Update to Third Party Liability Attestation in Arkansas Medicaid State Plan – Zoom Public Hearing Transcript 08/23/2023 @ 10:30 CST.

Mac Golden: Welcome everyone to a public hearing on an Update to Third Party Liability Attestation in Arkansas Medicaid State Plan. Anita Castleberry, the Division of Medical Services Business Operations Manager will be announcing the Notice of Rule Making. Then we will open the floor for public comments. You will be recognized to give a public comment on the record. All official responses to the public comments will appear on the DHS proposed rules website after the public comment period concludes. Ms. Castleberry will now read the notice of rulemaking.

Anita Castleberry: One moment please. 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, and 25-10-129. The proposed effective date is November 1, 2023.

The Director of the Division of Medical Services amends the Arkansas Medicaid State Plan. The Centers for Medicare and Medicaid Services (CMS) has requested that all states update their state plans to comply with regulations contained in the Bipartisan Budget Act of 2018 and Medicaid Services Investment and Accountability Act of 2019. States must address the following three (3) items: apply cost avoidance procedures to claims for prenatal services, including labor, delivery, and postpartum care services; make payments without regard to potential third-party liability (TPL) for pediatric preventive services, unless the state has made a determination related to cost-effectiveness and access to care that warrants cost avoidance for up to ninety (90) days; and state flexibility to make payments without regard to potential TPL for claims related to child support enforcement beneficiaries. The proposed amendment has no estimated financial impact.

Pursuant to the Governor's Executive Order 23-02, DHS repeals the following two rules as part of this promulgation: (1) Episodes of Care Provider Manual, and (2) Division of Youth Services (DYS) and Division of Children and Family Services (DCFS) Targeted Case Management Manual.

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.

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 September 11, 2023. 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. That's the end of the statement.

Mac Golden: Thank you, Ms. Castleberry. Please let the record reflect that we have three attendees for today's public hearing. If any attendees would like to make a public comment at this time, please utilize the raise hand feature in zoom and you will be recognized.

It does not appear that any attendees wish to make a public comment today, if you would like to make a public comment at a later time please email ORP@dhs.arkansas.gov. We will close this public hearing now. Thank you.