Rules for Life Choices Lifeline

and Continuum of Care Program

Subchapter 1. General.

101. Authority.

(a) These standards are promulgated under the authority of Ark. Code Ann. §§ 20-8-1001 et seq. and the "Every Mom Matters Act" found at Ark. Code Ann. §§ 20-16-2401 et. seq.

(b) The Division of Medical Services (DMS) shall perform all the regulatory functions regarding the administration of the Life Choices Lifeline and Continuum of Care Program (the Program); however, DMS may contract with entities to operate the program through Arkansas Procurement Law, found at Ark. Code Ann. §§ 19-11-201 et seq.

102. Purpose.

The purpose of the Life Choices Lifeline and Continuum of Care Program is to provide a statewide telemedicine network and care program to provide community outreach, direct services, support, social services case management, care coordination, consultation, and referrals to:

(1) Encourage healthy childbirth;

(2) Support childbirth as an alternative to abortion;

(3) Promote family formation;

(4) Aid in successful parenting;

(5) Assist parents in establishing successful parenting techniques; and

(6) Increase families' economic self-sufficiency.

103. Definitions.

(a) "Abortion" means the act of using or prescribing any instrument, medicine, drug, or any other substance, device, or means with the intent to terminate the clinically diagnosable pregnancy of a woman, with knowledge that the termination by any of those means will with reasonable likelihood cause the death of the unborn child. An act is not an abortion if it is performed with the intent to:

(1) Save the life or preserve the health of the unborn child;

(2) Remove a dead unborn child caused by spontaneous abortion; or

(3) Remove an ectopic pregnancy.

(b) "Abuse" means the same as defined in Ark. Code Ann. § 12-18-103.

(c) "Agency" means any entity that contracts with the Department of Human Services to provide the services required by the Life Choices Lifeline and Continuum of Care program. The terms "Agency" and "Provider" are used interchangeably.

(d) "Assault" means the act or offense described in Ark. Code Ann. §§ 5-13-204—5-13-207.

(e) "Care agent" means a person employed by an Agency or Provider to perform the services required by the Life Choices Lifeline and Continuum of Care program.

(f) "Human trafficking" means the act or offense described in the Human Trafficking Act of 2013, Ark. Code. Ann. §§ 5-18-101 et seq.

(g) "Medical emergency" means a condition that, based on the good faith clinical judgment of the physician, has complicated the medical condition of the pregnant woman so as to necessitate the immediate termination of the pregnancy to avert the woman's death, or for which a delay will create a serious risk of substantial and irreversible impairment of a major bodily function. Acts taken to address medical emergencies are not prohibited by this Rule.

(h) "Neglect" means the same as defined in Ark. Code Ann. § 12-18-103.

(i) "Participant" means an eligible individual who elects to receive services through the Life Choice Lifeline and Continuum of Care Program.

(j) "Sexual assault" means an act or offense described in Ark. Code Ann. §§ 5-14-101 et seq., except for a misdemeanor violation of sexual indecency with a child, found at Ark. Code Ann. § 5-14-110.

Subchapter 2. Program Requirements.

201. Components.

The Life Choices Lifeline and the Continuum of Care program shall consist of at least the following components:

(a) Direct-to-Participant marketing within Arkansas;

(b) Participant outreach;

(c) Direct services, supports, social services case management, and referrals provided to Participants;

(d) Administrative support and expenses directly attributable to the development of or ongoing support of healthy pregnancy services and care plan coordination services of the Program; and

(e) A statewide telemedicine support network to facilitate the services and resources described in Section 205.

202. <u>Eligibility</u>.

(a) The Life Choices Lifeline and Continuum of Care program are available to residents of all counties of the state of Arkansas who meet the eligibility criteria set out below, including residents in rural areas that may currently lack access to health pregnancy program services and care coordination services.

(b) To be eligible to receive services through the Program as a Participant, an individual shall, at the time of initial contact with the program, be:

(1) A resident of the State who is a biological parent of an unborn child or adoptive parent of a child under two (2) years of age;

(2) A pregnant woman seeking to obtain an abortion in this State; or

(3) A parent or legal guardian of a pregnant minor residing in the State.

(c) Existing participants of the Program, whose pregnancy is terminated before birth, are eligible to continue to receive services from the program for six (6) months after the date of termination.

203. <u>Provider Requirements</u>.

A provider of Life Choices Lifeline and Continuum of Care program services cannot:

(1) Be an abortion provider;

(2) Assist women in obtaining an abortion, refer women to an abortion provider, recommend abortion, promote abortion, refer for abortion, facilitate abortion, or take any other action that directly or indirectly advises a woman to obtain or assists a woman in obtaining an abortion;

(3) Own or operate an abortion provider or entity that assists women in obtaining an abortion, refers women to an abortion provider, recommends abortion, or promotes abortion;

(4) Employ a person who has performed an abortion in the last two (2) years; or

(5) Have a director, board member, officer, or employee who would otherwise be prohibited from providing services under this section.

204. Care Agent requirements.

Care Agents employed by the Agency to offer the required services:

(a) Must have the qualification specified by that service;

(b) Must not have performed an abortion in the last two (2) years or served as a director, board member, officer, volunteer, or employee for an entity excluded from being an Agency as set out in Section 203;

(c) Must agree to maintain the confidentiality of information obtained from Participants while providing required services.

