135.280, not to exceed one billable service each day** [FAMILY THERAPEUTIC BEHAVIORAL HEALTH SERVICES FOR CHILDREN UNDER 7 AAC 135.220, OR A COMBINATION OF FAMILY THERAPEUTIC BEHAVIORAL HEALTH SERVICES FOR CHILDREN AND PEER SUPPORT SERVICES UNDER 7 AAC 135.210 AND 7 AAC

135.220; THE SERVICES OR COMBINATION OF SERVICES MAY NOT EXCEED 180 HOURS PER RECIPIENT PER STATE FISCAL YEAR];

(5) short-term crisis stabilization services under 7 AAC 135.170 that

(A) do not exceed 22 consecutive hours in a single encounter; and

(B) are provided during a psychiatric emergency that is documented

in the recipient's clinical record [REPEALED 6/30/2021];

(6) REPEALED 6/30/2021;

(7) REPEALED 6/30/2021;

(8) MEDICATION ADMINISTRATION AS PROVIDED IN THE RECIPIENT'S BEHAVIORAL HEALTH TREATMENT PLAN;

(9) ONE MEDICAL EVALUATION OF A RECIPIENT IN AN OPIOID USE DISORDER TREATMENT PROGRAM PER ADMISSION FOR THAT OPIOID USE DISORDER TREATMENT PROGRAM, INCLUDING

(A) CONSULTATION AND REFERRAL;

(B) VERIFICATION OF ONE YEAR OF ADDICTION; AND

(C) ESTABLISHING DOSAGE FOR METHADONE OR ANOTHER AGONIST OR PARTIAL AGONIST;

(10) METHADONE OR ANTABUSE ADMINISTRATION AS PRESCRIBED BY A PHYSICIAN;

(11) WITHDRAWAL MANAGEMENT SERVICES, WITH NO LIMIT;

(12) BEHAVIORAL HEALTH SCREENING IN ACCORDANCE WITH 7 AAC 135.100 TO DETERMINE ELIGIBILITY FOR ADMISSION TO A TREATMENT

PROGRAM, LIMITED TO ONE SCREENING PER PROGRAM ADMISSION FOR NEW OR RETURNING RECIPIENTS;

(13) MEDICAL EVALUATION FOR A RECIPIENT NOT RECEIVING METHADONE, LIMITED TO ONE MEDICAL EVALUATION PER RECIPIENT PER ADMISSION TO WITHDRAWAL MANAGEMENT TREATMENT;

(14) BEHAVIORAL HEALTH TREATMENT PLAN REVIEW FOR A RECIPIENT IN AN OPIOID USE DISORDER TREATMENT PROGRAM, LIMITED TO ONE REVIEW PER ADMISSION;

(15) DAY TREATMENT SERVICES FOR CHILDREN UNDER 7 AAC 135.250, NOT TO EXCEED 180 HOURS PER STATE FISCAL YEAR; DAY TREATMENT SERVICES MAY NOT BE PROVIDED MORE THAN SIX HOURS PER SCHOOL DAY;

(16) REPEALED 11/10/2019;

(17) RESIDENTIAL SUBSTANCE USE DISORDER TREATMENT SERVICES UNDER 7 AAC 135.280, WITH NO LIMIT;

(18) SHORT-TERM CRISIS STABILIZATION SERVICES UNDER 7 AAC 135.170 THAT

(A) DO NOT EXCEED 22 HOURS OF THE TOTAL SHORT-TERM CRISIS STABILIZATION SERVICES PROVIDED TO A RECIPIENT DURING A STATE FISCAL YEAR; AND

(B) ARE PROVIDED DURING A PSYCHIATRIC EMERGENCY THAT IS DOCUMENTED IN THE RECIPIENT'S CLINICAL RECORD.

(19) AUTISM SERVICES PROVIDED IN ACCORDANCE WITH 7 AAC 135.350 THAT DO NOT EXCEED MORE THAN

(A) A TOTAL OF 1,040 HOURS IN A SIX-MONTH PERIOD FOR  
EITHER

(i) ADAPTIVE BEHAVIOR TREATMENT BY PROTOCOL;

(ii) GROUP ADAPTIVE BEHAVIOR TREATMENT BY  
PROTOCOL; OR

(iii) A COMBINATION OF ADAPTIVE BEHAVIOR  
TREATMENT BY PROTOCOL AND GROUP ADAPTIVE BEHAVIOR  
TREATMENT BY PROTOCOL;

