

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 _____

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 Provider Services and Quality Assurance 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: §§ 20-10-701, 20-76-201, 20-77-107, 25-10-129, 20-10-203, 20-38-103, and 20-38-112.

Effective July 1, 2021:

The Director of the Division of Provider Services and Quality Assurance (DPSQA) establishes temporary rules suspending current rules due to the continuing declaration of a National Public Health Emergency. The suspension of rules implements one or more portions of 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. Parts of two Procedures for Determination of Medical Need for Nursing Home Services pre-screening rules are suspended. The first rule is suspended to the extent it prohibits facilities from admitting individuals with diagnoses or other indicators of mental illness or developmental disability; and, the second rule is suspended to the extent it requires the state to complete a Level 2 assessment for mental illness or developmental disability within seven (7) to nine (9) workdays from the date the mental illness or developmental disability is identified by the initial screening. DPSQA also suspends seven Therapeutic Communities, Level 1 and Level 2 direct service requirements listed in the Therapeutic Community Certification Manual. DPSQA and the Division of Medical Services add recommendations for direct service providers during the suspension of the requirements.

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. 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



Martina Smith, Director
Division of Provider Services and Quality Assurance