

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

John Thurston

500 Woodlane, Suite 026

Little Rock, Arkansas 72201-1094

(501) 682-5070

www.sos.arkansas.gov



For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Department of Human Services

Department Division of Developmental Disabilities Services

Contact Mac E. Golden E-mail Mac.E.Golden@dhs.arkansas.gov Phone (501)320.6383

Statutory Authority for Promulgating Rules Arkansas Code Annotated §§ 20-48-1003, 20-76-201, 20-77-107, and 25-10-129

Rule Title: Division of Developmental Disabilities Services (DDS) Manual Extension

Intended Effective Date
(Check One)

☐ Emergency (ACA 25-15-204)

☐ 10 Days After Filing (ACA 25-15-204)

☒ Other 01/01/2022
(Must be more than 10 days after filing date.)

Legal Notice Published

Final Date for Public Comment

Reviewed by Legislative Council

Adopted by State Agency

Date

10/10/2021

11/08/2021

12/17/2021

12/17/2021

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Kate Chagnon

kate.chagnon@dhs.arkansas.gov

12/17/2021

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Signature

501-682-8662

melissa.stone@dhs.arkansas.gov

Phone Number

E-mail Address

Director, Division of Developmental Disabilities Services

Title

December 17, 2021

Date

**Division of Developmental Disabilities Services (DDS)
COVID-19 Response Manual**

January 1, 2022

DDS COVID-19 RESPONSE CONTENTS

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200.000 OVERVIEW

201.000 Authority

The following rules are duly adopted and promulgated by the Division of Developmental Disabilities Services (DDS) of the Department of Human Services (DHS) under the authority of Arkansas Code Annotated §§ 20-48-606, 20-48-1003 and 25-10-129.

Applicable Guidance:

Families First Coronavirus Response Act (Public Law 116-127 – March 18, 2020)

CMS Families First Coronavirus Response Act – Increased FMAP FAQ (question 6):

<https://www.medicaid.gov/state-resource-center/downloads/covid-19-section-6008-faqs.pdf>

Coronavirus Aid, Relief, and Economic Security (CARES) Act (Public Law No. 116-136 – March 27, 2020)

202.000 Purpose

In response to the COVID 19 pandemic, DDS identified programs and services that required additional flexibility or changes to adapt to ensuring the health and safety of our clients. This manual details them so that DHS may render uninterrupted assistance and services to our clients.

203.000 Appeals

Appeal requests for the Covid response policies must adhere to the policy set forth in the Medicaid Provider Manual Section 160.000 Administrative Reconsideration and Appeals which can be accessed at: <https://medicaid.mmis.arkansas.gov/Provider/Docs/all.aspx>

204.000 Severability

Each section of this manual is severable from all others. If any section of this manual is held to be invalid, illegal, or unenforceable, such determination shall not affect the validity of other sections in this manual and all such other sections shall remain in full force and effect. In such an event, all other sections shall be construed and enforced as if this section had not been included therein.

240.000 DEVELOPMENTAL DISABILITIES AND DELAYS

247.000 Attendance Payments for Adult Developmental Day Treatment and Early Intervention Day Treatment

Attendance payments are allowable for beneficiaries who attend the clinic in person that day. If a child or an adult attends an EIDT/ ADDT clinic, providers may bill one 15-minute unit encounter for \$15.00, Place of Service (49), per beneficiary Monday – Friday.

These services will be available until the termination of the federal public health emergency, including any extensions, or December 31, 2022, whichever occurs first.

248.000 Community and Employment Support Waiver

In response to COVID-19 DMS/DDS will temporarily modify provider types to all Qualified Behavioral Health Paraprofessionals employed by Outpatient Behavioral Health Service Agencies to provide Supportive Living Services, including Supplemental Supports to PASSE members.

DMS/DDS further amended the CES Waiver to allow an extension for reassessments and reevaluations for up to one year past the due date; allow the option to conduct evaluations, assessments, and person-centered service planning meetings virtually/remotely in lieu of face-to-face meetings; and allow an electronic method of signing off on required documents such as the person-centered service plan.

These services will be available until the termination of the federal public health emergency, including any extensions, or December 31, 2022, whichever occurs first.