

# 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 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 rules 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 July 1, 2021:**

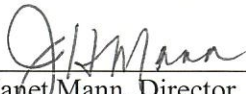
The Director of the Division of Medical Services (DMS) is establishing temporary rules and suspending current rules due to the continuing declaration of a National Public Health Emergency. The suspension of current rules implements one or more portions of the Families First Coronavirus Response Act (FFCRA), Public Law No. 116-127, including the enhanced Federal Medical Assistance Percentage (FMAP), the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Public Law No. 116-136, and the waiver to section 1135 of the Social Security Act that was approved by the Centers for Medicare and Medicaid Services on April 2, 2020.

Suspending these rules allow providers to render maximum assistance to the citizens of Arkansas and provide uninterrupted services. These suspensions shall automatically end December 31, 2021. DMS suspends certain non-enrolled provider screening requirements to temporarily enroll providers. DMS allows Ambulatory Surgical Centers (ACS) to temporarily enroll as hospitals to provide acute care. DMS also provides procedural information to ACSs for Medicaid billing. The in-person periodic assessments for behavioral health or individuals with developmental disability PASSE members are suspended to allow phone assessments by request. 365-day re-assessments are also suspended to allow members to stay in PASSE. For specific providers, swing bed prohibitions are suspended, and billing requirements are added. Prior authorization requirements related to Medicaid Utilization Management Program review for hospital stays greater than four days are suspended and only subject to retrospective review. Annual review and renewal of personal care service plans is suspended with requirements during the extension period. DMS is suspending certain outpatient and other treatment limitations for COVID-19 screening, diagnostic testing, and diagnoses as well as covering administration of monoclonal antibodies under the specific terms. Certain transportation rules are suspended.

The proposed rules are 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 rules at <https://humanservices.arkansas.gov/do-business-with-dhs/proposed-rules/>. 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 **May 10, 2021**. 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 501-396-6428.

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

  
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Janet Mann, Director  
Division of Medical Services