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Lieutenant Governor  
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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**MEMORANDUM**

**TO:** Triptaa Surve  
Department of Health and Social Services

**FROM:** April Simpson, Office of the Lieutenant Governor   
465.4081

**DATE:** November 20, 2020

**RE:** Filed Permanent Regulations: Department of Health and Social Services  
  
Department of Health and Social Services regulations re: health care services price transparency (7 AAC 86)

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Attorney General File:	2019200198
Regulation Filed:	11/20/2020
Effective Date:	12/20/2020
Print:	236, January 2021

cc with enclosures: Harry Hale, Department of Law  
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO REGULATIONS  
OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES

The attached 5 pages of regulations, dealing with the Health Care Services Price Transparency (7 AAC 86), are adopted and certified to be a correct copy of the regulation changes that the Department of Health and Social Services adopts under the authority of AS 18.15.360 and AS 18.23.400, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

It is estimated that this action will require increased appropriations as shown on the attached fiscal note. In considering public comments, the Department of Health & Social Services paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

**Adam Crum** Digitally signed by Adam Crum  
Date: 2020.11.17 10:18:45 -09'00'

Adam Crum, Commissioner  
Department of Health & Social Services

*April Simpson for*

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that<sup>1</sup> on November 20, 2020, at 12:38 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

*for* Kevin Meyer  
Lieutenant Governor

Effective: December 20, 2020.

Register: 23rd January 2021.

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff  
Kady Levale, Notary Administrator  
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on December 11th, 2018.**



*K. Meyer*  
.....

**KEVIN MEYER  
LIEUTENANT GOVERNOR**

7 AAC is amended by adding a new chapter to Part 6 to read:

**Chapter 86. Health Care Services Price Transparency.**

**Section**

- 10. Reporting the price of health care services
- 20. Posting the price of health care services
- 30. Good faith estimate
- 40. Enforcement
- 90. Definitions

**7 AAC 86.010. Reporting the price of health care services.** (a) A health care provider or health care facility that uses the American Medical Association's *Current Procedural Terminology (CPT)* codes in its normal course of business must annually compile a list and report to the department the health care services most commonly performed as required under AS 18.23.400.

(b) A health care provider or health care facility must submit by electronic mail to the department the Internet address of the website containing its health care services price posting.

(c) A health care provider or health care facility that does not have an Internet website must submit a text version of the posting to the department by electronic mail. The text version must be sent in one of the following formats: portable document format (PDF), word processing (DOC, DOCX, ODT), presentation (PPT, PPTX, ODP), spreadsheet (XLS, XLSX, ODS), e-book (EPUB), text (TXT, CSV), or rich text format (RTF).

(d) The health care provider or health care facility must title the electronic mail and the

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attachment with the following convention: [Provider Name]\_[Provider address]\_[Year].[Format]. The title may only contain the special characters of underscore, hyphen, and space. The titles may not include apostrophes, double quotes, or special characters. For example, an electronic mail and PDF heading for a hospital in Juneau would be formatted as "Hospital Name\_3620 Hospital Drive Juneau\_2019.PDF" . (Eff. 12/20/2020, Register 230)

**Authority:** AS 18.05.040 AS 18.23.400

**Editor's note:** The electronic mail address for sending attachments is DHSSpricereporting@alaska.gov .

**7 AAC 86.020. Posting the price for health care services.** (a) A health care provider or health care facility that uses the *Current Procedural Terminology (CPT)* codes in its normal course of business must post, as required under AS 18.23.400, the price list for the health care services most commonly performed.

(b) When providing or posting price lists as required under AS 18.23.400(e)(1) and (2), the health care provider or health facility must include the American Medical Association's copyright notice and disclaimer, using the following language: "CPT® Copyright 2020 [or insert applicable year]. American Medical Association. All rights reserved. CPT is a registered trademark of the American Medical Association. The CPT codes are provided "as is" without warranty of any kind. The AMA specifically disclaims all liability for use or accuracy of any CPT codes."

(c) A health care provider or health care facility must

- (1) post the applicable health care services price list in a conspicuous space where a patient checks in and waits to see a health care provider;
  - (2) post the required price information on or before January 31 following the calendar year for which the health care price data was collected; and
  - (3) update the posting every year.
- (d) A health care provider or health care facility may post the applicable health care services price list printed on paper or an electronic screen in a font not smaller than 20 points.
- (e) A satellite office of a health care provider or health care facility that has a space where patients may check in and wait must also post the price for any applicable health care services. (Eff. 12/20/2010, Register 236)

**Authority:** AS 18.05.040 AS 18.23.400

**7 AAC 86.030. Good faith estimate.** (a) A health care provider or health care facility that receives a request under (b) or (c) of this section must provide a good faith estimate under AS 18.23.400(g) and (h), regardless of whether the health care provider or health care facility uses CPT codes.

