



Overview for Durable Medical Equipment Providers

New Regulations Effective June 2, 2019

On May 3, 2019, Lieutenant Governor Kevin Meyer signed regulations affecting Durable Medical Equipment (DME) and Supply providers and Prosthetic and Orthotic (P&O) providers. These regulations, effective June 2, 2019, are the culmination of multi-year efforts by the Department of Health and Social Services.

The full text of the regulations and associated fee schedules are available at [Alaska Online Public Notices](https://aws.state.ak.us/OnlinePublicNotices/Notices/View.aspx?id=194126) (<https://aws.state.ak.us/OnlinePublicNotices/Notices/View.aspx?id=194126>). This document is intended to serve as a supplement to, and not a replacement for the regulations.

Regulations are now separated, with DME/Supply remaining at 7 AAC 120.200 and P&O regulations beginning at 7 AAC 120.300.

Other changes include, but are not limited to:

- Clarifying enrollment requirements. 7 AAC 120.200(a)
- Requiring providers to review continued medical necessity of equipment or supplies annually, and, if repairing an item, to request payment only if the product or service is still medically necessary. 7 AAC 120.200(l)
- Allowing for prescription refills at 22 days and adding incontinence product quality standards. 7 AAC 120.200(n) and (p)
- Adding anti-marketing clause preventing suppliers from contacting Medicaid members and promoting their products. 7 AAC 120.200(p)
- Clarifying requirements needed for a valid prescription order and certificate of medical necessity. 7 AAC 120.200(t) – (x)
- Conformance with Medicare medical necessity determination requirements. 7 AAC 120.205(h)
- Requiring providers to bill under appropriate Healthcare Common Procedure Codes (HCPC) when available. 7 AAC 120.205(i)
- Permitting the department to pay for items and services requiring a face to face examination only if it is timely performed, for covered items and services rendered while a provider is in compliance with enrollment requirements, and for items and services that require prior authorization and for which the provider sought and received such authorization prior to rendering the item or service. 7 AAC 120.205(i) and (k) – (l), 7 AAC 120.210(b), 7 AAC 145.420(c)
- Providing requirements and payment information for rental or purchase of used or refurbished items. 7 AAC 120.215(a) and (j), 7 AAC 120.225(d) – (e)
- Providing requirements for payments based on CMS rates or rate methodology or department rates or rate methodology and providing requirements for payment when recipient is physically located in this state or when located outside of this state. 7 AAC 145.420(b), 7 AAC 145.421(b)
- Providing requirements for providers on how a provider may request and be authorized at a rate higher than the state-based rate for a more costly, medically necessary item of durable medical equipment, medical supply, prefabricated off-the-shelf orthotic, or related item or service if the recipient's medical condition substantiates the need, and documentation is submitted that demonstrates a less expensive product is not available to meet the medical needs of the recipient. Enteral nutrition products assigned a "B" code and incontinence supplies assigned a "T" code are not eligible for reimbursement rates higher than those published. 7 AAC 145.420(j) – (k) and (n)

Please contact Jamin Sprague at jamin.sprague@alaska.gov, (907) 334-2418, or Karen Benson at karen.benson@alaska.gov, (907) 334-2660 if you have any questions concerning the adopted regulations.