



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Health

SENIOR AND DISABILITIES SERVICES
Director's Office

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MEMORANDUM

DATE: June 27, 2025

TO: Community First Choice Personal Care Services participants and providers, Home and Community-Based Waiver Service participants and service providers, and other stakeholders

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

Re: Regulation Implementation for Community First Choice August 1, 2025

The Division of Senior and Disabilities Services (SDS) would like to offer the following clarification regarding regulation changes to Community First Choice Personal Care Services provided by legally responsible individuals.

SDS will be implementing regulation changes related to [legally responsible individuals providing Community First Choice Personal Care Services](#) on August 1, 2025. The regulations limit the number of hours that a legally responsible individual can provide Community First Choice Personal Care Services, but SDS will not be enforcing the 40-hour per week time limit imposed by 7 AAC 127.015(a)(3) for Community First Choice Personal Care Services.

Community First Choice Services Personal Care Services provided by legally responsible individuals

Legally responsible individuals were allowed to provide certain services under the Public Health Emergency. [Legislation passed in 2023](#) allowed for legally responsible individuals to continue providing Community First Choice Personal Care Services. SDS has been working on the regulations to accompany this legislation. The regulations update for changes to Community First Choice Personal Care Services was set to become effective on October 19, 2024, but implementation was delayed.

The 40-hour per week time limit for legally responsible individuals providing Community First Choice Personal Care Services (7 AAC 127.015(a)(3)) was included in the regulation to match the 40-hour per week time limit approved by the Centers for Medicare and Medicaid Services (CMS) for In-Home Supports and Supported Living Waiver Services. However, neither CMS nor the legislation imposed an hourly time limit on Community First Choice Personal Care Services. As a result, SDS will not be enforcing the 40 hours per week time limit for Community First Choice Personal Care Services in 7 AAC 127.015(a)(3) and will be removing it in the future.

Unlike Community First Choice Personal Care Services, legally responsible individuals are not permitted to provide State Plan Personal Care Services, per CMS.

Home and community-based waiver services provided by legally responsible individuals

CMS has approved the allowance for legally responsible individuals to provide In-Home Supports and Supported Living Waiver Services, and SDS is allowing these to continue while regulation changes are under development.

Summary

- SDS will be implementing [regulation changes to Community First Choice Personal Care Services](#) on August 1, 2025.
- SDS will not be enforcing the 40-hour per week limit for Community First Choice Personal Care Services in 7 AAC 127.015(a)(3).
- SDS will continue to allow legally responsible individuals to provide In-Home Supports and Supported Living Waiver Services. CMS requires certain limitations, including a 40-hour per week time limit for legally responsible individuals. This limit is not yet in effect and will be included in the future.
- Legally responsible individuals are not permitted to provide State Plan Personal Care Services, notwithstanding legal guardians who have received court authorization.
- Medicaid Program Integrity has been provided a copy of this Director's Memo. Providers should also keep a record of this Director's Memo.