



Division of Developmental Disabilities Services
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MEMORANDUM

TO: Interested Persons and Providers

FROM: Melissa Weatherton, Director, Division of Developmental Disabilities Services

DATE: April 6, 2022

SUBJ: Occupational Therapy, Physical Therapy, and Speech-Language Pathology State Plan Amendment

As a part of the Arkansas Administrative Procedure Act process, attached for your review and comment are proposed rule revisions.

Public comments must be submitted in writing at the above address or at the following email address: ORP@dhs.arkansas.gov. 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 have any comments, please submit those comments in writing, no later than May 7, 2022.

NOTICE OF RULE MAKING

The Director of the Division of Developmental Disabilities 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, 2022:

The Director of the Division of Developmental Disabilities Services amends the Arkansas Medicaid State Plan. This amendment updates the Arkansas Medicaid State Plan to incorporate the new rate review methodology and most recent rate review results. Effective April 1, 2022, the agency's fee schedule rates for occupational therapy, physical therapy, and speech-language pathology treatment services were set based on an average of 2019 Medicare utilization data for the same services. The fee schedule rates for occupational therapy, physical therapy, and speech-language pathology evaluations were determined to be in line with Medicare and were not changed. The occupational therapy, physical therapy, and speech-language pathology treatment rate adjustments will be implemented over two (2) years. An initial rate increase of 16% will be implemented on April 1, 2022, and a second increase of 15% will be implemented on April 1, 2023, resulting in a total 31% increase from the current rate. The projected annual cost of this change beginning SFY 2022 is \$6,745,537.00, of which, the federal share is \$4,831,154.00, and for SFY 2023 is \$52,277,913.00, of which, the federal share is \$37,441,441.00.

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 access and download the proposed rule at <https://humanservices.arkansas.gov/do-business-with-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. All public comments must be received by DHS no later than May 7, 2022. 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 by remote access only through a Zoom webinar will be held on April 18, 2022, at 2:00 p.m. and public comments may be submitted at the hearing. Individuals can access this public hearing at <https://us02web.zoom.us/j/83174399619>. The webinar ID is 831 7439 9619. If you would like the electronic link, "one-tap" mobile information, listening only dial-in phone numbers, or international phone numbers, please contact ORP at ORP@dhs.arkansas.gov.

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. 4502035775


Melissa Weatherton, Director
Division of Developmental Disabilities Services

METHODS AND STANDARDS FOR ESTABLISHING PAYMENT RATES -
OTHER TYPES OF CARE

Revised: ~~January~~ April 1, 2024

4.b. Early and Periodic Screening and Diagnosis of Individuals Under 21 Years of Age and
Treatment of Conditions Found (Continued)

(19) Physical Therapy, Occupational Therapy, and Speech-Language Therapy Services

Effective for dates of service on or after October ~~1~~, 1999, the Arkansas Medicaid maximum rates for physical therapy services, occupational therapy services and **speech-language** therapy services are based on court-ordered rates issued by the United States District Court, Eastern District of Arkansas, Western Division and agreed upon by the Division of Medical Services and representatives of the Arkansas Physical Therapy Association, the Arkansas Occupational Therapy Association and the Arkansas Speech-Language-Hearing Association.

Effective April 1, 2022, the agency's ~~therapy~~ fee schedule rates **for occupational therapy, physical therapy, and speech-language pathology treatment services** were set **based on an average of 2019 Medicare utilization data for the same services as of January 1, 2008 and are effective for services on or after that date. The fee schedule rates for occupational therapy, physical therapy, and speech-language pathology evaluations were determined to be in line with Medicare and were not changed. The occupational therapy, physical therapy, and speech-language pathology treatment rate adjustments will be implemented over two (2) years. An initial rate increase will be implemented on April 1, 2022, and the second will be implemented on April 1, 2023.**

~~All therapy~~ The applicable fee schedule of rates at any given time are published on the agency's website (Fee Schedules - Arkansas Department of Human Services www.medicaid.state.ar.us). A uniform rate for these services is paid to all governmental and non- governmental providers unless otherwise indicated in the state plan. The State assures that physical therapists, occupational therapists and **speech-language** therapists will meet the requirements contained in 42 CFR 440.110.

Therapy Assistants - Effective for dates of service on or after October I, 1999, the Arkansas Medicaid maximum for the physical therapy assistant, occupational therapy assistant and the **speech-language** therapy assistant is based on 80% of the amount reimbursed to the licensed therapist.

Fee schedule service reimbursement is based on the lesser of the amount billed or the Arkansas Title XIX (Medicaid) maximum charge allowed.

1. Physical Therapy

Listed below are covered physical therapy services:

Description

Evaluation for physical therapy
Individual physical therapy Group
physical therapy
Individual physical therapy by physical therapy assistant Group
physical therapy by physical therapy assistant

At the beginning of each calendar year, Medicaid officials and the Arkansas Physical Therapy Association or its successor will arrive at mutually agreeable increase or decrease in reimbursement rates based on the market forces as they impact on access. Any agreed upon increase or decrease will be implemented at the beginning of the following state fiscal year, July 1 with any appropriate State Plan changes.