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OFFICE OF THE LIEUTENANT GOVERNOR
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MEMORANDUM

TO: Kurt West, AAC Contact
Department of Health and Social Services

FROM: Scott Meriwether
Special Assistant 
907.465.4081

DATE: December 31, 2012

RE: Filed Permanent Regulations: Department of Health and Social Services
Regulations re: electronic health care records incentive program: 7 AAC 165

Attorney General File:	JU2012200804
Regulation Filed:	12/21/2012
Effective Date:	1/20/2013
Print:	205, April 2013

cc with enclosures: Linda Miller, Department of Law
Kristen Peterson, Administrative Regulation Review Committee
Judy Herndon, LexisNexis

JU2012200804

ORDER ADOPTING CHANGES TO REGULATIONS OF THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES

The attached three pages of regulations, dealing with electronic health record incentives and requirements for Medicaid providers, are hereby adopted and certified to be a correct copy of the regulation changes that the Department of Health and Social Services adopts, under the authority of AS 47.05.010, AS 47.07.030, and AS 47.07.040, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and AS 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 and Social Services paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

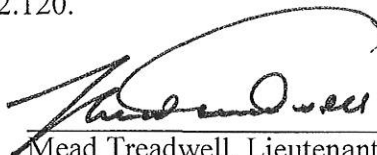
DATE: 27 November 2012
Juneau, Alaska



William J. Streur, Commissioner
Department of Health and Social Services

FILING CERTIFICATION

I, Mead Treadwell, Lieutenant Governor for the State of Alaska, certify that on December 21, 2012 at 3:05p.m., I filed the attached regulations according to the provisions of AS 44.62.040 – AS 44.62.120.



Mead Treadwell, Lieutenant Governor
State of Alaska

Effective January 20, 2013.

Register 205, April 2013.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES



CHANGES TO REGULATIONS

7 AAC 165 ELECTRONIC HEALTH RECORDS.



FILED REGULATIONS

Including Changes Made by the Department of Law

Effective January 20, 2013

The regulations reproduced here are provided by the Alaska Department of Health and Social Services as a public courtesy. While every effort has been made to assure the accuracy of the reproduced version, the department cannot guarantee its absolute accuracy. A paper copy of the regulations originally filed by the Lieutenant Governor is available from the department. For the official published version of the regulations, please refer to the Alaska Administrative Code, Register 205, April 2013.

7 AAC 165.010(b)(1) is amended to read:

(1) a hospital provider must serve at least the minimum Medicaid patient volume calculated under 42 C.F.R. 495.302 - 495.306, revised as of **September 4, 2012** [OCTOBER 1, 2010], and adopted by reference;

7 AAC 165.010(c)(1) is amended to read:

(1) a physician, a pediatrician, a dentist, or an advanced nurse practitioner is nonhospital-based if that provider would not be considered hospital-based under the definition of "hospital-based EP" in 42 C.F.R. 495.4; for purposes of this paragraph, the definition of "hospital-based EP" in 42 C.F.R. 495.4, revised as of **November 5, 2012** [OCTOBER 1, 2010], is adopted by reference; and

(Eff. 6/1/2011, Register 198; am 1/20/2013, Register 205)

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.040

7 AAC 165.020(c)(2) is amended to read:

(2) to adopting, implementing, or upgrading of electronic health records technology used in the provider's practice, or to meeting, with respect to that technology, the meaningful use objectives and measures applicable to the type of provider that are established in 42 C.F.R. 495.6, revised as of **November 12, 2012** [OCTOBER 1, 2010], and adopted by reference;

Register 205, April 2013 **HEALTH AND SOCIAL SERVICES**

(Eff. 6/1/2011, Register 198; am 1/20/2013, Register 205)

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.040

7 AAC 165.040(a)(1) is amended to read:

(1) the requirements of 42 C.F.R. 495.308 - 495.312, revised as of September 4,

2012 [OCTOBER 1, 2010], and adopted by reference; and

(Eff. 6/1/2011, Register 198; am 1/20/2013, Register 205)

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.040

7 AAC 165.050(d) is amended by adding a new paragraph to read:

(4) terminate or suspend participation in the Medicaid program in this state.

(Eff. 6/1/2011, Register 198; am 1/20/2013, Register 205)

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.040

7 AAC 165.080(a) is amended by adding a new paragraph to read:

(5) terminate or suspend participation in the Medicaid program in this state.

(Eff. 6/1/2011, Register 198; am 1/20/2013, Register 205)

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.040

7 AAC 165.900(2)(A) is amended to read:

(A) an acute care hospital as defined in 42 C.F.R. 495.302, revised as of

Register 205, April 2013

HEALTH AND SOCIAL SERVICES

September 4, 2012 [OCTOBER 1, 2010], and adopted by reference;

7 AAC 165.900(2)(B) is amended to read:

(B) a children's hospital as defined in 42 C.F.R. 495.302, revised as of

September 4, 2012 [OCTOBER 1, 2010], and adopted by reference;

7 AAC 165.900(3)(A) is amended to read:

(A) means an individual who has been determined eligible for Medicaid in this state under 42 U.S.C. 1396 - 1396w-5 (Title XIX of the Social Security Act) and who is receiving or has received services [A MEDICAID-COVERED SERVICE] from a provider enrolled in the Medicaid program in this state;

7 AAC 165.900(4)(A)(ii) is amended to read:

(ii) receiving or has received services [A MEDICAID-COVERED

SERVICE] from a provider enrolled in the Medicaid program in this state;

(Eff. 6/1/2011, Register 198; am 1/20/2013, Register 205)

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.040