

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 _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____

TOC not required

170.100 Introduction

8-4-486-1-
25

Arkansas Medicaid's Primary Care Case Management (PCCM) Program operates statewide under the authority of the Medicaid State Plan.

- A. Most Medicaid beneficiaries and all ARKids First-B participants must enroll with a primary care physician-provider (PCP), also known as a primary care case manager (PCCM).
 - 1. PCPs provide primary care services and health education.
 - 2. PCPs make referrals for medically necessary specialty physician's services, hospital care and other services.
 - 3. PCPs assist their enrollees with locating medical services.
 - 4. PCPs coordinate and monitor their enrollees' prescribed medical and rehabilitation services.
- B. Medicaid enrollees may receive services only from their PCP unless their PCP refers them to another provider, or unless they access a service that does not require a PCP referral.
- C. If a beneficiary does not have a primary care provider, Arkansas Medicaid will allow up to four (4) visits per state fiscal year without a Primary Care Physician-provider (PCP) referral to an Urgent Care Clinic, hospital affiliated Walk-in Clinic, or Emergent Clinic.
- D. These visits apply to all related benefit limits.

172.100 Services not Requiring a PCP Referral

2-4-246-1-
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The services listed in this section do not require a PCP referral:

- A. Adult Developmental Day Treatment (ADDT) core services;
- B. ARChoices waiver services;
- C. Anesthesia services, excluding outpatient pain management;
- D. Assessment (including the physician's assessment) in the emergency department of an acute care hospital to determine whether an emergency condition exists. The physician and facility assessment services do not require a PCP referral (if the Medicaid beneficiary is enrolled with a PCP);
- E. Chiropractic services;
- F. Dental services;
- G. Developmental Disabilities Services Community and Employment Support;
- H. Disease control services for communicable diseases, including testing for and treating sexually transmitted diseases such as HIV/AIDS;
- I. Emergency services in an acute care hospital emergency department, including emergency physician services;
- J. Family Planning services;

- K. Gynecological care;
- L. Inpatient hospital admissions on the effective date of PCP enrollment or on the day after the effective date of PCP enrollment;
- M. Mental health services, as follows:
 - 1. Psychiatry for services provided by a psychiatrist enrolled in Arkansas Medicaid and practicing as an individual practitioner
 - 2. Medication Assisted Treatment for Opioid Use Disorder
 - 3. Rehabilitative Services for Youth and Children (RSYC) Program
 - 4. Outpatient counseling services
- N. Obstetric (antepartum, delivery, and postpartum) services
 - 1. Only obstetric-gynecologic services are exempt from the PCP referral requirement
 - 2. The obstetrician or the PCP may order home health care for antepartum or postpartum complications
 - 3. The PCP must perform non-obstetric, non-gynecologic medical services for a pregnant woman or refer her to an appropriate provider
- O. Nursing facility services and intermediate care facility for individuals with intellectual disabilities (ICF/IID) services;
- P. Ophthalmology services, including eye examinations, eyeglasses, and the treatment of diseases and conditions of the eye;
- Q. Optometry services;
- R. Pharmacy services;
- S. Physician services for inpatients in an acute care hospital, including direct patient care (initial and subsequent evaluation and management services, surgery, etc.), and indirect care (pathology, interpretation of X-rays, etc.);
- T. Hospital non-emergency or outpatient clinic services on the effective date of PCP enrollment or on the day after the effective date of PCP enrollment;
- U. Physician visits (except consultations, which do require PCP referral) in the outpatient departments of acute care hospitals but only if the Medicaid beneficiary is enrolled with a PCP and the services are within applicable benefit limitations;
- V. Professional components of diagnostic laboratory, radiology, and machine tests in the outpatient departments of acute care hospitals, but only if the Medicaid beneficiary is enrolled with a PCP and the services are within applicable benefit limitations;
- W. Targeted Case Management services provided by the Division of Youth Services or the Division of Children and Family Services under an inter-agency agreement with the Division of Medical Services;
- X. Transportation (emergency and non-emergency) to Medicaid-covered services; and
- Y. Other services, such as sexual abuse examinations, when the Medicaid Program determines that restricting access to care would be detrimental to the patient's welfare or to program integrity or would create unnecessary hardship.

Z. A beneficiary with an assigned PCP may access up to two (2) Urgent Care Clinic visits per state fiscal year without a PCP referral. Once two (2) non-referral Urgent Care Clinic visits

occur a PCP referral will be required for the remainder of the fiscal year. These visits will apply to all related benefit limits.

MARK-UP

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT _____
BOARD/COMMISSION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ **EMAIL** _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

TITLE OF THIS RULE _____

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes No

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes No

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If no, please explain:

(a) how the additional benefits of the more costly rule justify its additional cost;

(b) the reason for adoption of the more costly rule;

(c) whether the reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

4. If the purpose of this rule is to implement a *federal* rule or regulation, please state the following:
(a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

5. What is the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

6. What is the total estimated cost by fiscal year to a state, county, or municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes No

If yes, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

Statement of Necessity and Rule Summary

Urgent Care Clinics

Statement of Necessity

The Department of Human Services, Division of Medical Services, revises the Arkansas Medicaid Provider Manual to include Urgent Care Clinic visits for beneficiaries. The revision clarifies that Urgent Care Centers are necessary to ensure beneficiaries who are not yet assigned a primary care provider can get non-emergency services for a brief time while the PCP selection process is completed. This revision will increase access to services, ensure healthcare is provided at the proper level, and avert unnecessary emergency room costs.

Summary

Section 171.100 of the Arkansas Medicaid Provider Manual is revised to include Urgent Care Clinics as an allowed provider type. Beneficiaries who do not have a PCP now will be allowed a total of four Urgent Care, hospital affiliated Walk-in, or Emergent Clinic visits, or a combination thereof, before a PCP referral is required.

And section 172.100 is updated to clarify that a beneficiary with an assigned PCP may access up to two (2) Urgent Care Clinic visits per state fiscal year without a PCP referral. Once two (2) non-referral Urgent Care Clinic visits occur a PCP referral will be required for the remainder of the fiscal year. These visits will apply to all related benefit limits.

NOTICE OF RULEMAKING

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: §§ 25-10-129, 20-76-201, and 20-77-107. The proposed effective date of the rule is June 1, 2025.

The Director of the Division of Medical Services (DMS) amends the Arkansas Medicaid Provider Manual section 171.100 to include Urgent Care Clinics as an allowed provider type. Beneficiaries who do not have a primary care physician will be allowed a total of four Urgent Care, hospital affiliated Walk-in, or Emergent Clinic visits, or a combination thereof, before a PCP referral is required. DMS updates section 172.100 to clarify that a beneficiary with an assigned PCP may access two Urgent Care Clinic visits per state fiscal year without a PCP referral, but that once two visits occur then a PCP referral will be required for the remainder of the fiscal year. These visits will apply to all related benefit limits. There is no fiscal impact.

The proposed rule is available for review at the Department of Human Services (DHS) Office of Policy and Rules, 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 ar.gov/dhs-proposed-rules. Public comments can 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 7, 2025. 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.

A public hearing will be held by remote access through Zoom. Public comments may be submitted at the hearing. The details for attending the Zoom hearing appear at ar.gov/dhszoom.

If you need this material in a different format, such as large print, contact the Office of Policy and Rules at 501-320-6428. 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. 4502201653

Elizabeth Pitman, Director
Division of Medical Services