

# ARKANSAS REGISTER

## Proposed Rule Cover Sheet



Secretary of State  
John Thurston  
500 Woodlane Street, Suite 026  
Little Rock, Arkansas 72201-1094  
(501) 682-5070  
[www.sos.arkansas.gov](http://www.sos.arkansas.gov)



---

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 Division of Aging, Adult and Behavioral Health Services, of the Department of Human Services hereby issues, 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: §§ 20-10-602, 20-76-201, and 25-10-129.

Effective July 1, 2020:

The federal Department of Health and Human Services, Administration on Aging (AoA), issued a final rule for State Long-Term Care Ombudsman programs, effective July 1, 2016, to implement provisions of the Older American Act of 1965 regarding States' Long-Term Care Ombudsman programs. The final rule filing provides that the federal regulation was necessary because the federal agency had not promulgated regulations regarding state implementation of the Long-Term Care Ombudsman program. This federal regulation was intended to eliminate variation in interpretation of the Act's provisions among the states. Arkansas's ombudsman has complied with the requirements of the Act even though the federal regulation regarding states' implementation was not yet in effect. In order to comply with this new federal regulation, the Office of the State Ombudsman, Division of Aging, Adult, and Behavioral Health Services (DAABHS), has worked with the AoA to establish ombudsman policies. The AoA has approved these policies, and DAABHS is now bringing this promulgation.

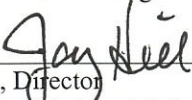
This rule, titled "Ombudsman Policies", is being promulgated for the first time. These policies address:

- An introduction to the office
- Definitions of important terms
- Program administration, including the State Ombudsman's role within the Department of Human Services
- Responsibilities of the Area Agency on Aging, providers, regional ombudsmen and representatives
- Grievance processes
- Criteria for designations within the ombudsman process as well as removal or suspension of awarded designation
- Service components, delivery, monitoring, and evaluation
- An outline of organizational and individual conflicts of interest
- Information on legal counsel
- Prohibition of willful interference and retaliation along with reporting procedures
- Authority of the Long Term Care Office to access residents, facilities, and records
- Policy on confidentiality, monitoring, disclosure, and maintenance
- Procedure to initiate complaints, how they will be investigated, and resolved

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 at <https://humanservices.arkansas.gov/resources/promulgation-of-new-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 April 20, 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.

  
Jay Hill, Director  
Division of Aging, Adult and Behavioral Health Services