

## DEPARTMENT OF HUMAN SERVICES, DIVISION OF AGING, ADULT, AND BEHAVIORAL HEALTH SERVICES

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**SUBJECT:** DAABHS COVID-19 Response Manual

**DESCRIPTION:**

Statement of Necessity

The rule is needed to render maximum assistance to the citizens of Arkansas so that the Division of Aging, Adult, and Behavioral Health Services (DAABHS) may continue to provide services to its clients between the expiration of the public health emergency through the end of the year. The temporary provisions amend certain rules and provide guidance, safeguarding DAABHS with adequate time to close out temporary measures that will no longer be needed in coming months without creating a financial risk for the state.

DAABHS identifies certain rules needing temporary revision and the necessity of continuing guidance to providers and clients so that services provided by the agency are available for the remainder of the year or through the national health emergency. The rule continues certain rule suspensions and issued guidance that began in March 2020. The provisions in the rule are temporary, expiring either on December 31, 2021, or upon the end of the federal national health emergency, as detailed in the rule.

Summary

DAABHS issues revisions, suspensions, and guidance in relation to certain rules. The affected areas and rules manuals affected are contained in the following chart.

| <b>Division</b> | <b>DAABHS Covid-19 Response Manual Section Number &amp; Title</b>                             | <b>Regular Manual</b>  |
|-----------------|---|--|
| DAABHS          | 211.000 – Extension of Person Centered Service Plans ARChoices, Living Choices, and PACE      | ARChoices in Home Care Home and Community-Based 2176 Waiver Medicaid Provider Manual; Living Choices Assisted Living Medicaid Provider Manual; Program of All-Inclusive Care for the Elderly (PACE) Medicaid Provider Manual |
| DAABHS          | 212.000 – ARChoices, Living Choices, and PACE Manual – Suspension of Timelines for Evaluation | ARChoices in Home Care Home and Community-Based 2176 Waiver Medicaid Provider Manual; Living Choices Assisted Living Medicaid Provider Manual; Program of All-Inclusive Care for   |

|        |   |   |
|--------|---|---|
|        |   | the Elderly (PACE) Medicaid Provider Manual                           |
| DAABHS | 213.000 – Living Choices Assisted Living Facilities Reimbursement Rate          | Living Choices Assisted Living Waiver                                 |
| DAABHS | 221.000 – Outpatient Behavioral Health Agencies Certified as Acute Crisis Units | Outpatient Behavioral Health Services (OBHS) Medicaid Provider Manual |

**PUBLIC COMMENT:** No public hearing was held on this proposed rule. The public comment period expired on May 10, 2021. The agency provided the following summary of the single public comment it received and its response to that comment.

Commenter’s Name: Jaqueline Pendleton, on behalf of Summit Community Care

**COMMENT:** 221.000 OBH Agencies Certified as Acute Crisis Units: suspension of benefit limit of 96 hours per encounter, 1 per month and 6 encounters per SFY.

Are we mandated to implement this?

**RESPONSE:** The PASSEs have the option to approve up to 96 hours.

This rule was filed on an emergency basis and was reviewed and approved by the Executive Subcommittee on March 22, 2021. The proposed effective date for permanent promulgation is July 1, 2021.

**FINANCIAL IMPACT:** The agency indicated that this proposed rule has a financial impact.

Per the agency, the total estimated cost by fiscal year to implement the rule is \$0 for the current fiscal year and \$769,969 for the next fiscal year (\$219,518 in general revenue and \$550,451 in federal funds). The total estimated cost by fiscal year to state, county, and municipal government to implement the rule is \$0 for the current fiscal year and \$219,518 for the next fiscal year.

The agency indicated that there is a new or increased cost or obligation of at least \$100,000 per year to a private individual, private entity, private business, state government, county government, municipal government, or to two or more of those entities combined. Accordingly, the agency provided the following written findings:

*(1) a statement of the rule’s basis and purpose;*

In response to the COVID-19 pandemic, the Department of Human Services identified programs and services that required additional flexibility or changes to adapt to ensuring the health and safety of our clients.

*(2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;*

This is an extension of a current emergency rule expiring 7/29/21 and will extend the provisions until 12/31/21.

*(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;*

Due to the COVID-19 pandemic, additional flexibility or changes are needed to adapt to ensuring the health and safety of our clients.

*(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;*

Not applicable.

*(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;*

Not applicable.

*(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;*

The existing rules prior to the emergency extension would not have allowed the agency to adequately address the PHE.

*(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.*

The agency continually monitors all rules to ensure we are achieving statutory and programmatic objectives.

**LEGAL AUTHORIZATION:** The Department of Human Services has the responsibility to administer assigned forms of public assistance and is specifically authorized to maintain an indigent medical care program (Arkansas Medicaid). *See Ark.*

Code Ann. §§ 20-76-201(1), 20-77-107(a)(1). The Department has the authority to make rules that are necessary or desirable to carry out its public assistance duties. Ark. Code Ann. § 20-76-201(12); *see also* Ark. Code Ann § 20-10-203(b). The Department and its divisions also have the authority to promulgate rules as necessary to conform their programs to federal law and receive federal funding. Ark. Code Ann. § 25-10-129(b).