(b) To get a good faith estimate, a patient must provide the following information in writing to the health care provider or health care facility:

- (1) the patient's full name;
- (2) the medical condition or service for which the patient is seeking medical treatment;
- (3) the method by which the patient prefers to receive the estimate, including in a

written letter mailed to the patient, by electronic means, or orally; and

(4) the patient's contact information, including the patient's mailing address, electronic mail address, or telephone number.

(c) To get a good faith estimate, a parent or guardian of a minor patient must provide the following information in writing to the health care provider or health care facility:

(1) the patient's full name;

(2) the medical condition or service for which the patient is seeking medical treatment;

(3) the method by which the parent or guardian prefers to receive the estimate, including in a written letter mailed to the parent or guardian, by electronic means, or orally; and

(4) the parent or guardian's contact information, including the parent or guardian's mailing address, electronic mail address, or telephone number. (Eff. 12/20/2020,

Register 234)

**Authority:** AS 18.05.040 AS 18.23.400

**7 AAC 86.040. Enforcement.** (a) If the department receives a report that a health care provider or health care facility has failed to comply with AS 18.23.400 or this chapter, the department may investigate the matter. If the department determines that a health care provider or health care facility failed to comply, the department may contact the health care provider or health care facility by telephone to inform the provider or facility of the requirements of AS 18.23.400 and this chapter.

(b) If the health care provider or health care facility fails to remedy noncompliance after

being contacted under (a) of this section, the department may contact the health care provider or health care facility in writing, identifying how the health care provider or health care facility has failed to meet the requirements of AS 18.23.400 and this chapter.

(c) If the health care provider or health care facility fails to comply after being contacted under (b) of this section, the department may issue a warning in writing to the health care provider or health care facility.

(d) If the health care provider or health care facility fails to comply after receiving a warning under (c) of this section, the department may assess a fine under AS 18.23.400(k).

(e) The fine for a violation of AS 18.23.400 and this chapter is \$100 for each day of noncompliance, up to the \$10,000 ceiling set under AS 18.23.400(k). (Eff. 12/20/2020, Register 236)

**Authority:** AS 18.05.040 AS 18.23.400

**7 AAC 86.090. Definitions.** (a) In AS 18.23.400, "plain language" means grammatically correct language that includes accurate word usage and communicates in a way that helps the public to easily understand the information.

(b) As used in the definition of "health care service" in AS 18.23.400(n), "telemedicine" means the practice of health care delivery, evaluation, diagnosis, consultation, or treatment, using the transfer of medical data through audio, video, or data communications that are engaged in over two or more locations between providers who are physically separated from the patient or from each other. (Eff. 12/20/2020, Register 236)

**Authority:** AS 18.23.400



# MEMORANDUM

## State of Alaska Department of Law

**To:** The Honorable Kevin Meyer  
Lieutenant Governor

**Date:** November 19, 2020

**File No.:** 2019200198

**Thru:** Susan R. Pollard DS  
SP  
Chief Assistant Attorney General  
and Regulations Attorney  
Legislation and Regulations Section

**Tel. No.:** 465-3600

**From:** Steven C. Weaver *SCW*  
Senior Assistant Attorney General  
Legislation and Regulations Section

**Re:** Department Health and Social  
Services regulations re: health care  
services price transparency (7 AAC  
86)

The Department of Law has reviewed the attached regulations of the Department of Health and Social Services against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Department of Health and Social Services after the close of the public comment period.

The regulations implement, interpret, and make specific AS 18.23.400 (disclosure and reporting of health care services, price, and fee information), added by sec. 4, ch. 75, SLA 2018 (HCS CSSB 105(FIN) am H). Under AS 18.23.400(a) and (b), a health care provider or health care facility has to use codes from the American Medical Association's *Current Procedural Terminology* (CPT) to disclose prices for its most common services. The statute also sets out requirements, in AS 18.23.400(g) and (h), for the provider or facility to give, on a patient's request, a good faith estimate of the reasonably anticipated charges for nonemergency services; AS 18.23.400(g) and (h) do not include a requirement that the provider or facility use CPT codes in the estimate.

The distinction regarding CPT codes is significant: though AS 18.23.400(n) sets out broad definitions for "health care facility" and "health care provider," some professionals – for example, dentists – do not use CPT codes. Working from the language of AS 18.23.400, 7 AAC 86.010 and 7 AAC 86.020 require price disclosure for common services only from a provider or facility that uses CPT codes; 7 AAC 86.030 requires a good faith estimate from any provider or facility, regardless of whether the provider or facility uses CPT codes. This reading of AS 18.23.400 ensures that a provider or facility that does not use CPT codes has only the duties that it can fulfill (good faith estimates).

We also note that the open ended definition in AS 18.23.400(n) for "health care provider" does not identify the entities included in the statute's reach, but the lack of specificity is not something that the agency can resolve. While developing 7 AAC 86.030, the Department of Health and Social Services considered a section-specific definition of "health care provider," modeled in part on the definition of "health care practitioner" in a Municipality of Anchorage ordinance that, like AS 18.23.400(g) and (h), requires good faith estimates for nonemergency health care services. *See* Anchorage Municipal Code (AMC) ch. 16.130. That definition includes a list of health care practitioners regulated under AS 08. *See* AMC ch. 16.130.900. But using the municipality's list is unworkable for a state administrative agency.

