

ARKANSAS REGISTER

Transmittal Sheet Use only for **FINAL** and **EMERGENCY RULES**



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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Department of Human Services

Department Division of Provider Services & Quality Assurance

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Statutory Authority for Promulgating Rules A.C.A. §§ 20-10-203, 20-10-705, 20-76-201, 20-77-107, and 25-10-129, Act 760 of the 93rd General Assembly of 2021.

Rule Title: Behavioral Health Agency Certification Manual Update pursuant to Act 760

Intended Effective Date
(Check One)

Date

Emergency (ACA 25-15-204)

Legal Notice Published

03/11/2022

10 Days After Filing (ACA 25-15-204)

Final Date for Public Comment

04/09/2022

Other 06/01/2022
(Must be more than 10 days after filing date.)

Reviewed by Legislative Council

05/20/2022

Adopted by State Agency

06/01/2022

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Toni Roy toni.roy@dhs.arkansas.gov

May 20, 2022

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Signature

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Division of Provider Services & Quality Assurance, Director

Title

May 20, 2022

Date



Arkansas Department of Human Services

Behavioral Health Agency Certification Manual

Revised: [6/1/22](#)

[Provider Services & Quality Assurance - Arkansas Department of Human Services](#)



Y. "Qualified Behavioral Health Provider" means a person who:

1. Does not possess an Arkansas license to provide clinical behavioral health care;
2. Works under the direct supervision of a mental health professional;
3. Has successfully completed prescribed and documented courses of initial and annual training sufficient to perform all tasks assigned by a mental health professional;
4. Acknowledges in writing that all qualified behavioral health provider services are controlled by client care plans and provided under the direct supervision of a mental health professional.

Z. "Quality assurance (QA) meeting" means a meeting held at least quarterly for systematic monitoring and evaluation of clinic services and compliance. See also, Medicaid Outpatient Behavioral Health Services Manual, § 212.000.

AA. "Reviewer" means a person employed or engaged by:

1. DHS or a division or office thereof;
2. An entity that contracts with DHS or a division or office thereof.

BB. "Site" means a distinct place of business dedicated to the delivery of Outpatient Behavioral Health Services within a fifty (50) mile radius. Each site must be a bona fide Behavioral Health Agency, meaning a behavioral health outpatient clinic providing all the services specified in this rule and the Medicaid Outpatient Behavioral Health Services Manual. This includes sites DHS may certify when adjunct to or collocated with non-behavioral healthcare services or facilities such as a school, a day care facility, a long-term care facility, or the office or clinic of a physician or psychologist.

CC. "Site relocation" means closing an existing site and opening a new site no more than a fifty (50) mile radius from the original site.

DD. "Site transfer" means moving existing staff, program, and clients from one physical location to a second location that is no more than a fifty (50) mile radius from the original site.

EE. "Supervise" as used in this rule means to direct, inspect, observe, and evaluate performance.

FF. "Supervision documentation" means written records of the time, date, subject(s), and duration of supervisory contact maintained in the provider's official records.

IV. COMPLIANCE TIMELINE:

- A. Entities currently certified as Rehabilitative Services for Persons with Mental Illness (RSPMI) providers will be grandfathered in as certified Behavioral Health Agencies. Current RSPMI agency recertification procedures are based upon national accreditation timelines. Behavioral Health Agency recertification will also be based upon national accreditation timelines.
- B. All entities in operation as of the effective date of this rule must comply with this rule within forty-five (45) calendar days in order to maintain certification.
- C. DHS may authorize temporary compliance exceptions for new accreditation standards that require independent site surveys and specific service subset accreditations. Such compliance exceptions expire at the end of the provider's accreditation cycle and may not be renewed or reauthorized.

V. APPLICATION FOR DHS BEHAVIORAL HEALTH AGENCY CERTIFICATION:

- A. New Behavioral Health Agency applicants must complete DHS BEHAVIORAL HEALTH AGENCY CERTIFICATION Form 100, DHS BEHAVIORAL HEALTH AGENCY FORM 200, and DHS BEHAVIORAL HEALTH AGENCY Form 210
- B. DHS BEHAVIORAL HEALTH AGENCY CERTIFICATION Form 100, DHS BEHAVIORAL HEALTH AGENCY FORM 200, and DHS BEHAVIORAL HEALTH AGENCY Form 210 can be found at the following website: [Provider Services & Quality Assurance - Arkansas Department of Human Services](#)
- C. Applicants must submit the completed application forms and all required attachments for each proposed site to:

