

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



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 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 rule 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, 2020:

Background: The Centers for Medicare and Medicaid Services (CMS) issued guidance to the states concerning Drug Utilization Review (DUR) requirements in Section 1004 of the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act. Also referred to as the SUPPORT for Patients and Communities Act or SUPPORT Act, it seeks to reduce opioid related fraud, misuse, and abuse. The Support Act required each state to implement the new requirements by October 1, 2019, but gave each state until December 31, 2019, to submit a state plan amendment in compliance with the new requirements. By meeting the requirements, states become eligible for enhanced federal funding around technology to assist efforts to reduce opioid fraud, misuse, and abuse.

State Plan Amendment: The Arkansas Department of Human Services, Division of Medical Services (DHS/DMS), intends to adopt a state plan amendment to meet the requirements of the SUPPORT Act. The state plan amendment reflects the practices implemented in Arkansas and documents compliance with the requirements. The requirements broadly fall into four categories: claims review limitations; programs to monitor antipsychotic medications by children; fraud and abuse identification; and Medicaid Managed Care Organization mandates. The plan also sets mandatory DUR reporting requirements.

The plan implements claim review requirements for opioid prescriptions by prospective reviews at the point of sale and retrospective reviews of the same, including duplicate fill and early fill alerts, quantity limits, dosage limits, and Morphine Milligram Equivalent limitations. It establishes concurrent utilization reviews of opioids and benzodiazepines, or opioids and antipsychotics. And, it describes all actions for these reviews that will occur. The plan establishes monitoring and management of antipsychotic medications by children by prospective reviews at the point of sale and retrospective reviews. The plan implements programs and audits to identify fraud and abuse by recipients, providers, and pharmacists, including the monitoring of use in other states. The plan requires Medicaid Managed Care Organizations (MCOs) to comply with applicable requirements through updated contracts. Finally, the plan includes mandatory DUR report updates.

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 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. 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 501-320-6266.

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. 4501888131



Janet Mann, Director

Division of Medical Services