

# ARKANSAS REGISTER

## Proposed Rule Cover Sheet



Secretary of State  
John Thurston  
500 Woodlane Street, Suite 026  
Little Rock, Arkansas 72201-1094  
(501) 682-5070  
[www.sos.arkansas.gov](http://www.sos.arkansas.gov)



Name of Department \_\_\_\_\_

Agency or Division Name \_\_\_\_\_

Other Subdivision or Department, If Applicable \_\_\_\_\_

Previous Agency Name, If Applicable \_\_\_\_\_

Contact Person \_\_\_\_\_

Contact E-mail \_\_\_\_\_

Contact Phone \_\_\_\_\_

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Name of Rule \_\_\_\_\_

Newspaper Name \_\_\_\_\_

Date of Publishing \_\_\_\_\_

Final Date for Public Comment \_\_\_\_\_

Location and Time of Public Meeting \_\_\_\_\_

## NOTICE OF RULE MAKING

The Director of the Division of Developmental Disabilities of the Department of Human Services announces for a public comment period of thirty (30) calendar days a notice of rulemaking for the following proposed rule under one or more of the following chapters, subchapters, or sections of the Arkansas Code: §§ 20-48-201 to -212, 20-48-1101 to -1108, 20-76-201, 20-77-107, 25-10-102, and 25-10-129.

### **Effective January 1, 2021:**

The Division of Developmental Disabilities (DDS) revises the Early Intervention Day Treatment (EIDT) Medicaid Provider Manual and issues new Rules for the Division of Developmental Disabilities Early Intervention Day Treatment. These updates facilitate billing for EIDT services, modernize language to currently industry standards, clarify available EIDT services, and establish the new rules relating to EIDT licensure and monitoring.

DDS updates the EIDT Medicaid Provider Manual by removing duplicate and unnecessary information, revising section arrangement for clarity, and clarifying available services. The manual revisions address evaluations establishing eligibility and align them with current standards of practice, and combine treatment planning and evaluation service to align with how the services are paid nationally. DDS eliminates codes from the manual based on Act 605 of 2017 to allow faster updates of national code changes, and changes the term "Speech Therapy" to "Speech-Language Therapy". DDS removes the opt-in and opt-out requirements for the Part B program under the Individuals with Disabilities Education Act (IDEA) and sets out referral requirements for all children ages 3-5 in compliance with the IDEA that mirror the process in place for children ages 0-3 under Part C of the IDEA.

DDS issues the Rules for the Division of Developmental Disabilities Early Intervention Day as the new set of minimum standards for EIDT programs covering all topics related to EIDT licensure and monitoring. The new rules supersede the DDS Standards for Certification, Investigation, and Monitoring for Center-Based Community Services, DDS Policy 1090 Certification Policy for Non-Center Based Services, and DDS Policy 1091 Licensing Policy for Center-Based Community Services.

The proposed rule is available for review at the Department of Human Services (DHS) Office of Rules Promulgation, 2nd floor Donaghey Plaza South Building, 7th and Main Streets, P. O. Box 1437, Slot S295, Little Rock, Arkansas 72203-1437. You may also access and download the proposed rule on the Medicaid website at <https://medicaid.mmis.arkansas.gov/General/Comment/Comment.aspx>. Public comments must be submitted in writing at the above address or at the following email address: [ORP@dhs.arkansas.gov](mailto:ORP@dhs.arkansas.gov). All public comments must be received by DHS no later than October 29, 2020. Please note that public comments submitted in response to this notice are considered public documents. A public comment, including the commenter's name and any personal information contained within the public comment, will be made publicly available and may be seen by various people.

A public hearing by remote access only will be held on October 16, 2020, at 12:00 p.m. Individuals can access this public hearing by calling 1-888-431-3632 and entering the conference code, 2152067.

If you need this material in a different format, such as large print, contact the Office of Rules Promulgation at 501-396-6428.

The Arkansas Department of Human Services is in compliance with Titles VI and VII of the Civil Rights Act and is operated, managed and delivers services without regard to religion, disability, political affiliation, veteran status, age, race, color or national origin. **4501960528**



Melissa Stone, Director

Division of Developmental Disability Services