First, by enacting ordinances the Anchorage Assembly and the mayor act as the legislature and the chief executive for a municipality, rather than as an administrative agency that implements, interprets, or carries out legislation. Accordingly, the municipality was free to craft a definition of "health care practitioner" as the municipality saw fit. By contrast, if the Department of Health and Social Services set out a similar definition of "health care provider," a question would arise regarding the agency's authority to exclude, for example, direct-entry midwives under AS 08.65, and whether the agency was making arbitrary distinctions.

Second, 7 AAC 86.030 could not include a definition of "health care provider" that was specific to that section and that departed from the statutory definition already set out in AS 18.23.400(n). Though the regulatory definition might offer specificity, based on what appears in AMC ch. 16.130.900, a one-to-one correspondence between the municipal ordinance and AS 18.23.400 does not work, because AMC ch. 16.130 uses the umbrella term "health care practitioner," and only that term. By contrast, any definition in 7 AAC 86.030 for "health care provider", as used in AS 18.23.400, could risk covering professions within the different statutory definition of "health care facility": for example, the "office of a private physician or dentist *whether in individual or group practice.*" AS 18.23.400(n) (defining "health care facility"). [Emphasis added.]

We have a final observation that does not bear directly on these regulations. While AS 18.23.400 requires only health care facilities and health care providers to post prices, the statute requires good faith estimates not only from health care facilities and health care providers but also from health care *insurers* within the meaning of AS 21.54.500. *See* AS 18.23.400(g), (h), and (n). We highly doubt that the legislature meant AS 18.23.400 as an invitation for the Department of Health and Social Services to regulate private insurers. Section 5, ch. 75, SLA 2018 (SB 105) adds AS 21.96.200 to the Insurance Code: a complementary provision requiring insurers to provide good faith estimates under AS 18.23.400(g). As part of the Insurance Code (AS 21), AS 21.96.200 would fall under the regulatory authority of the Division of Insurance.

The July 24, 2019 public notice, the April 14, 2020 supplemental public notice, and the November 17, 2020 adoption order all state that this action is expected to require increased appropriations. Therefore, a fiscal note as required under AS 44.62.195 is attached. Please note that the agency prepared two fiscal notes for this project: one for the original public notice and one for the supplemental public notice.

SCW

cc w/enc: Hon. Adam Crum, Commissioner  
Department of Health and Social Services

Triptaa Surve, Regulations Contact  
Department of Health and Social Services

Heidi Hedberg, Director  
Division of Public Health  
Department of Health and Social Services

Jill Lewis, Division Operations Manager  
Division of Public Health  
Department of Health and Social Services

Clint Jefferson Farr, M.S., Chief of Health Analytics and Vital Records  
Division of Public Health  
Department of Health and Social Services

Lori Wing-Heier, Director  
Division of Insurance  
Department of Commerce, Community, and Economic Development

Jackson Willard, Regulations Specialist  
Division of Insurance  
Department of Commerce, Community, and Economic Development

Stacie L. Kraly, Chief Assistant Attorney General  
Human Services Section

Leah R. Farzin, Assistant Attorney General  
Human Services Section

Erin Egan, Assistant Attorney General  
Commercial, Fair Business, and Child Support Section

## NOTICE OF PROPOSED CHANGES ON HEALTH CARE SERVICES PRICE TRANSPARENCY IN THE REGULATIONS OF DEPARTMENT OF HEALTH & SOCIAL SERVICES

### BRIEF DESCRIPTION

The Department of Health & Social Services proposes to adopt regulations on health care services price transparency.

The Department of Health and Social Services proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with health care services price transparency, including the following:

- A new chapter, 7 AAC 86. Health Care Services Price Transparency, is proposed to clarify AS 18.23.400. Disclosure and reporting of health care services, price, and fee information, including:
  - The method a health care provider and health care facility must comply with to
    - Report the price of health care services;
    - Post the price of health care services;
    - Provide a good faith estimate; and
  - The method the department will use to enforce the law.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Department of Health & Social Services, Division of Public Health, Health Analytics & Vital Records, P.O. Box 110675, Juneau, Alaska 99801. Additionally, the Department of Health & Social Services will accept comments by facsimile at (907) 465-3423 and by electronic mail at [clint.farr@alaska.gov](mailto:clint.farr@alaska.gov). The comments must be received not later than 5 p.m. on September 27, 2019.

Oral or written comments also may be submitted at a hearing to be held on August 28, 2019, at the Frontier Building, conference rooms 880 and 890, 3601 C St. Suite 902, Anchorage, AK 99503. The hearing will be held from 1:00 p.m. to 3:00 p.m. and might be extended to accommodate those present before 2:45 p.m. who did not have an opportunity to comment. If you are unable to attend in person, but would like to comment during the oral public hearing, you can call the teleconference Toll Free Access number (800) 616-4707.

