

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 January 1, 2021:


The Division of Medical Services Medicaid provider manuals are being updated to clarify the distinction between an assessment, annual re-evaluation, and a reassessment of functional eligibility for a Home and Community Based Services waiver beneficiary. The proposed changes clarify that a beneficiary will receive an evaluation by a Department of Human Services Registered Nurse (RN) at least annually, and the RN will request a reassessment if there is a change of condition based upon the RN's evaluation of the beneficiary. The ARChoices and Living Choices Medicaid waivers are also being updated to reflect these changes, including updated definitions. These updates simplify the eligibility process for ARChoices and Living Choices and reduces the need for annual external independent assessments for clients whose circumstances have not changed.

The Division of County Operations (DCO) Medical Services manuals are being revised to update the appeals process for the Long-Term Care and Home and Community Based Services waivers. Currently, when a beneficiary receives a notice of adverse action, the beneficiary must request that their case remain open during the appeals process. With this change, the beneficiary's case will automatically remain open during the appeals process, unless the petitioner affirmatively opts out of receiving ongoing services pending the appeal.

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 November 9th, 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 501-396-6428.

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



Janet Mann, Director
Division of Medical Services