



Division of Aging, Adult, & Behavioral Health Services
P.O. Box 1437, Slot W241, Little Rock, AR 72203-1437
P: 501.686.9164

MEMORANDUM

TO: Interested Persons and Providers

FROM: Jay Hill, Director, Division of Aging, Adult, & Behavioral Health Services

DATE: October 8, 2021

SUBJ: Division of Aging, Adult, & Behavioral Health Services (DAABHS) Manual Extension

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 November 8, 2021.

NOTICE OF RULE MAKING

The Director of the Division of Aging, Adult, and Behavioral Health 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 rules 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.

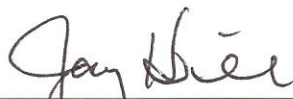
Effective January 1, 2022:

The Director of the Division of Aging, Adult, and Behavioral Health Services (DAABHS) amends the COVID-19 Response Manual to remove the sunset date of December 31, 2021, to align with the termination of the federal public health emergency, including any extensions. DAABHS allows the suspension of the Outpatient Behavioral Health Agencies Certified as Acute Crisis Units to sunset on December 31, 2021.

The proposed rules are 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 rules at <https://humanservices.arkansas.gov/do-business-with-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 November 8, 2021. 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 501-396-6428.

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



Jay Hill, Director
Division of Aging, Adult, and Behavioral Health Services

**Division of Aging, Adult, and Behavioral Health Services
(DAABHS)**

COVID-19 Response Manual

~~July 1, 2021~~ January 1, 2022

DAABHS COVID-19 RESPONSE CONTENTS

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200.000 OVERVIEW

201.000 Authority

The following rules are duly adopted and promulgated by the Division of Aging, Adult, and Behavioral Health Services (DAABHS) Arkansas Department of Human Services (DHS) under the authority of Arkansas Code Annotated §§ -20-76-201, 20-77-107, 25-10-129, and 25-10-126.

Families First Coronavirus Response Act (Public Law 116-127 – March 18, 2020)

Coronavirus Aid, Relief, and Economic Security (CARES) Act (Public Law No. 116-136 – March 27, 2020)

202.000 Purpose

In response to the COVID-19 pandemic, DHS identified programs and services that required additional flexibility or changes to adapt to ensuring the health and safety of our clients. This manual details them so that DHS may render uninterrupted assistance and services to our clients.

203.000 Appeals

Appeal requests for the COVID-19 response policies must adhere to the policy set forth in the Medicaid Provider Manual Section 160.000 Administrative Reconsideration and Appeals which can be accessed at <https://medicaid.mmis.arkansas.gov/Provider/Docs/all.aspx>.

204.000 Severability

Each section of this manual is severable from all others. If any section of this manual is held to be invalid, illegal, or unenforceable, such determination shall not affect the validity of other sections in this manual and all such other sections shall remain in full force and effect. In such an event, all other sections shall be construed and enforced as if this section had not been included therein.

210.000 AGING AND ADULT

211.000 Extension of Person-Centered Service Plans ~~AR~~Choices, Living Choices and PACE

The Person-Centered Service Plan (PCSP) serves to document the level of service need and is the official plan of care for those beneficiaries who have been found medically eligible for services.

Agency nurses should be able to extend PCSPs and authorizations based on review of current medical/functional needs. DAABHS nurses will complete an evaluation of the beneficiary's current needs and will extend the dates for qualifying beneficiaries, ensuring continued eligibility for services. PCSPs are living documents and are to be updated as goals and needs are met. During the extension period, the PCSP will continue to be updated to the level of current service needs based on continued phone contact with beneficiary.

The following rule provisions are suspended until ~~December 31, 2021~~the termination of the federal public health emergency, including any extensions.

ARChoices: 212.312 which requires that a PCSP expiration date be 365 days from the date of the DHS RN's signature of the AAS-9503, the ARChoices PCSP.

Living Choices: 211.150 The Independent Assessment Contractor RN performs an assessment periodically (at least annually), and the Division of County Operations re-determines level of care annually. The results of the level of care determination and the re-evaluation are documented on form DHS-704.

212.200 Each Living Choices beneficiary will be evaluated at least annually by a DHS RN. The DHS RN evaluates the resident to determine whether a nursing home intermediate level of care is still appropriate and whether the plan of care should continue unchanged or be revised.

PACE: 212.200 involving involuntary dismissal of a Program of All-Inclusive Care for the Elderly (PACE) patient.

215.200 (B) and (C) require semi-annual and annual evaluations by providers.

These services will be available until ~~December 31, 2021~~the termination of the federal public health emergency, including any extensions.

212.000 ARChoices, Living Choices and PACE Manual ~~AR~~Suspension of Timelines for Evaluation

Families First Corona Virus Response Act requires states to maintain an individual eligibility for amount, duration, and scope of benefits during the public health emergency ARChoices, Living Choices and PACE clients who do not receive an evaluation within 365 days of their existing eligibility date would be transitioned to traditional Medicaid or lose access to care under these programs.

This rule is suspended to allow members who do not receive a timely evaluation to remain eligible for ARChoices, Living Choices and PACE.

ARChoices	212.312 which requires functional eligibility be determined prior to the expiration of financial and functional eligibility
Living Choices	211.150 which requires that an evaluation is completed annually by DHS RN to help inform the determination of functional eligibility
PACE	212.200 which refers to involuntary dismissal of a PACE patient.

These services will be available until ~~December 31, 2021~~the termination of the federal public health emergency, including any extensions.

213.000 Living Choices Assisted Living Facilities Reimbursement Rate

The rate reduction scheduled to occur January 1, 2021 will be suspended until the termination of the federal public health emergency, including any extensions, or until the Centers for Medicaid & Medicare Services (CMS) approves the implementation of the rate in Arkansas' Living Choices Waiver Renewal, whichever occurs first. The result of the suspension or approval by CMS is an ~~resulting in~~ additional cost to the Medicaid program of \$4.36 ~~dollars~~ per client per day.

220.000 — BEHAVIORAL HEALTH

~~221.000 — Outpatient Behavioral Health Agencies Certified as Acute Crisis Units.~~

~~DMS is suspending the Acute Crisis Unit benefit limits of 96 hours per encounter, one encounter per month, and 6 encounters per state fiscal year. The rule to be suspended is in Section 253.003 of the Outpatient Behavioral Health Services Provider Manual.~~

~~The allowable code for this rule suspension:~~

- ~~• Acute Crisis Unit~~
- ~~• H0018 U4~~
- ~~• Benefit Limits 96 hours or less per encounter, 1 encounter per month, 6 encounters per SFY~~

~~These services will be available until December 31, 2021.~~