You may submit written questions relevant to the proposed action to Mr. Clint Farr by e-mail at [clint.farr@alaska.gov](mailto:clint.farr@alaska.gov) or at the Department of Health & Social Services, Division of Public Health, Health Analytics & Vital Records, PO Box 110675, Juneau, Alaska 99801. The questions must be received at least 10 days before the end of the public comment period. The Department of Health & Social Services will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System at <https://aws.state.ak.us/OnlinePublicNotices/>.

If you are a person with a disability who needs a special accommodation to participate in this process, please contact Mr. Clint Farr by e-mail at [clint.farr@alaska.gov](mailto:clint.farr@alaska.gov) or by telephone at (907) 465-8610 not later than August 16, 2019, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Mr. Clint Farr by e-mail at [clint.farr@alaska.gov](mailto:clint.farr@alaska.gov) or by telephone at (907) 465-8610.

A copy of material proposed for adoption by reference may be viewed at the agency's office at State of Alaska, Department of Health & Social Services, 3601 C Street, Suite 902, Anchorage, AK 99503.

After the public comment period ends, the Department of Health & Social Services will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **You should comment during the time allowed if your interests could be affected.** Written comments received are public records and are subject to public inspection.

**Statutory authority:** AS 18.15.360; AS 18.23.400.

**Statutes being implemented, interpreted, or made specific:** AS 18.15.360; AS 18.23.400.

**Fiscal information:** It is estimated that the proposed regulation changes will require increased appropriations as follows: FY 2020, \$24,900; FY 2021, \$15,400; FY 2022: \$15,900.

The Division of Public Health, Section of Health Analytics & Vital Records, keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Department of Health and Social Services, Division of Public Health, Section of Health Analytics and Vital Records notices of proposed regulation changes. To be added to or removed from the list, send a request to the Department of Health and Social Services, Division of Public Health, Section of Health Analytics and Vital Records at [clint.farr@alaska.gov](mailto:clint.farr@alaska.gov), giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

DATE: July 18, 2019.

/s/Adam Crum

Commissioner

Department of Health & Social Services

SUPPLEMENTAL NOTICE OF PROPOSED CHANGES ON HEALTH CARE SERVICES PRICE  
TRANSPARENCY IN THE REGULATIONS OF DEPARTMENT OF HEALTH & SOCIAL SERVICES

BRIEF DESCRIPTION

The Department of Health & Social Services proposes to adopt regulations on health care services price transparency.

The Department of Health and Social Services proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with health care services price transparency, including the following:

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  - The method a health care provider and health care facility must comply with to
    - Report the price of health care services;
    - Post the price of health care services;
    - Provide a good faith estimate; and
  - The method the department will use to enforce the law.

This is a SUPPLEMENTAL NOTICE adding to the NOTICE OF PROPOSED CHANGES that was issued on July 19, 2019, concerning these proposed regulation changes contained in the Department of Law file number 2019200198. This SUPPLEMENTAL NOTICE is being issued because the Department of Health & Social Services has decided to amend the proposed regulations. The amendment proposes to require a health care provider or health facility that uses the Current Procedural Terminology (CPT) codes to include the American Medical Association's copyright notice and disclaimer in each posting or publication.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Department of Health & Social Services, Division of Public Health, Health Analytics & Vital Records, P.O. Box 110675, Juneau, Alaska 99801. Additionally, the Department of Health & Social Services will accept comments by facsimile at (907) 465-3423 and by electronic mail at [clint.farr@alaska.gov](mailto:clint.farr@alaska.gov). The comments must be received not later than 5 p.m. on June 30, 2020.

You may submit written questions relevant to the proposed action to Mr. Clint Farr by e-mail at [clint.farr@alaska.gov](mailto:clint.farr@alaska.gov) or at the Department of Health & Social Services, Division of Public Health, Health Analytics & Vital Records, PO Box 110675, Juneau, Alaska 99801. The questions must be received at least 10 days before the end of the public comment period. The Department of Health & Social Services will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System at <https://aws.state.ak.us/OnlinePublicNotices/>.

If you are a person with a disability who needs a special accommodation to participate in this process, please contact Mr. Clint Farr by e-mail at [clint.farr@alaska.gov](mailto:clint.farr@alaska.gov) or by telephone at (907) 465-8643 not later than June 19, 2020, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Mr. Clint Farr by e-mail at [clint.farr@alaska.gov](mailto:clint.farr@alaska.gov) or by telephone at (907) (907) 465-8643.

A copy of material proposed for adoption by reference may be viewed at the agency's office at State of Alaska, Department of Health & Social Services, 3601 C Street, Suite 902, Anchorage, AK 99503.

After the public comment period ends, the Department of Health & Social Services will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **You should comment during the time allowed if your interests could be affected.** Written comments received are public records and are subject to public inspection.

