

# ARKANSAS REGISTER

## Proposed Rule Cover Sheet



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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 Medical Services hereby issues, for a thirty-day public comment period, a notice of rulemaking for the following proposed medical assistance rule(s) 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 January 1, 2020**, the Living Choices Assisted Living Home and Community-Based Services Medicaid Waiver and Living Choices Assisted Living Medicaid Provider Manual are being amended.

The Living Choices Assisted Living Medicaid waiver is being amended as follows:

- The Contact Information for the Medicaid Agency is updated.
- Section C.2.a. is amended to provide the operating agencies with greater flexibility in processing criminal background check requests for providers. The operating agency is moving towards an electronic process for handling criminal background check requests, but the current waiver language requires a paper-based manual process. The state is not proposing any substantive change to the criminal background checks themselves, only how the request for the check is processed.
- Section C.2.b. is amended to delete irrelevant language. This section relates to abuse registry screens for providers, but in a previous amendment the state mistakenly included language here regarding criminal background checks. The language being deleted from this section is already included in Section C.2.a. and does not need to be repeated in C.2.b.
- Section I.2.a. is amended to revise the payment rate for WY5 in accordance with a new cost survey and actuarial analysis conducted for the operating agency, and to implement a revised phase-in of the new final rate.
- Sections J.1., J.1.c.i., and J.2.d.i. are amended to reflect the change in the payment rate and phase-in schedule for WY5.

The Living Choices Assisted Living Medicaid Provider Manual is being amended as follows:

- Section 200.100 is amended to reflect the Department's reorganization and the movement of licensure responsibilities to the Division of Provider Services and Quality Assurance.
- Section 200.110 is amended to add language regarding criminal background checks for providers that is consistent with the language recently added to the ARChoices waiver.
- Section 211.100(H) is amended to clarify that when a beneficiary moves from a PASSE to Living Choices, the waiver eligibility date is no earlier than the day after the beneficiary is disenrolled from the PASSE.

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 February 10, 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.

If you need this material in a different format, such as large print, contact the Office of Rules Promulgation at 501-320-6164.

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. **PO # 4501888131**

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Janet Mann, Director  
Division of Medical Services