***To facilitate a united provider voice for best practices, advocacy, partnerships and networking.***

September 11, 2019

Mr. Douglas Jones

4501 Business Park Blvd., Suite 24, Building L

Anchorage, Alaska. 99503

Comments on Proposed Changes to Regulations

7AAC 105 Medicaid Provider and Recipient Participation

7AAC 160 Medicaid Program: General Provisions

Dear Doug:

The Alaska Association on Developmental Disabilities (AADD) is the voice of almost 50 providers offering developmental disability services from Ketchikan to Kotzebue through the Home and Community Based waiver system and Community Developmental Disabilities Services

7AAC 105.230 (d) (7)

AADD is so appreciative of the change to 14 days from the previous 72 hour rule. While agency policies can dictate 72 hours, for implementation they must be verified. Many providers hired additional staff in order to accomplish the verification process or shifted job duties that then overloaded already overwhelmed staff. The previous rule was exceptionally difficult in a number of circumstances. One was when services were provided on a Friday and following Monday was a holiday the period for verification that the note was written and adequate is over by the time work reconvenes. Other examples include when a DSP didn’t write notes and quit or a DSP become ill, before writing a note of service. If notes were not robust enough, the edit time would go beyond the 72 hours. The 72 hour rule required providers to focus limited resources into verification of notes instead of into direct services. Compliance once again over rode services. So a deep thank for recognizing the many difficulties and extending the time to 14 days.

7AAC 160.115 (d)

The regulation reads: If a provider identifies overpayments through the biennial review or audit, during the normal course of business, or both, the provider shall report each overpayment to the department not later than 10 business days after identification of that overpayment. In this subsection, "business day" means a day other than Saturday, Sunday, or a legal holiday under [AS 44.12.010](http://www.akleg.gov/basis/statutes.asp#44.12.010).

AADD’s Chief Financial Officers Group (CFO Group) is actively supporting providers in understanding how to implement the self-audit required by these regulations.

AADD has serious questions and concerns about the language highlighted in the regulations above requiring a report of each “overpayment” during the course of normal business no later than 10 days. Does overpayment this include human errors on could apply to human error on dates, times, codes, of service categories. Delete the billings that are a result of human error? Does this include every single overpayment? This is another example of requiring limited resources to focus on compliance instead of service delivery.

Recommendation: Delete the language “during the normal course of business, or both” to allow programs to report overpayments as a result of biennial review or audits.

Recommendation: Delete the language no later than 10 days. The Self Audit Report requirements contain their own timelines that exceed the 10 day requirement.

Sincerely,

Lizette Stiehr, MA

AADD, Executive Director