**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS  
WITH THE ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT/AGENCY Department of Human Services  
DIVISION Division of Aging, Adult, and Behavioral Health Services  
DIVISION DIRECTOR Jay Hill  
CONTACT PERSON Mac Golden  
ADDRESS P. O. Box 1437, Slot S295 Little Rock, AR 72203-1437  
PHONE NO. 501-563-7634 FAX NO. 501-404-4619 E-MAIL Mac.E.Golden@dhs.arkansas.gov  
NAME OF PRESENTER AT COMMITTEE MEETING Jay Hill  
PRESENTER E-MAIL Jay.Hill@dhs.arkansas.gov

**INSTRUCTIONS**

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Jessica C. Sutton  
Administrative Rules Review Section  
Arkansas Legislative Council  
Bureau of Legislative Research  
One Capitol Mall, 5<sup>th</sup> Floor  
Little Rock, AR 72201

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- 1. What is the short title of this rule? DAABHS COVID-19 Response Manual
- 2. What is the subject of the proposed rule? See Attached.
- 3. Is this rule required to comply with a federal statute, rule, or regulation? Yes  No   
If yes, please provide the federal rule, regulation, and/or statute citation. \_\_\_\_\_
- 4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?  
Yes  No

If yes, what is the effective date of the emergency rule? April 1, 2021

When does the emergency rule expire? July 29, 2021

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act?  
Yes  No

5. Is this a new rule? Yes  No   
If yes, please provide a brief summary explaining the regulation. \_\_\_\_\_

Does this repeal an existing rule? Yes  No   
If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does. \_\_\_\_\_

Is this an amendment to an existing rule? Yes  No   
If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

See attached. Please note, this rule contains temporary provisions of existing rules to meet the needs of the pandemic and will end no later than December 31, 2021. There will be no mark-up of existing rules.

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. Arkansas Code Annotated §§ 20-76-201, 20-77-107, 25-10-129, and 25-10-126.

7. What is the purpose of this proposed rule? Why is it necessary? See Attached.

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).

<https://humanservices.arkansas.gov/do-business-with-dhs/proposed-rules/>

9. Will a public hearing be held on this proposed rule? Yes  No   
If yes, please complete the following:

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Place: \_\_\_\_\_

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)  
May 10, 2021

11. What is the proposed effective date of this proposed rule? (Must provide a date.)  
July 1, 2021

12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice. See Attached.

13. Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e). See Attached.

14. Please give the names of persons, groups, or organizations that you expect to comment on these rules?

Please provide their position (for or against) if known. Unknown

## 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, 25-10-129, and 25-10-126.

### **Effective July 1, 2021:**

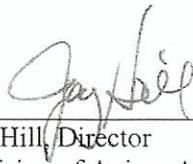
The Director of the Division of Aging, Adult and Behavioral Health Services (DAABHS) is establishing temporary rules and suspending current rules due to the continuing declaration of a National Public Health Emergency. The suspension of current rules implements one or more portions of the Families First Coronavirus Response Act (FFCRA), Public Law No. 116-127, including the enhanced Federal Medical Assistance Percentage (FMAP), the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Public Law No. 116-136.

Suspending these rules allow providers to render maximum assistance to the citizens of Arkansas and provide uninterrupted services. These suspensions shall automatically end December 31, 2021. DAABHS extends the Person Centered Service Plans (PCSP) by suspending ARChoices rules requiring an expiration date 365 days from the date of the DHS RN signature, suspending the Living Choices periodic assessment, and suspending the semi-annual and annual evaluation requirements for Program of All-inclusive Care for the Elderly (PACE) patients. DAABHS is suspending the corresponding changes in coverage based on failing to receive a timely evaluation for these programs. The Living Choices Assisted Living Facility Reimbursement rate reduction scheduled to occur January 1, 2021 will be suspended. Acute Crisis Unit benefit limits are suspended and the allowable code for the suspension is listed.

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](mailto:ORP@dhs.arkansas.gov). All public comments must be received by DHS no later than May 10, 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. 4501960528



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

## Renita Whitley

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**To:** register@sos.arkansas.gov  
**Cc:** Renita Whitley; Debbie Lee; Chuck Hardin; Mac Golden; Jack Tiner; Kathryn LoydWilson  
**Subject:** DHS/DAABHS - Proposed Filing - COVID-19 Response Manual  
**Attachments:** SOS Initial Filing DAABHS COVID-19 Response Manual.pdf

Good morning,

The attached rule will run in the Arkansas Democrat-Gazette on Sunday, April 11th, Monday, April 12th and Tuesday, April 13th. The public comment period will end on May 10, 2021.

