



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Health

DIVISION OF SENIOR AND DISABILITIES SERVICES
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MEMORANDUM

DATE: October 15, 2024

TO: Home and Community-Based Waiver Service participants, waiver service providers, and other stakeholders

FROM: Anthony Newman, Director, Senior and Disabilities Services *AJN*

RE: Delayed implementation of Community First Choice Personal Care Services Regulations and clarification on Powers of Attorney providing State Plan Personal Care Services

This Director's Memo is intended to provide clarification on the following topics:

- Changes to Community First Choice Personal Care Services (CFC-PCS) regulations, effective 10/19/2024
- The ability for a recipient's Power of Attorney (POA) to provide State Plan and Community First Choice Personal Care Services

Changes to CFC-PCS Regulations:

Under the public health emergency, the Centers for Medicare and Medicaid Services (CMS) allowed Alaska to permit several service changes to minimize disruptions during the pandemic. SDS requested and received permission for some of these changes to remain in place after June 30, 2024, and SDS has been working on regulations to accompany these changes. The regulations update for one of the permitted services, changes to the Community First Choice Personal Care Services regulations, are set to become effective on October 19, 2024.

Because this regulation package has significant overlap with other regulation updates still under development, SDS has decided to delay implementation of the Community First Choice Personal Care Services package until another regulation update allowing in-home supports and supported living to be provided by a legally responsible individual is effective. This regulation update has not yet gone out for public comment and is still under development.

In the meantime, providers are expected to continue to provide quality service delivery for Community First Choice Personal Care Services and adhere to service documentation requirements in accordance with 7 AAC 105.230.

Please refer to the [Director's Memo from June 21, 2024](#), for details regarding the permitted services.

Power of Attorney (POA) to provide State Plan and Community First Choice Personal Care Services

SDS allows a recipient's power of attorney (POA) to provide State Plan or Community First Choice Personal Care Services with the following limitations:

- The POA providing personal care services must comply with AS 13.26.630: for a recipient's POA to be the personal care assistant, an additional person must be named jointly on the POA documentation. The additional person cannot be affiliated with a provider agency.
- The POA must appoint a designee to carry out the duties assigned in 7 AAC 125.100(b) and 7 AAC 127.115(b). The designee form has recently been updated and is available on the approved forms page. It should be retained by the provider agency records and does not need to be submitted to SDS.
- Legally Responsible Individuals can provide CFC-PCS.
- Legally Responsible Individuals are not permitted to provide State Plan Personal Care Services, per CMS.