**Statutory authority:** AS 18.15.360; AS 18.23.400.

**Statutes being implemented, interpreted, or made specific:** AS 18.15.360; AS 18.23.400.

**Fiscal information:** It is estimated that the proposed regulation changes will require increased appropriations as follows: FY 2021, \$15,400; FY 2022, \$15,900; FY 2023: \$16,400.

The Division of Public Health, Section of Health Analytics & Vital Records, keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Department of Health and Social Services, Division of Public Health, Section of Health Analytics and Vital Records notices of proposed regulation changes. To be added to or removed from the list, send a request to the Department of Health and Social Services, Division of Public Health, Section of Health Analytics and Vital Records at [clint.farr@alaska.gov](mailto:clint.farr@alaska.gov), giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Adam Crum  
Commissioner,  
Department of Health & Social Services

ADDITIONAL REGULATION NOTICE INFORMATION  
(AS 44.62.190(d))

1. Adopting agency: Department of Health & Social Services
2. General subject of regulation: Health Care Services Price Transparency
3. Citation of regulation (may be grouped): 7 AAC 86
4. Department of Law file number, if any: 2019200198
  
5. Reason for the proposed action:
  - Compliance with federal law or action (identify): \_\_\_\_\_
  - Compliance with new or changed state statute
  - Compliance with federal or state court decision (identify): \_\_\_\_\_
  - Development of program standards
  - Other (identify): \_\_\_\_\_
  
6. Appropriation/Allocation: Public Health/Health Analytics & Vital Records
  
7. Estimated annual cost to comply with the proposed action to: \$0.  
 A private person: \$0 (Note: A health care provider or health care facility that is required to comply will need to spend money on : (1) staff time to compile the required data; and (2) materials and equipment to post the prices).  
 Another state agency: \$0.  
 A municipality: \$0.
  
8. Cost of implementation to the state agency and available funding: See total amount for fiscal year 2021, 2022, and 2023, below.

	Initial Year		
	FY2021	FY2022	FY2023
Operating Cost	<u>\$15,400</u>	<u>\$15,900</u>	<u>\$16,400</u>
Capital Cost	\$ _____	\$ _____	
1002 Federal receipts	\$ _____	\$ _____	
1003 General fund match	\$ _____	\$ _____	
1004 General fund	\$ _____	\$ _____	
1005 General fund/ program	\$ _____	\$ _____	
Other (identify)	\$ _____	\$ _____	



9. The name of the contact person for the regulation:

Name: Mr. Clint Farr

Title: Planner IV

Address: State of Alaska, Department of Health & Social Services, Division of Public Health, Health Analytics & Vital Records, PO Box 110675, Juneau, AK 99801.

Telephone: (907) 465-8610

E-mail address: clint.farr@alaska.gov

10. The origin of the proposed action:

Staff of state agency

Federal government

General public

Petition for regulation change<sup>7</sup>

Other (identify): \_\_\_\_\_

11.

Date: 4/13/2020

Prepared by: Clint J. Farr  
[signature]

Name (printed): Clint J. Farr

Title (printed): Chief, Health Analytics & Vital Records

Telephone: (907) 465-8610

## FISCAL NOTE

Agency: Alaska Department of Health and Social Services.

Appropriation/Allocation: Public Health / Health Analytics & Vital Records.

General subject of regulation: Health Care Services Price Transparency.

Citation of regulation: New Chapter- 7 AAC 86

Estimated appropriations required: \$24,900 (total amount for FY2020).

### Expenditures/Revenues

	FY __ Appropriation Requested		
	FY20	FY21	FY22
<b>OPERATING EXPENDITURES</b>			
Personal Services	\$14,000	\$14,500	\$15,000
Travel	\$900	\$900	\$900
Services			
Commodities			
Capital Outlay	\$10,000		
Grants & Benefits			
Miscellaneous			
<b>TOTAL OPERATING</b>	<b>\$24,900</b>	<b>\$15,400</b>	<b>\$15,900</b>

FUNDING SOURCE		(Thousands of Dollars)		
1002	Federal Receipts	0	0	0
1003	GF Match	0	0	0
1004	General Fund	0	0	0
1005	GF/Program (DGF)			
1007	I/A Rcpts (Other)			
1037	GF/MH (UGF)	0	0	0

POSITIONS			
Full-time			
Part-time	1 (22%)	1 (22%)	1 (22%)
Temporary			

CHANGE IN REVENUES			

Date JULY 18, 2019

Prepared by: Clint J. Farr

Clint Farr, Planner IV

Division of Public Health, Department of Health & Social Services

Phone No.: (907) 465-8610

**FISCAL NOTE**

Agency: Alaska Department of Health and Social Services.  
 Appropriation/Allocation: Public Health / Health Analytics & Vital Records.  
 General subject of regulation: Health Care Services Price Transparency.  
 Citation of regulation: New Chapter- 7 AAC 86  
 Estimated appropriations required: \$15,400 (total amount for FY2021).

