



THE STATE  
of **ALASKA**  
GOVERNOR MICHAEL J. DUNLEAVY

Department of Health and  
Social Services

OFFICE OF THE COMMISSIONER

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August 12, 2020

Dear Tribal Health Leaders

On behalf of the Department of Health and Social Services (the department) and in keeping with the responsibility to conduct tribal consultation, I am writing to inform you of a proposed revision to the eligibility determination process for recipients accessing Medicaid 1915(c) home and community –based waiver services by meeting a nursing facility level of care. Consultation on the proposed waiver amendments occurs simultaneously with public comment on proposed regulations.

**Purpose and content of the proposed amendment:**

The Division of Senior and Disabilities Services (SDS) proposes to amend the level of care determination process for three 1915(c) waivers, Alaskans Living Independently, Adults with Physical and Developmental Disabilities, and Children with Complex Medical Conditions, by replacing the annual assessment with an interim file review during certain renewal years.

Once the waiver and corresponding regulations amendments become effective, renewing recipients may qualify for services without receiving an assessment every year.

The proposed waiver amendment documents will be available for review as of 6:00 PM, August 12, 2020, at <http://dhss.alaska.gov/dsds/Pages/AK-HCBS-waivers.aspx>.

**Anticipated impact on Medicaid-eligible Alaska Native/American Indian beneficiaries:**

The department anticipates that amending the level of care determination process will allow continued access to appropriate and timely waiver services for qualifying Alaskans, including American Indian and Alaska Native beneficiaries.

**Anticipated impact on tribal health programs and the Indian Health Service:**

The department does not believe that amending the level of care determination process will have a direct impact on tribal health organizations or the IHS.

**Mechanism and timeline for comment:**

Written comments or questions regarding the proposed waiver amendments are due no later than September 30, 2020, by 5:00 PM. If you would like to arrange an in-person meeting regarding the proposed changes, please provide a written request within 15-days of the date of this letter. Please direct

all written correspondence to Courtney O’Byrne King, Alaska Department of Health and Social Services, 3601 “C” Street, Suite 902, Anchorage, AK 99503, or [courtney.king@alaska.gov](mailto:courtney.king@alaska.gov).

*Comments received in response to this consultation letter are for consultation and not comment on the regulations. Comments on the regulations are not considered as comments for consultation on the waiver amendment. **If you wish to provide comments for consideration in both the tribal consultation process and the regulations public comment process, you must do so separately.** To locate the regulations, please refer to the State of Alaska, Department of Health and Social Services web page, at the “Public Notices” link*

Sincerely,

/s/

Courtney O’Byrne King, MS  
Medicaid State Plan Coordinator