Department of Human Services
Division of Provider Services and Quality Assurance
ATTN: Licensure and Certification
P.O. Box 1437 S-530
Little Rock, AR 72203

- D. Each applicant must be an outpatient behavioral health care agency:
 - 1. Whose primary purpose is the delivery of a continuum of outpatient behavioral health services in a free standing independent clinic;
 - 2. That is independent of any DHS certified Behavioral Health Agency.
- E. Behavioral Health Agency certification is not transferable or assignable.
- F. The privileges of a Behavioral Health Agency certification are limited to the certified site.

may obtain up to ten (10) additional days based on a showing of good cause.

6. DHS will furnish site-specific certificates via postal or electronic mail within ten (10) calendar days of issuing a site certification.
- B. Survey Components: An outline of site survey components is available on the DHS website: [Provider Services & Quality Assurance - Arkansas Department of Human Services](#) and is located in appendix # 7.
- C. Determinations:
1. Application approved.
 2. Application returned for additional information.
 3. Application denied. DHS will state the reasons for denial in a written response to the applicant.

VII. DHS Access to Applicants/Providers:

- A. DHS may contact applicants and providers at any time;
- B. DHS may make unannounced visits to applicants/providers.
- C. Applicants/providers shall provide DHS prompt direct access to applicant/provider documents and to applicant/provider staff and contractors, including, without limitation, clinicians, paraprofessionals, physicians, administrative, and support staff.
- D. DHS reserves the right to ask any questions or request any additional information related to certification, accreditation, or both.

VIII. ADDITIONAL CERTIFICATION REQUIREMENTS:

- A. Care and Services must:
1. Comply with all state and federal laws, rules, and regulations applicable to the furnishing of health care funded in whole or in part by federal funds; to all state laws and policies applicable to Arkansas Medicaid generally, and to Outpatient Behavioral Health Services specifically, and to all applicable Department of Human Services (“DHS”) policies including, without limitation, DHS Participant Exclusion Policy § 1088.0.0. The Participant Exclusion Policy is available online at [Provider Services & Quality Assurance - Arkansas Department of Human Services](#)
 2. Conform to professionally recognized behavioral health rehabilitative treatment models.
 3. Be established by contemporaneous documentation that is accurate and demonstrates compliance. Documentation will be deemed to be contemporaneous if recorded by the end of the performing provider’s first work period following the provision of the care or services to be documented, or as provided in the Outpatient Behavioral Health Services manual, § 252.110, whichever is longer.

expiration month if there is no interruption in the accreditation. (The six-month extension is to give the Behavioral Health Agency time to receive a final report from the accrediting organization, which the provider must immediately forward to DHS.)

B. Providers must furnish DHS a copy of:

1. Correspondence related to the provider's request for re-accreditation:
 - a. Providers shall send DHS copies of correspondence from the accrediting agency within five (5) business days of receipt;
 - b. Providers shall furnish DHS copies of correspondence to the accrediting organization concurrently with sending originals to the accrediting organization.
2. An application for provider and site recertification:
 - a. DHS must receive provider and site recertification applications at least fifteen (15) business days before the DHS Behavioral Health Agency certification expiration date;
 - b. The Re-Certification form with required documentation is DHS BEHAVIORAL HEALTH AGENCY Form 230 and is available at [Provider Services & Quality Assurance - Arkansas Department of Human Services](#).

C. If DHS has not recertified the provider and site(s) before the certification expiration date, certification is void beginning 12:00 a.m. the next day.

XIV. MAINTAINING DHS BEHAVIORAL HEALTH AGENCY CERTIFICATION:

A. Providers must:

1. Maintain compliance;
2. Assure that DHS certification information is current, and to that end must notify DHS within thirty (30) calendar days of any change affecting the accuracy of the provider's certification records;
3. Furnish DHS all correspondence in any form (e.g., letter, facsimile, email) to and from the accrediting organization to DHS within thirty (30) calendar days of the date the correspondence was sent or received except:
 - a. As stated in § XII;
 - b. Correspondence related to any change of accreditation status, which providers must send to DHS within three (3) calendar days of the date the correspondence was sent or received.
 - c. Correspondence related to changes in service delivery, site location, or organizational structure, which providers must send to DHS within ten (10) calendar days of the date the correspondence was sent or received.
4. Display the Behavioral Health Agency certificate for each site at a prominent public