(B) 52 HOURS OF ADAPTIVE BEHAVIOR TREATMENT BY  
PROTOCOL MODIFICATION IN A SIX-MONTH PERIOD;

(C) 12 FAMILY ADAPTIVE BEHAVIOR TREATMENT GUIDANCE  
SESSIONS IN A 12-MONTH PERIOD OF TIME;

(D) ONE BEHAVIOR IDENTIFICATION REASSESSMENT IN A SIX-  
MONTH PERIOD; AND

(E) THE INITIAL BEHAVIOR IDENTIFICATION ASSESSMENT  
CONDUCTED BY A LICENSED BEHAVIOR ANALYST IN ACCORDANCE WITH  
7 AAC 135.350(b) FOR A NEW OR RETURNING RECIPIENT].

7 AAC 135.040(d) is repealed:

(d) Repealed \_\_\_\_/\_\_\_\_/\_\_\_\_\_.

7 AAC 135.040(e) is repealed:

(e) Repealed \_\_\_\_/\_\_\_\_/\_\_\_\_\_.



7 AAC 135.040(g) is repealed:

(g) Repealed \_\_\_\_/\_\_\_\_/\_\_\_\_\_.

(Eff. 10/1/2011, Register 199; am 4/9/2017, Register 222; am 7/1/2018, Register 226; am 11/10/2019, Register 232; am 4/24/2020, Register 234; am 6/30/2021, Register 238; am 12/23/2022, Register 244; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 47.05.010 AS 47.07.030

The introductory language of 7 AAC 135.210(c) is amended to read:

(c) **Peer** [SUBJECT TO THE LIMITATION IN 7 AAC 135.040, PEER] support services may only be offered in combination with

...

(Eff. 10/1/2011, Register 199; am 4/24/2020, Register 234; am 6/30/2021, Register 238; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 47.05.010 AS 47.07.030

7 AAC 135.300(a)(1)(C) is repealed:

(C) Repealed \_\_\_\_/\_\_\_\_/\_\_\_\_\_;

7 AAC 135.300(a)(2)(B) is repealed:

(B) Repealed \_\_\_\_/\_\_\_\_/\_\_\_\_\_; and

7 AAC 135.300(a)(3)(D) is amended to read:

(D) Repealed \_\_\_\_/\_\_\_\_/\_\_\_\_; and

(Eff. 7/1/2018, Register 226; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 47.05.010 AS 47.07.030

The introductory language of 7 AAC 135.350(b) is amended to read:

(b) The department will pay for an initial behavior identification assessment **for a new or returning recipient** if **the assessment** [IT] is conducted by a licensed behavior analyst or licensed assistant behavior analyst, and if **the assessment** [IT]

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7 AAC 135.350(c) is amended to read:

(c) **The** [NOT MORE FREQUENTLY THAN ONCE EVERY SIX MONTHS, THE] department will pay for a behavior identification reassessment if **the reassessment is** conducted by a licensed behavior analyst or licensed assistant behavior analyst [TO OBTAIN PRIOR AUTHORIZATION UNDER 7 AAC 135.040(d) TO EXTEND AUTISM SERVICES]. The reassessment must establish

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7 AAC 135.350(g) is amended to read:

(g) After the initial six months of planned services [PROVIDED IN ACCORDANCE WITH 7 AAC 135.040(c)(19)(A) AND (B), AND THE INITIAL BEHAVIOR IDENTIFICATION ASSESSMENT AUTHORIZED IN 7 AAC 135.040(c)(19)(E), TO RECEIVE PAYMENT FOR ANY OF THE ADDITIONAL RECIPIENT SERVICES

IDENTIFIED IN (a) - (f) OF THIS SECTION], a provider **shall** [MUST OBTAIN PRIOR AUTHORIZATION UNDER 7 AAC 135.040(d) AND] meet the requirements **set out under** (c) and (h) - (j) of this section.

(Eff. 7/1/2018, Register 226; am 5/25/2022, Register 242; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 47.05.010 AS 47.07.030

**Chapter 160. Medicaid Program; General Provisions.**

7 AAC 160.900(d)(59) is amended to read:

(59) the *Chart of Community Behavioral Health and Mental Health Physician Clinic Medicaid Covered Services Rates*, dated **January 22, 2024** [SEPTEMBER 28, 2022];

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

(73) *Medicaid Procedure Codes and Rates - Autism Services*, dated **January 22, 2024** [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 246; am 5/19/2023, Register 246; 1/1/2024, Register 248; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_,

Register \_\_\_\_\_)

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