

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

M E M O R A N D U M

TO: Triptaa Surve, Project Coordinator
Department of Health

FROM: April Simpson, Alaska Administrative Code Coordinator 
Office of the Lieutenant Governor

DATE: April 25, 2025

RE: Filed Permanent Regulations: Department of Health

Department of Health - Senior & Disabilities Services regulations re: Medicaid coverage for home and community-based waiver employment services (7 AAC 130.270; 7 AAC 160.900)

Attorney General File:	2024200284
Regulation Filed:	4/25/2025
Effective Date:	5/25/2025
Print:	254, July 2025

cc with enclosures: Beth Parsons, Paralegal 2
Department of Law

Bob Dame, Alaska Legal Analyst
LexisNexis



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

P.O. Box 110300
Juneau, Alaska 99811
Main: 907.465.3600
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April 25, 2025

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

Re: *7 AAC 130.270; 7 AAC 160.900: DOH/SDS: Medicaid coverage for home
and community-based waiver employment services*

Our file: 2024200284

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 for home and community-based waiver services that are employment services.

The August 21, 2024 public notice and the April 22, 2025 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.

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

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL

Amy

Digitally signed by Amy
Robinson

Robinson

Date: 2025.04.25
13:21:48 -08'00'

By: Amy H. Robinson
Senior Assistant Attorney General and
Acting Regulations Attorney
Legislation, Regulations, and
Legislative Research Section

AHR/SCW

CC w/enclosure: Triptaa Surve, Project Coordinator
Department of Health

Paul R. Peterson, Assistant Attorney General
Department of Law

Steven C. Weaver, Assistant Attorney General
Department of Law

MEMORANDUM

State of Alaska Department of Law

TO: The Honorable Nancy Dahlstrom
Lieutenant Governor

DATE: April 21, 2025

TEL. NO.: (907) 465-4039

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

SUBJECT: 2018200636: Delegation of
Authority for Regulations
Matters

Rebecca C. Polizzotto

Digitally signed by
Rebecca C. Polizzotto
Date: 2025.04.21
14:26:22 -08'00'

I delegate my authority as Regulations Attorney under AS 44.62 to Senior Assistant Attorney General Amy H. Robinson while I am absent from the office. Under this delegation, Amy H. Robinson has my full authority under AS 44.62 to conduct the legal review of regulations or take necessary actions as Acting Regulations Attorney.

This delegation is effective from 8:00 A.M. Monday, April 21, 2025, and expires at 5:00 P.M. Friday, April 25, 2025. This delegation supersedes previous delegations.

RCP/bhp

cc: April Simpson, AAC Coordinator
Office of the Lt. Governor

Stacie Kraly, Director of Legal Services
Civil Division

Rachel L. Witty, Director of Legal Services
Civil Division

Amy H. Robinson, Senior Assistant Attorney General
Legislation, Regulations, and Legislative Research Section

Colleen Bailey, Regulations Legal Editor
Legislation, Regulations, and Legislative Research Section

ORDER ADOPTING CHANGES TO REGULATIONS
OF THE DEPARTMENT OF HEALTH

The attached three pages of regulations, dealing with Medicaid Coverage for Home and Community-Based Waiver Employment 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.

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 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: 2025.04.22
09:06:30 -08'00'

Heidi Hedberg, Commissioner
Department of Health

FILING CERTIFICATION

April Simpson for

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on April 25, 2025, at 2:45 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: May 25, 2025.

Register: 254, July 2025

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 130.270(a)(9) is amended to read:

(9) **planned to maximize the recipient's independence and provide the minimum amount of support required for the recipient to obtain and maintain employment** [PROVIDED IN DECREASING AMOUNTS OVER TIME, AS THE RECIPIENT MEETS THE SPECIFIC SERVICE OUTCOMES AND EMPLOYMENT-RELATED GOALS IDENTIFIED IN THE PERSON-CENTERED SUPPORT PLAN];

7 AAC 130.270(c)(2) is amended to read:

(2) assist the recipient to accomplish work-related goals identified in a person-centered support plan, and **maximize the recipient's independence and provide the minimum amount of support required for the recipient to obtain and maintain employment** [DECREASE OVER TIME] as goals are achieved; and

7 AAC 130.270(d)(10)(B) is amended to read:

(B) are not planned to **maximize the recipient's independence and provide the minimum amount of support required for the recipient to obtain and maintain employment** [DECREASE OVER TIME];

7 AAC 130.270 is amended by adding a new subsection to read:

(f) Incidental assistance with the recipient's activities of daily living described in 7 AAC 125.030(b) at the workplace is considered an ancillary part of employment services. (Eff. 2/1/2010, Register 193; am 7/1/2013, Register 206; am 7/1/2015, Register 214; am 10/1/2017, Register 223; am 11/5/2017, Register 224; am 3/31/2021, Register 238; am 9/9/2021, Register 239; am 9/18/2022, Register 243; am 5 / 25 / 2025, Register 254)

Register 254, July 2025

HEALTH

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.040

7 AAC 160.900(d)(49) is amended to read:

(49) the *Employment Services Conditions of Participation*, dated **November 15,**

2024 [JULY 1, 2022];

(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

Register 254, July 2025

HEALTH

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; add'l [ADDT'L] am 2/2/2024, Register 249; am 3/1/2024, Register 249; am 11/8/2024 [11/08/2024], Register 252; am 1/5/2025, Register 253; am 5/25/2025, Register 254)

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