

# 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.

**Summary: Effective July 1, 2020 the Division of Medical Services of the Department of Human Services is bringing the following rule promulgation:**

The State Plan Amendment will consist of the following:

- Provide that any additional hospice election period beyond the initial one hundred eighty (180) calendar days of coverage will consist of sixty (60) calendar day periods, and each additional period will require prior authorization;
- Replace the use of "the mentally retarded" with "individuals with intellectual disabilities"; and
- Exclusions include beneficiaries under age 21 years or beneficiaries age 21 years and above who have a cancer diagnosis, are living in a nursing facility, or are living in an ICF/IID.

The Hospice Manual will be revised as follows:

- Section 213.00, Benefit Limits, revised to:
  - Provide that any additional hospice election period beyond the initial one hundred eighty (180) calendar days of coverage will consist of sixty (60) calendar day periods, and each additional period will require prior authorization;
  - Remove the Arkansas Division of Medical Services Utilization Review section and add Hospice QIO for benefit extension requests;
  - Provide QIO and MMIS information link
- Section 230.00, Prior Authorization, revised to:
  - Provide that any additional hospice election period beyond the initial one hundred eighty (180) calendar days of coverage will consist of sixty (60) calendar day periods, and each additional period will require prior authorization;
  - Exclusions include beneficiaries under age 21 years or beneficiaries age 21 years and above who have a cancer diagnosis, are living in a nursing facility, or are living in an ICF/IID;
  - Add electronic methods for submitting prior authorization requests;
  - Provide that prior authorizations will be requested through the Prior Authorization portal in MMIS;
  - Require that the prior authorization request be submitted at least ten (10) business days prior to the end of the current election period;
  - Remove "Prior authorization is not required for Hospice services furnished by providers located and licensed in the State of Arkansas."; and
  - Add information concerning reconsideration of a denial and appeal of an adverse action.


The proposed rule is available for review at the 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 **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.

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Janet Mann, Director  
Division of Medical Services