

NOTICE OF RULE MAKING

The Director of the Division of Medical Services hereby issues the following proposed medical assistance rule(s) under one or more of the following chapters or sections of the Arkansas Code: 20-10-211(a), 20-10-203(b), 20-76-433, 25-10-129, and Title 20, Chapter 77.

Effective October 1, 2017, The Arkansas Department of Human Services will implement a provider-led care coordination program targeted to Arkansas Medicaid beneficiaries who have complex medical, behavioral health, and/or intellectual and developmental disabilities service needs. Groups of direct service and specialty providers will form a Provider-led Arkansas Shared Savings Entities (PASSE), pursuant to Act 775 of the 91st Arkansas General Assembly. Direct service and specialty providers must maintain at least 51 percent ownership of the PASSE. The PASSEs will be licensed by the Arkansas Insurance Department and will be responsible for coordinating all medical services for each of its members as well as services and supports that are nonmedical in nature such as personal care, respite, and supported employment. Beneficiaries in need of a broad service array of behavioral health services, or have been identified with intellectual or developmental disabilities services at the intermediate level of care (ICF), will receive an Independent Assessment (IA) that identifies needs that correspond to services contained in 3 Tiers: Tier I (lowest) Tier II (intermediate) and Tier III (highest). A fourth tier (Tier 0) will designate those individuals assessed but who, based upon the assessment, need no support services at that time. Individuals may be re-assessed if there is a change in their circumstances. Individuals with behavior health service needs will be re-assessed annually. Individuals with developmental or intellectual disabilities will be re-assessed every three years. Those beneficiaries in Tier II and Tier III will be attributed into a PASSE based on an attribution methodology developed by the Department of Human Services. The attribution methodology is identified in the proposed rules and is based upon a relationship score with the direct service providers, including visit points, specialty points and cost points. Once assigned to a PASSE, beneficiaries will be allowed to select another PASSE (transition) per 42 U.S.C. §438.56. Each PASSE will be responsible for care coordination for those Tier II and Tier III members attributed to them. PASSE provider participation will be subject to a PASSE Provider Agreement.

The Independent Assessment will be performed by qualified assessors utilizing the MnCHOICES comprehensive functional assessment which will determine tier assignment. The MnCHOICES will incorporate built-in algorithms customized for Arkansas which align an individual's service eligibility and tiers. Depending on the Division that administers the specialty services, supplemental forms and tools may be used. The assessor will conduct the interview/assessment. Once completed, the tier determination will be calculated using the algorithms. The assessor will transmit the assessment and tier determination resulting from the assessment to the appropriate Division and PASSE.

The proposed policy is available for review in person at the Division of Medical Services, Program Planning and Development, 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 review the proposed PASSE policy on the Arkansas Medicaid website (www.medicaid.state.ar.us), and it may be downloaded from the "Proposed Rules For Public Comment" section of the website's *General* menu. Policy accessed from this location will be watermarked with the word "Proposed." If you wish to comment on the proposed policy, all public comments must be in writing and submitted to the above address no later than midnight August 11, 2017.

On August 8, 2017 from 4:30 p.m. – 6:00 p.m., the Arkansas Department of Human Services, Division of Medical Services; Division of Developmental Disabilities Services and Division of Aging and Adult Services will hold a public hearing in the Jack D. Wilson Activity Room at the Arkansas Enterprises for the Developmentally Disabled Multipurpose Center, 105 East Roosevelt, Little Rock.

If you need this material in a different format, such as large print, or are otherwise unable to review it in person or electronically, please contact Program Development and Quality Assurance at 501-320-6429 Monday through Friday between the hours of 8:00 a.m. to 4:30 p.m.

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.

Dawn Stehle, Director
Division of Medical Services