**Expenditures/Revenues**

	FY __ Appropriation Requested		
<b>OPERATING EXPENDITURES</b>	<b>FY21</b>	<b>FY22</b>	<b>FY23</b>
Personal Services	\$14,500	\$15,000	\$15,500
Travel	\$900	\$900	\$900
Services			
Commodities			
Capital Outlay			
Grants & Benefits			
Miscellaneous			
<b>TOTAL OPERATING</b>	<b>\$15,400</b>	<b>\$15,900</b>	<b>\$16,400</b>

<b>FUNDING SOURCE</b>		(T thousands of Dollars)		
1002	Federal Receipts	0	0	0
1003	GF Match	0	0	0
1004	General Fund	0	0	0
1005	GF/Program (DGF)			
1007	I/A Rcpts (Other)			
1037	GF/MH (UGF)	0	0	0

<b>POSITIONS</b>			
Full-time			
Part-time	1 (22%)	1 (22%)	1 (22%)
Temporary			

<b>CHANGE IN REVENUES</b>			

Date 4/14/2020

Prepared by: Clint J. Farr  
 Clint J. Farr, Chief, Health Analytics & Vital Records  
 Division of Public Health, Department of Health &  
 Social Services  
 Phone No.: (907) 465-8643

ADDITIONAL REGULATION NOTICE INFORMATION  
(AS 44.62.190(d))

1. Adopting agency: Department of Health & Social Services
2. General subject of regulation: Health Care Services Price Transparency
3. Citation of regulation (may be grouped): 7 AAC 86
4. Department of Law file number, if any: 2019200198
  
5. Reason for the proposed action:
  - Compliance with federal law or action (identify): \_\_\_\_\_
  - Compliance with new or changed state statute
  - Compliance with federal or state court decision (identify): \_\_\_\_\_
  - Development of program standards
  - Other (identify): \_\_\_\_\_
  
6. Appropriation/Allocation: Public Health/Health Analytics & Vital Records
  
7. Estimated annual cost to comply with the proposed action to: \$0.  
 A private person: \$0 (Note: A health care provider or health care facility that is required to comply will need to spend money on : (1) staff time to compile the required data; and (2) materials and equipment to post the prices).  
 Another state agency: \$0.  
 A municipality: \$0.
  
8. Cost of implementation to the state agency and available funding: See total amount for fiscal year 2020, 2021, and 2022, below.

	Initial Year		
	FY2020	FY2021	FY2022
Operating Cost	<u>\$14,900</u>	<u>\$15,400</u>	<u>\$15,900.</u>
Capital Cost	<u>\$10,000</u>	<u>\$ _____</u>	
1002 Federal receipts	\$ _____	\$ _____	
1003 General fund match	\$ _____	\$ _____	
1004 General fund	\$ _____	\$ _____	
1005 General fund/ program	\$ _____	\$ _____	
Other (identify)	\$ _____	\$ _____	

9. The name of the contact person for the regulation:

Name: Mr. Clint Farr

Title: Planner IV

Address: State of Alaska, Department of Health & Social Services, Division of Public Health,  
Health Analytics & Vital Records, PO Box 110675, Juneau, AK 99801.

Telephone: (907) 465-8610

E-mail address: clint.farr@alaska.gov

10. The origin of the proposed action:

Staff of state agency

Federal government

General public

Petition for regulation change<sup>7</sup>

Other (identify): \_\_\_\_\_

11. Date: JULY 18, 2019

Prepared by: Clint J. Farr  
[signature]

Name (printed): Clint Farr

Title (printed): Planner IV

Telephone: (907) 465-8610

# ANCHORAGE DAILY NEWS

## AFFIDAVIT OF PUBLICATION

Account #: 270229 ST OF AK/DHSS/COMMISSIONERS  
3601 C STREET STE 902, ANCHORAGE, AK 99503

Order #: W0010825

Cost: \$508

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Lisi Misa being first duly sworn on oath deposes and says that she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the afore-said place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

07/24/2019

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

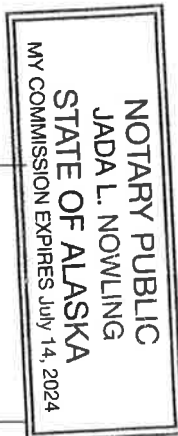
Signed \_\_\_\_\_

Subscribed and sworn to before me  
this 21st day of October 2020.

