



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Health
and Social Services

OFFICE OF THE COMMISSIONER

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December 09, 2021

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 proposed future Medicaid home and community-based services waiver amendments. (*This opportunity for consultation runs concurrently with public comment on proposed regulations.*)

Purpose and content of the proposed amendments:

The department, via the Division of Senior and Disabilities Services (SDS), proposes to submit amendments to four of Alaska's 1915(c) home and community-based services waivers - 1) People with Intellectual and Developmental Disabilities (IDD); 2) Adults with Physical and Developmental Disabilities (APDD); 3) Children with Complex Medical Conditions (CCMC), and 4) Individualized Supports Waiver.

If approved in the recipient's support plan, the amendments propose to allow limited amounts of day habilitation services in a residential setting. Additionally, the proposed amendments to the ISW include changing the process for selecting entrants to the waiver, updating the language describing the level of care determination process to align with current practice, and updating the employment services service definition to align with current regulation.

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

The department anticipates that the proposed waiver amendment allowing day habilitation in a residential setting will benefit HCBS waiver-eligible tribal beneficiaries as they experience increased control while obtaining services to address their individualized needs. The department also anticipates HCBS waiver-eligible tribal beneficiaries to benefit from the proposed changes to the mechanism for selecting individuals for the ISW and the alignment of the level of care determination with current practice – as those changes intend to expedite the receipt of waiver services. Finally, the department anticipates HCBS waiver-eligible tribal beneficiaries will benefit from the updated definition of employment services, as the revised definition includes subsistence activities as self-employment.

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

The department does not anticipate the addition of residential settings for day habilitation services to directly impact Tribal Health Organizations (THOs) or Indian Health Services (IHS) facilities. Similarly, the department does not anticipate the proposed amendments to the selection of individuals from the ISW waitlist, the updated explanation of the level of care determinations, or the updated definition of employment services to impact THOs or IHS facilities directly.

Mechanism and timeline for comment

Written comments or questions regarding the proposed amendments are due no later than the close of business, January 25, 2022. If seeking 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.

*Comments received in response to this consultation letter are considered for consultation and not comment on the regulations. Comments on the regulations are not considered for consultation on the HCBS 1915(c) waiver amendments. **You must do so separately if you wish to provide comments for consideration in both the regulations and the HCBS 1915(c) waiver amendment processes.** Please refer to the State of Alaska web page at the "[Public Notices](#)" link to locate the regulations.*

Sincerely,

/s/

Courtney O'Byrne King, MS

Medicaid State Plan Coordinator