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State/Territory Name: Alaska

State Plan Amendment (SPA) #: 13-012

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS 179 Form/Summary Form
- 3) Approved SPA Pages

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
Seattle Regional Office
2201 Sixth Avenue, MS/RX -43
Seattle, WA 98121



Centers of Medicaid and CHIP Services

William J. Streur, Commissioner
Department of Health and Social Services
Post Office Box 110601
Juneau, Alaska 99811-0601

DEC 24 2013

RE: Alaska State Plan Amendment (SPA) Transmittal Number 13-012

Dear Mr. Streur:

The Centers for Medicare & Medicaid Services (CMS) has completed its review of Alaska's SPA Transmittal Number 13-012. This SPA transfers the state's Medicaid fair hearings and appeals process to the Office of Administrative Hearings and defines the role and responsibility of the Commissioner's Office in the administrative appeals process.

The SPA is approved effective July 1, 2013.

If you have any questions, or require any further assistance, please contact me, or have your staff contact Maria Garza at either maria.garza@cms.hhs.gov or (206) 615- 2542.

Sincerely,



Carol J.C. Peverly
Associate Regional Administrator
Division of Medicaid and Children's Health
Operations

TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL FOR: HEALTH CARE FINANCING ADMINISTRATION	1. TRANSMITTAL NUMBER: AK 13 - 012	2. STATE: Alaska
	3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)	
TO: REGIONAL ADMINISTRATOR HEALTH CARE FINANCING ADMINISTRATION DEPARTMENT OF HEALTH AND HUMAN SERVICES	4. PROPOSED EFFECTIVE DATE: July 1, 2013	

5. TYPE OF PLAN MATERIAL (Check One):

NEW STATE PLAN AMENDMENT TO BE CONSIDERED AS NEW PLAN AMENDMENT

COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (Separate Transmittal for each amendment)

6. FEDERAL STATUTE/REGULATION CITATION: Section 1902 (a)(3) Social Security Act CFR 47.431.205, 42 CFR 431.220 - 431.250 42 CFR part 431, subpart E (P&I)	7. FEDERAL BUDGET IMPACT: a. FFY <u>2013</u> \$ <u>0</u> b. FFY <u>2014</u> \$ 0 <u>\$197,332</u> (p&I)
8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT: Attachment 1.2-A page 2 page 6 new (P&I)	9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable): attach 1.2_A. pg 2 (P&I) N/A (P&I)

10. SUBJECT OF AMENDMENT:
Updating fair hearing regulations.

11. GOVERNOR'S REVIEW (Check One):

GOVERNOR'S OFFICE REPORTED NO COMMENT OTHER, AS SPECIFIED:
 COMMENTS OF GOVERNOR'S OFFICE ENCLOSED Does not wish to comment
 NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

12. SIGNATURE OF STATE AGENCY OFFICIAL: 	16. RETURN TO: Division of Health Care Services 4501 Business Park Blvd., Suite 24, Bldg L Anchorage, Alaska 9503-7167
13. TYPED NAME: Margaret Brodie	
14. TITLE: Director, Division of Health Services	
15. DATE SUBMITTED: <u>9/28/2013</u>	

FOR REGIONAL OFFICE USE ONLY

17. DATE RECEIVED: <u>9/28/2013</u>	18. DATE APPROVED: <u>12/24/2013</u>
PLAN APPROVED - ONE COPY ATTACHED	
19. EFFECTIVE DATE OF APPROVED MATERIAL: July 1, 2013	20. SIGNATURE OF REGIONAL OFFICIAL:
21. TYPED NAME: Carol J.C. Peverly	22. TITLE: Associate Regional Administrator Division of Medicaid & Children's Health

23. REMARKS:
11/14/13-State authorizes P&I change to box 7
12.17.13 State authorizes P&I change to box 8 and 9
12.20.13 state authorizes P&I change to box 6 and 9

ORGANIZATION AND FUNCTION OF STATE AGENCY

I. Alaska Department of Health & Social Services

General Administration:

The Office of the Commissioner includes three Deputy Commissioners, supporting staff and two additional units; The Office of Program Review and the Office of Rate Review. The Commissioner's Office is responsible for providing the leadership and direction to ensure an efficient and effective organization that is capable of fulfilling the functions and responsibilities designated by law.

The Office of Program Review provides quality assurance, Medicaid program coordination and integrity, and handles intergovernmental relations. It is also responsible for developing and maintaining the state plan under which the Medicaid program is administered.

The Office of Rate Review makes recommendations to the Commissioner on all rates paid to providers of services under fee-based programs to facilitate Department-wide payment methodology standardization.

DHSS role and responsibility in Administrative Hearings: The review done by DHSS Commissioner's office is a de novo review that is based upon facts and conclusions of law including the appropriate application of federal and state Medicaid law regulations or policies. An individual does have the ability to ask for "review" or comment on an OAH decision through the proposal for action process. What that means is that every party to the OAH decision, including consumers, has the ability to submit a written brief in support of, or in opposition of the OAH decision raising questions of both law and fact. This is not an appeal per se, but rather an ability to file objections or statement in support of findings of fact and conclusions of law made by the hearing officer, that are submitted to the Commissioner's office along with the proposed decision and any other documents or evidence submitted in the hearing process for final decision. The proposal for action is optional, if either party submits a proposal for action it must be submitted to the Commissioner's office for decision, if neither party present a proposal for action the OAH decision is final under operation of law. If the Commissioner's office or the OAH rules in favor of the department the consumer has the ability to appeal that decision to the Superior Court. If the OAH rules in favor of the consumer that is the end of the line there is no right for the department to appeal it's own decision. There is no difference in the "standard of review" all matters are reviewed de novo at all levels of the administrative process. A de novo review can also be requested at the Superior Court appeal level although that is the exception not the rule.

Boards and Commissions:

Governor's Council on Disabilities and Special Education:

Advisory council to State agencies for issues related to disabilities, special education and the citizens they serve.

Alaska Commission on Aging:

Advisory council to the Department on issues relating to seniors including the grant program.

Alaska Mental Health Board

This advisory and advocacy group for Alaskans with mental illnesses helps to plan and coordinate mental health services funded by the State of Alaska.

Advisory Board on Alcoholism and Drug Abuse

In partnership with the public, this board plans and advocates for policies, programs and services for prevention and treatment of substance abuse.

The Division of Administrative Services:

Is responsible for accounting and federal claiming activities, coordination of budget activities, supporting administrative functions of all Divisions including procurement, information technology, grant and contract management, and public facility and capital budget planning.

The Office of Administrative Hearings:

The Office of Administrative Hearings, an independent office within the Department of Administration charged with providing adjudication services, regulatory review and training. provides Administrative Law Judges to conduct hearings in accordance with 7 AAC 49.010 – 7 AAC 49.180, 7 AAC 49.220 and 7 AAC 49.240. This office makes recommendations to the Department of Health and Social Services after considering hearings and appeals, on behalf of the Commissioner, regarding Medicaid applicants, recipients, or providers. The Administrative Law Judge would hear a case in accordance with 7 AAC 49.010 – 7 AAC 49.180, 7 AAC 49.220 and 7 AAC 49.240, and would prepare draft findings, conclusions, and order for the Commissioner of the Department of Health and Social Services. The Commissioner of the Department has final authority in deciding cases.

TN No 13 – 012
Supersedes TN No. N/A

Approval Date:

Effective Date July 1, 2013

DEC 24 2013