Notary Public in and for  
The State of Alaska.  
Third Division  
Anchorage, Alaska

MY COMMISSION EXPIRES

7/14/2024



### NOTICE OF PROPOSED CHANGES ON HEALTH CARE SERVICES PRICE TRANSPARENCY IN THE REGULATIONS OF DEPARTMENT OF HEALTH & SOCIAL SERVICES

The Department of Health and Social Services proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with health care services price transparency, including the following:

- A new chapter, 7 AAC 86, Health Care Services Price Transparency, is proposed to clarify AS 18.23.400. Disclosure and reporting of health care services, price, and fee information, including:
  - The method a health care provider and health care facility must comply with to
    - Report the price of health care services;
    - Post the price of health care services;
    - Provide a good faith estimate; and
  - The method the department will use to enforce the law.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Department of Health & Social Services, Division of Public Health, Health Analytics & Vital Records, P.O. Box 110675, Juneau, Alaska 99801. Additionally, the Department of Health & Social Services will accept comments by facsimile at (907) 465-3423 and by electronic mail at [clint.farr@alaska.gov](mailto:clint.farr@alaska.gov). The comments must be received not later than 5 p.m. on September 27, 2019.

Oral or written comments also may be submitted at a hearing to be held on August 28, 2019, at the Frontier Building, conference rooms 880 and 890, 3601 C St. Suite 902, Anchorage, AK 99503. The hearing will be held from 1:00 p.m. to 3:00 p.m. and might be extended to accommodate those present before 2:45 p.m. who did not have an opportunity to comment. If you are unable to attend in person, but would like to comment during the oral public hearing, you can call the teleconference Toll Free Access number (800) 616-4707.

You may submit written questions relevant to the proposed action to Mr. Clint Farr by e-mail at [clint.farr@alaska.gov](mailto:clint.farr@alaska.gov) or at the Department of Health & Social Services, Division of Public Health, Health Analytics & Vital Records, PO Box 110675, Juneau, Alaska 99801. The questions must be received at least 10 days before the end of the public comment period. The Department of Health & Social Services will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System at <https://aws.state.ak.us/OnlinePublicNotices/>.

If you are a person with a disability who needs a special accommodation to participate in this process, please contact Mr. Clint Farr by e-mail at [clint.farr@alaska.gov](mailto:clint.farr@alaska.gov) or by telephone at (907) 465-8610 not later than August 16, 2019, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Mr. Clint Farr by e-mail at [clint.farr@alaska.gov](mailto:clint.farr@alaska.gov) or by telephone at (907) 465-8610.

A copy of material proposed for adoption by reference may be viewed at the agency's office at State of Alaska, Department of Health & Social Services, 3601 C Street, Suite 902, Anchorage, AK 99503.

After the public comment period ends, the Department of Health & Social Services will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **You should comment during the time allowed if your interests could be affected.** Written comments received are public records and are subject to public inspection.

**Statutory authority:** AS 18.15.360; AS 18.23.400.

**Statutes being Implemented, Interpreted, or made specific:** AS 18.15.360; AS 18.23.400.

**Fiscal Information:** It is estimated that the proposed regulation changes will require increased appropriations as follows: FY 2020, \$24,900; FY 2021, \$15,400; FY 2022: \$15,900.

The Division of Public Health, Section of Health Analytics & Vital Records, keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Department of Health and Social Services, Division of Public Health, Section of Health Analytics and Vital Records notices of proposed regulation changes. To be added to or removed from the list, send a request to the Department of Health and Social Services, Division of Public Health, Section of Health Analytics and Vital Records at [clint.farr@alaska.gov](mailto:clint.farr@alaska.gov), giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

DATE: July 18, 2019.  
/s/Adam Crum  
Commissioner  
Department of Health & Social Services

Published: July 24, 2019

# ANCHORAGE DAILY NEWS

## AFFIDAVIT OF PUBLICATION

Account #: 270229 ST OF AK/DHSS/COMMISSIONERS  
3601 C STREET STE 902, ANCHORAGE, AK 99503

Order #: W0014540

Cost: \$517.96

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Lisi Misa being first duly sworn on oath deposes and says that she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the afore-said place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

04/21/2020

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed \_\_\_\_\_

Subscribed and sworn to before me  
this 21st day of October 2020.

Notary Public in and for  
The State of Alaska.  
Third Division  
Anchorage, Alaska

MY COMMISSION EXPIRES

7/14/2024

NOTARY PUBLIC  
JADA L. NOWLING  
STATE OF ALASKA  
MY COMMISSION EXPIRES July 14, 2024

### SUPPLEMENTAL NOTICE OF PROPOSED CHANGES ON HEALTH CARE SERVICES PRICE TRANSPARENCY IN THE REGULATIONS OF DEPARTMENT OF HEALTH & SOCIAL SERVICES

The Department of Health and Social Services proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with health care services price transparency, including the following:

- \* A new chapter, 7 AAC 86, Health Care Services Price Transparency, is proposed to clarify AS 18.23.400. Disclosure and reporting of health care services, price, and fee information, including:
  - o The method a health care provider and health care facility must comply with to
  - Report the price of health care services;
  - Post the price of health care services;
  - Provide a good faith estimate; and
  - o The method the department will use to enforce the law.