(d) Must complete a required training program, using standardized curriculum regarding recognizing signs that an individual may have been a victim of human trafficking and providing appropriate assistance to that person; and

(e) Must not refer a Participant to an abortion provider, recommend abortion, or take any other action that directly or indirectly advises a woman to obtain or assists a woman in obtaining an abortion.

205. Required Services.

(a) Program services may be provided, as appropriate, in person through existing facilities or remotely through a telephonic system or other comparable technological system. Any technological or telephonic system used must maintain the confidentiality of Participant information obtained while providing Program services, including security of data in compliance with HIPAA and HITECH, and all state or federal privacy laws.

(b) No Agency shall:

(1) Be required to refer a woman for any social or medical service to which the employee or agency has a conscience objection;

(2) Be prohibited from discussing abortion or related topics; or

(3) Be prevented from recording information voluntarily disclosed by the participant to provide the participant support, either immediately or on an ongoing basis.

(c) The Agency must maintain a call answer rate of eighty percent (80%) within twenty (20) seconds.

(d) Program Services offered by the Agency must be free to Participants and must include:

(1) Healthy Pregnancy Program Services.

(A) These services must be provided by a licensed nurse, community health worker, or other individual of equivalent expertise.

(B) These services must:

(i) Assess and evaluate participants needs related to pregnancy and parenting;

(ii) Assist participants in obtaining medical and mental health care; and

(iii) Provide medically accurate, pregnancy-related medical information to participants.

(2) Care Plan Coordination Services.

(A) These services must be provided by licensed social workers, nurses, community health workers, licensed professional counselors, or other individuals of equivalent experience.

(B) These services must:

(i) Develop a care plan, resources, and supports for participants to address identified needs;

(ii) Refer participants to local resources including without limitation state and federal benefits programs and local charitable organizations;

(iii) Assist participants in applying for state and federal benefit programs;

(iv) Assist participants in accomplishing the elements of the care plan;

(v) Services related to postpartum depression and related referrals;

(vi) Assistance obtaining pediatric care and postpartum care; and

(vii) Assistance obtaining substance abuse treatment and alcohol abuse treatment.

(3) Resource Access Assistance Offer, which includes:

(A) Education on public and private resources available to address the socioeconomic needs of the Participant.

(B) Screening and assistance in obtaining services to address abuse, assault, sexual assault, neglect, coercion, and human trafficking.

206. Excluded Services.

An Agency may not provide or prescribe abortion services or abortion aid, nor take any action that directly or indirectly advises a woman to obtain or assists a woman in obtaining an abortion.

Subchapter 3. Reporting.

301. Monthly Report.

An Agency shall provide to DMS a monthly report that contains:

(a) The number of unique individuals who contacted the Agency;

(b) The number of individuals who were eligible to receive services and the number who enrolled as participants;

(c) The number of individuals who obtained care plan coordination services;

(d) The number of individuals who obtained healthy pregnancy program services;

(e) The number of participants who obtained other Resource Access Assistance Offer services;

(f) The number of pregnant women who indicated a need for assistance as victims of assault, sexual assault, abuse, neglect, or human trafficking;

(g) The number of individuals receiving services who identified a need for support in one (1) or more of the following areas:

(1) Abuse, assault, sexual assault, coercion, or neglect;

(2) Education or training for a professional certification;

(3) Housing assistance;

(4) Employment assistance;

(5) Resume development;

(6) Childcare;

(7) Adoption services;

(8) Financial assistance;

(9) Substance abuse treatment and alcohol abuse treatment;

(10) Mental health care;

(11) Medical care;

(12) Human trafficking; or

(13) Health benefit plan coverage; and

(h) The number of each service, resource or referral provided by the Agency.

302. <u>Annual Report</u>.

By September 1 of each year, the Agency must submit an annual report for the previous fiscal year, to be compiled for the legislature that includes:

(a) The number of Participants served by the Agency; and

(b) The types of referrals and services, both required and optional, provided to Participants.

303. Confidentiality of the Reports.

(a) All personally identifiable information used in or to create the reports detailed in this Section is confidential and is not subject to the Freedom of Information Act, Ark. Code Ann. §§ 25-19-101 et seq.

(b) Disclosures may only be made in accordance with Ark. Code Ann. § 20-16-2410(b).

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT Department of Human Services
BOARD/COMMISSION _____
PERSON COMPLETING THIS STATEMENT Jason Callan
TELEPHONE NO. (501) 320-6540 **EMAIL** Jason.Callan@dhs.arkansas.gov

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 CONTINUUM OF CARE PROGRAM

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		**Next Fiscal Year**	
General Revenue	$	General Revenue	$
Federal Funds	$	Federal Funds	$
Cash Funds		Cash Funds	
Special Revenue		Special Revenue	
Other (Identify)		Other (Identify)	
Total		Total	

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

Current Fiscal Year		**Next Fiscal Year**	
General Revenue	$0	General Revenue	$0
Federal Funds	$0	Federal Funds	$0
Cash Funds		Cash Funds	
Special Revenue		Special Revenue	
Other (Identify)		Other (Identify)	
Total	$ 0.00	Total	$ 0.00

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**
$ 0.00	$ 0.00

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.