

**Autism Services for Children on Medicaid**  
**Zoom Public Hearing (9/4/24 @ 10:00 AM CST)**

**Mac Golden:** Welcome everyone. Welcome to a public hearing on a proposed rule regarding Autism Services for Children on Medicaid. I will read the notice of rulemaking and then I will open the floor for public comments. Please utilize the raise hand feature via Zoom if you would like to make a comment on the record. Please remember, this is not a question-and-answer session. All official response to public comments will appear on the DHS proposed rule and notice website after the public comment concludes. If you have questions or need a copy of the purposed rule, notice or any other information please email my office at [ORP@dhs.arkansas.gov](mailto:ORP@dhs.arkansas.gov) or call my office at (501) 320.6428. I'll now read the notice of rulemaking.

**Notice of Rule Making.**

The Department of Human Services (DHS) 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, 20-77-124, and 25-10-129. The proposed effective date of the rule is January 1, 2025.

The Director of the Division of Developmental Disabilities Services (DDS) promulgates the renewal of Arkansas' 1915(c) Medicaid Autism Waiver approved by the Centers for Medicare & Medicaid Services (CMS), along with two accompanying Medicaid Provider Manuals and a State Plan Amendment (SPA). The renewal followed an independent, third-party autism services rate study on services provided through the Autism Waiver program or applied behavior analysis therapy services (ABA therapy). Those programs deliver similar services by similarly credentialed professionals but with significant variance in the rates paid.

The rate study determined that a rebasing of Arkansas Medicaid rates for the Autism Waiver was appropriate. The rate study considered direct wages (using Arkansas-specific May 2021 Bureau of Labor Statistics data), indirect and transportation costs, employee related expenses, and supervisor time, and used an independent rate model approach that captured the average expected costs a reasonably efficient Arkansas provider would incur while delivering services under each program. The resultant proposed rates vary depending upon the service rendered. A full fiscal analysis is contained within the Autism Waiver that is part of this rule, and the newly rebased rates are reflected throughout the Autism Waiver and manuals. As part of the rate implementation, three procedure codes for ABA therapy (97152, 97154, and 97158) that are currently available will end. The financial impact of the rebasing of the Autism Waiver rates in conjunction with the establishment of an ABA therapy services Medicaid is cost neutral.

The Autism Waiver renewal also includes required updates that have occurred since the last amendment, updated cost neutrality demonstration based on the rebasing of rates, and other clarifying information. The Autism Waiver Medicaid Manual is revised to include the updates and changes included within the renewed Autism Waiver.

A new ABA Therapy Medicaid Manual is promulgated to establish eligibility, clinician qualifications, supervision, service delivery, service delivery documentation, billing, extension of

benefit, and benefit limit parameters in connection with the performance of ABA therapy services. New forms for ABA Therapy will be used by physicians for all referrals for evaluations and treatment prescriptions for ABA therapy services. A beneficiary receiving Autism Waiver services is prohibited from receiving ABA therapy services.

Pursuant to Governor's Executive Order 23-02 the following rules are repealed: (1) FBI Background Check Form, and (2) First Connections Program Under Part C of the Individuals with Disabilities Act.

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 [ar.gov/dhs-proposed-rules](https://ar.gov/dhs-proposed-rules). This notice also shall be posted at the local office of the Division of County Operations (DCO) of DHS in every county in the state.

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 September 21, 2024. 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 501-320-6428.

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. Signed Melissa Weatherton, Director of Specialty Medicaid Services.

Please let the record reflect we have 14 attendees for today's public hearing. If any attendee would like to make a public comment at this time, please utilize the raise hand feature and we will recognize you and enable your audio to give your public comment.

It does not appear that any attendee wishes to make a public comment today. If you would like to make a comment before the public comment period concludes, please email my office at [ORP@dhs.arkansas.gov](mailto:ORP@dhs.arkansas.gov) We thank everyone for attending today, and we will now go off the record.