This is a SUPPLEMENTAL NOTICE adding to the NOTICE OF PROPOSED CHANGES that was issued on July 19, 2019, concerning these proposed regulation changes contained in the Department of Law file number 2019200198. This SUPPLEMENTAL NOTICE is being issued because the Department of Health & Social Services has decided to amend the proposed regulations. The amendment proposes to require a health care provider or health facility that uses the Current Procedural Terminology (CPT) codes to include the American Medical Association's copyright notice and disclaimer in each posting or publication.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Department of Health & Social Services, Division of Public Health, Health Analytics & Vital Records, P.O. Box 110675, Juneau, Alaska 99801. Additionally, the Department of Health & Social Services will accept comments by facsimile at (907) 465-3423 and by electronic mail at [clint.farr@alaska.gov](mailto:clint.farr@alaska.gov). The comments must be received not later than 5 p.m. on June 30, 2020.

You may submit written questions relevant to the proposed action to Mr. Clint Farr by e-mail at [clint.farr@alaska.gov](mailto:clint.farr@alaska.gov) or at the Department of Health & Social Services, Division of Public Health, Health Analytics & Vital Records, PO Box 110675, Juneau, Alaska 99801. The questions must be received at least 10 days before the end of the public comment period. The Department of Health & Social Services will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System at <https://aws.state.ak.us/OnlinePublicNotices/>.

If you are a person with a disability who needs a special accommodation to participate in this process, please contact Mr. Clint Farr by e-mail at [clint.farr@alaska.gov](mailto:clint.farr@alaska.gov) or by telephone at (907) 465-8643 not later than June 19, 2020, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Mr. Clint Farr by e-mail at [clint.farr@alaska.gov](mailto:clint.farr@alaska.gov) or by telephone at (907) 465-8643.

A copy of material proposed for adoption by reference may be viewed at the agency's office at State of Alaska, Department of Health & Social Services, 3601 C Street, Suite 902, Anchorage, AK 99503.

After the public comment period ends, the Department of Health & Social Services will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

Statutory authority: AS 18.15.360; AS 18.23.400.

Statutes being implemented, interpreted, or made specific: AS 18.15.360; AS 18.23.400.

Fiscal information: It is estimated that the proposed regulation changes will require increased appropriations as follows: FY 2021, \$15,400; FY 2022, \$15,900; FY 2023, \$16,400.

The Division of Public Health, Section of Health Analytics & Vital Records, keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Department of Health and Social Services, Division of Public Health, Section of Health Analytics and Vital Records notices of proposed regulation changes. To be added to or removed from the list, send a request to the Department of Health and Social Services, Division of Public Health, Section of Health Analytics and Vital Records at [clint.farr@alaska.gov](mailto:clint.farr@alaska.gov), giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

DATE: April 14, 2020.  
/s/Adam Crum  
Commissioner,  
Department of Health & Social Services.

Published: April 21, 2020

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION  
AND FURNISHING OF ADDITIONAL INFORMATION

I, Clint Jefferson Farr, Section Chief, of the Department of Health & Social Services, under penalty of perjury, certify the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to Health Care Services Price Transparency (7 AAC 86), has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to every person who has filed a request for notice of proposed action with the state agency;
- (3) furnished to appropriate state officials;
- (4) furnished to interested persons;
- (5) furnished to the Department of Law, along with a copy of the proposed regulation;
- (6) furnished electronically to incumbent State of Alaska legislators;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1).

As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

I certify under penalty of perjury that the foregoing is true.

**Clint J. Farr**

Digitally signed by  
Clint J. Farr  
Date: 2020.07.14  
11:22:37 -08'00'

[original or password-protected electronic signature]

Clint Jefferson Farr, Section Chief

State of Alaska  
Juneau, AK 99801



AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Clint Jefferson Farr, Section Chief, of the Department of Health & Social Services, under penalty of perjury, state the following:

In compliance with AS 44.62.215, the Department of Health & Social Services has kept a record of its use or rejection of factual or other substantive information that was submitted in writing and orally as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Health & Social Services regulation on 7 AAC 86. Health Care Services Price Transparency.

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

I certify under penalty of perjury that the foregoing is true.

**Clint J. Farr**

Digitally signed by  
Clint J. Farr  
Date: 2020.07.14  
11:25:40 -08'00'

[original or password-protected electronic signature]

Clint Jefferson Farr, Section Chief

State of Alaska  
Juneau, AK 99801.

AFFIDAVIT OF ORAL HEARING

I, Clint Jefferson Farr, Section Chief, of the Department of Health & Social Services, under penalty of perjury, state the following:

On August 28, 2019, at 1:00 p.m., in rooms 880 and 890, 3601 C Street, Anchorage, AK 99503, I presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to Health Care Services Price Transparency (7 AAC 86).

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

I certify under penalty of perjury that the foregoing is true.

**Clint J. Farr**

Digitally signed by  
Clint J. Farr  
Date: 2020.07.14  
11:28:37 -08'00'

[original or password-protected electronic signature]

Clint Jefferson Farr, Section Chief

State of Alaska  
Juneau, AK 99801