



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of
Health and Social Services

DIVISION OF PUBLIC ASSISTANCE
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The Honorable David Wilson
Senate Health and Social Services Chair
Alaska State Legislature
State Capitol Room 121
Juneau, AK 99801

The Division of Public Assistance has follow-up responses to the Senate Health and Social Services Committee regarding HB 168 from the hearing dated 1/18/22.

1. Security of online applications and the department's safeguarding of client information, including exchanges with third parties.

The Division of Public Assistance currently only has an online electronic application for the MAGI Medicaid Program through its Alaska's Resource for Integrated Eligibility Services (ARIES) system Self-Service Portal through *MyAlaska*. The federal Patient Protection and Affordable Care Act requires an online electronic application to facilitate coverage through the Health Information Exchange, and the state has entered into an Information Exchange Agreement (IEA) to exchange information with Medicaid/Children's Health Insurance Program agencies pursuant to the Affordable Care Act.

Attached is the state's current Information Exchange Agreement with the Centers for Medicare and Medicaid Services (CMS), as well as the System Security Plan template for the CMS Minimum Acceptable Risk Security and Privacy Controls for Exchanges for completion of details by Administering Entities.

Other relevant statutes and regulations include:

- The Health Insurance Portability and Accountability Act (HIPAA) is the federal regulation that governs ePHI which is further defined at: <http://dhss.alaska.gov/dhcs/Pages/hipaa/default.aspx>.
- The Alaska Personal Information Protection Act (APIPA) is the Alaskan State regulation that governs Personal Identifiable Information. The SOA Personal Information Protection Act is found in the Alaska Statutes at AS 45.48. The

protections provided by the act can be found at

<http://law.alaska.gov/departments/civil/consumer/4548.html>

- Computer Matching Agreement (CMA), section B. Legal Authority (attached)
- Information Exchange Agreement (IEA), section III. Legal Authority (attached)
- Alaska Statute [\(AS\) 47.05.020](#) – Regulations concerning records; disclosure of information
- Alaska Administrative Code (AAC):
 - o [7 AAC 37.010-270](#) – Safeguard the use or disclosure of Public Assistance information
 - o [7 AAC 49.250](#) – Confidentiality (Administrative Hearing)
 - o [7 AAC 54.020-900](#) – Safeguard the use or disclosure of child protection information.
 - Notice of the breach must be done expeditiously. Notice can be delayed if it will interfere with a criminal investigation, or if the breach is unlikely to cause harm to the consumer. Notice must be given in writing, but can also be given by electronic means under certain circumstances.
 - Violations of this section subject the violator (including a state agency) to a civil penalty of up to \$500 for each consumer who was not provided notice, up to a maximum penalty of \$50,000. In addition, the injured person can seek injunctive relief, and can recover actual economic harm.
- The department refers to its internal Information Technology team and department's Security Office for safeguarding, security events and compliance as appropriate.

2. Functionality of the division's information systems and proposed forms project.

ARIES was originally intended to provide a platform for eligibility determinations for all Division of Public Assistance programs, but contractual issues with its previous contractor delayed implementation of subsequent phases. ARIES has been enhanced to provide greater functionality with the division's Eligibility Information System and other systems that facilitate eligibility work. However, the division has a longer-term (5-year) project to replace its Eligibility Information System and build capacity in ARIES.

In the meantime, the division is expanding its ability to accept applications electronically by improving interoperability with mobile technology and the division's operating systems, beginning with the Supplemental Nutrition Assistance Program (SNAP) in the upcoming year. Aside from the ARIES Self Service Portal, the division currently only offers its Application for Services in a portable document format (PDF) with fillable fields. In addition, applicants can contact the division's Virtual Contact Center to complete an application over the phone with an approved division representative and authorize their signature over the phone.

3. Accessibility of the division's website and online platforms.

The division ensures its public-facing website is as accessible as possible for users with disabilities, to maximize the interoperability of assistive devices with online platforms and content. The division uses Web Content Accessibility Guidelines 2.1 Level AA as a guide for the creation of electronic materials and uses accessibility checking tools to review content prior to posting. DPA EIS-Modernization contracts contain accessibility requirements and standards. In addition, grant agreements with applications developers include general provisions that ensure compliance with applicable laws and protections for people with disabilities. Oftentimes contractors use Vocational Rehabilitation Act Section 508 criteria for the development of applications. The division may further review compliance at various stages of the project to build in accessibility features.

4. Access to online materials and content for people with Limited English Proficiency.

The division has a robust and ongoing planning process to ensure that people who have limited English have meaningful access to Public Assistance services. Among other practices, the division conducts an assessment of top languages spoken at home when people have limited ability to speak English, provides translations of vital documents into top languages, offers assistance to a telephonic interpreter service on its website and forms, and trains staff on policy and procedure to ensure meaningful access. New forms should be interoperable with online tools to assist in automated translation.

5. Division Fraud Control Efforts

The division's most recent SFY21 Fraud Control Unit report provides an overview of fraud activity and accomplishments. Although it is not apparent from the report, one of the three civil claims involved potential fraudulent activity from a person applying on behalf of other individuals. The person can no longer receive Supplemental Nutrition Assistance Program benefits, or be an authorized representative for other individuals. This was a highly unusual case and the controls for authorizing others to represent individuals is stringent.

Report:

http://dpaweb.hss.state.ak.us/FRAUD/PDF/Accomplishments_Report_FY2021.pdf

Sincerely,

s/s Shawnda O'Brien
Director