

## Statement of Necessity and Rule Summary

### **ARKids First-B; Certified Nurse-Midwife; Early and Periodic Screening, Diagnosis and Treatment (EPSDT); Dental; Nurse Practitioner; Pharmacy, and Physician/Independent Lab/CRNA/Radiation Therapy Center**

#### **Statement of Necessity**

Effective February 1, 2020, Division of Medical Services (DMS) provider manuals are being revised to comply with Acts 2019 Nos. 651, 652, and 959. The purpose of these Acts is to increase services and medications to Medicaid eligible beneficiaries. Act 651 authorizes physicians and pharmacists to initiate therapy and administer or dispense both drugs that include naloxone and nicotine replacement therapy products. Act 652 amends the definition of "practice of pharmacy" to allow vaccines and immunizations to be given to a person from seven (7) years of age to eighteen (18) years of age under a general written protocol. Act 959 increases coverage without the requirement of prior authorization for medications approved by the US Federal Drug Administration (FDA) for tobacco cessation in the Arkansas Medicaid Program and for other purposes. Tobacco cessation utilizes a community-based strategy which includes efforts to challenge conventional thinking, advocate for policies, and change the social norms around tobacco use for Arkansas's youth and adults through the facilitation of a statewide coalition. Adding information about the tobacco cessation program to Early and Periodic Screening, Diagnosis, and Treatment (EPSDT), ARKids First-B, Nurse Practitioner, Certified Nurse Midwife, and Dental provider manuals should help save lives, diminish suffering, cut health-related and economic costs, and conserve public and private dollars.

#### **Rule Summary**

The proposed effective date for the rule revisions is February 1, 2020. The rule revisions are being made to comply with Acts 2019, Nos. 651, 652, and 959, and to add informational language concerning the availability of tobacco cessation counseling as follows:

- ARKids First-B – Section 222.750 is revised to include a new section containing health education.
- Certified Nurse-Midwife – Pursuant to Act 959, section 272.452 is revised to reflect that coverage of tobacco cessation products either prescribed or initiated through statewide pharmacist protocol do not require prior authorization. Revisions also include new billing information for Tobacco Cessation counseling services.
- Child Health Services/Early and Periodic Screening, Diagnosis, and Treatment:
  - Section 215.290 is revised to include counseling visits concerning tobacco cessation.
  - Section 252.100 is revised to include counseling visits concerning tobacco cessation.
- Dental - Pursuant to Act 959, section 214.100 is revised to reflect that coverage of tobacco cessation products either prescribed or initiated through statewide pharmacist protocol do not require prior authorization. Pursuant to Acts 651 and 959, revisions also reflect increased product coverage and the full scope of available coverage and new billing information for Tobacco Cessation counseling services.

- Nurse Practitioner - Pursuant to Act 959, section 252.454 is revised to reflect that coverage of tobacco cessation products either prescribed or initiated through statewide pharmacist protocol do not require prior authorization. Revisions also include new billing information for Tobacco Cessation counseling services.
- Pharmacy:
  - Pursuant to Act 652, sections 201.100 and 211.000 are revised to reflect the new protocol for reimbursement and coverage of vaccines and immunizations for beneficiaries age seven (7) years of age to age eighteen (18) years of age.
  - Pursuant to Act 959, section 241.000 is revised to reflect that coverage of tobacco cessation products either prescribed or initiated through statewide pharmacist protocol do not require prior authorization. Pursuant to Acts 651 and 959, revisions also reflect increased product coverage and the full scope of available coverage.
- Physician/Independent Lab/CRNA/Radiation Therapy Center:
  - Pursuant to Act 959, section 257.000 is revised to reflect that coverage of tobacco cessation products either prescribed or initiated through statewide pharmacist protocol do not require prior authorization. Pursuant to Acts 651 and 959, revisions also reflect increased product coverage and the full scope of available coverage and new billing information for Tobacco Cessation counseling services.
  - Pursuant to Act 959, section 292.900 is revised to reflect that coverage of tobacco cessation products either prescribed or initiated through statewide pharmacist protocol do not require prior authorization. Revisions also include the exempt procedure codes from PCP referral for Tobacco Cessation.

## NOTICE OF RULE MAKING

The Director of the Division of Medical Services 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: §§ 20-76-201, 20-77-107, and 25-10-129.

**Effective February 1, 2020, Division of Medical Services (DMS) provider manuals are being revised to comply with Acts 2019 Nos. 651, 652, and 959. The purpose of these Acts is to increase services and medications to Medicaid eligible beneficiaries. Act 651 authorizes physicians and pharmacists to initiate therapy and administer or dispense both drugs that include naloxone and nicotine replacement therapy products. Act 652 amends the definition of "practice of pharmacy" to allow vaccines and immunizations to be given to a person from seven (7) years of age to eighteen (18) years of age under a general written protocol. Act 959 increases coverage without the requirement of prior authorization for medications approved by the US Federal Drug Administration (FDA) for tobacco cessation in the Arkansas Medicaid Program and for other purposes. Tobacco cessation utilizes a community-based strategy which includes efforts to challenge conventional thinking, advocate for policies, and change the social norms around tobacco use for Arkansas's youth and adults through the facilitation of a statewide coalition. Adding information about the tobacco cessation program to Early and Periodic Screening, Diagnosis, and Treatment (EPSDT), ARKids First-B, Nurse Practitioner, Certified Nurse Midwife, and Dental provider manuals should help save lives, diminish suffering, cut health-related and economic costs, and conserve public and private dollars.**

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 November 25, 2019. 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.

If you need this material in a different format, such as large print, contact the Office of Rules Promulgation at 501-320-6266.

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. **4501888131 EL**

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Janet Mann, Director  
Division of Medical Services