Thank you,



Renita Whitley

Office of Legislative & Intergovernmental Affairs  
Office of Rules Promulgation  
Program Administrator

P: 501.320.3949

F: 501.404.4619

700 Main St.

Little Rock, AR 72203

[Renita.Whitley@dhs.arkansas.gov](mailto:Renita.Whitley@dhs.arkansas.gov)

[humanservices.arkansas.gov](http://humanservices.arkansas.gov)



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**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT** Department of Human Services

**DIVISION** Division of Aging, Adult, and Behavioral Health Services

**PERSON COMPLETING THIS STATEMENT** Jason Callan

**TELEPHONE** (501) 320-6540 **FAX** \_\_\_\_\_ **EMAIL:** Jason.Callan@dhs.arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE** DAABHS COVID-19 Response Manual

- 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 an agency is proposing a more costly rule, please state the following:

- (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 more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;  
\_\_\_\_\_
- (d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.  
\_\_\_\_\_

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?

| <b><u>Current Fiscal Year</u></b> |          | <b><u>Next Fiscal Year</u></b> |          |
|-----------------------------------|----------|--------------------------------|----------|
| 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 \_\_\_\_\_  
 Federal Funds \_\_\_\_\_  
 Cash Funds \_\_\_\_\_  
 Special Revenue \_\_\_\_\_  
 Other (Identify) \_\_\_\_\_  
 Total \_\_\_\_\_

General Revenue \$219,518  
 Federal Funds \$550,451  
 Cash Funds \_\_\_\_\_  
 Special Revenue \_\_\_\_\_  
 Other (Identify) \_\_\_\_\_  
 Total \$ 769,969

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

**Current Fiscal Year**

**Next Fiscal Year**

\$ 0 \_\_\_\_\_

\$ 0 \_\_\_\_\_

6. What is the total estimated cost by fiscal year to state, county, and 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**

\$ \_\_\_\_\_

\$ 219,518 \_\_\_\_\_

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;  
In response to the COVID 19 pandemic, the Department of Human Services identified programs and services that required additional flexibility or changes to adapt to ensuring the health and safety of our clients.
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;  
This is an extension of a current emergency rule expiring 7/29/21 and will extend the provisions until 12/31/2021.
- (3) a description of the factual evidence that:

- (a) justifies the agency's need for the proposed rule; and  
Due to the COVID 19 pandemic.
  - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;  
Additional flexibility or changes to adapt to ensuring the health and safety of our clients.
- (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;  
Not applicable
- (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;  
Not Applicable.
- (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  
The existing rules prior to the emergency extension would not have allowed the agency to adequately address the PHE.
- (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.
- The Agency continually monitors all rules to ensure we are achieving statutory and programmatic objectives.

## Statement of Necessity and Rule Summary DAABHS COVID-19 Response Manual

### Statement of Necessity

The rule is needed to render maximum assistance to the citizens of Arkansas so that the Division of Aging, Adult, and Behavioral Health Services (DAABHS) may continue to provide services to its clients between the expiration of the public health emergency through the end of the year. The temporary provisions amend certain rules and provide guidance, safeguarding DAABHS with adequate time to close out temporary measures that will no longer be needed in coming months without creating a financial risk for the state.

DAABHS identifies certain rules needing temporary revision and the necessity of continuing guidance to providers and clients so that services provided by the agency are available for the remainder of the year or through the national health emergency. The rule continues certain rule suspensions and issued guidance that began in March 2020. The provisions in the rule are temporary, expiring either on December 31, 2021, or upon the end of the federal national health emergency, as detailed in the rule.

### Summary

DAABHS issues revisions, suspensions, and guidance in relation to certain rules. The affected areas and rules manuals affected are contained in the following chart.

| <b>Division</b> | <b>DAABHS Covid-19 Response Manual<br/>Section number &amp; Title</b>                     | <b>Regular Manual</b>  |
|-----------------|---|--|
| DAABHS          | 211.000—Extension of Person Centered Service Plans ARChoices, Living Choices, and PACE    | ARChoices in Home Care Home and Community-Based 2176 Waiver Medicaid Provider Manual, Living Choices Assisted Living Medicaid Provider Manual, Program of All-Inclusive Care for the Elderly (PACE) Medicaid Provider Manual |
| DAABHS          | 212.000—ARChoices, Living Choices and PACE Manual –Suspension of Timelines for Evaluation | ARChoices in Home Care Home and Community-Based 2176 Waiver Medicaid Provider Manual, Living Choices Assisted Living Medicaid Provider Manual, Program of All-Inclusive Care for the Elderly (PACE) Medicaid Provider Manual |
| DAABHS          | 213.000—Living Choices Assisted Living Facilities Reimbursement Rate                      | Living Choices Assisted Living Waiver  |
| DAABHS          | 221.000—Outpatient Behavioral Health Agencies Certified as Acute Crisis Units             | Outpatient Behavioral Health Services (OBHS) Medicaid Provider Manual  |

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

**COVID-19 Response Manual**

**July 1, 2021**

PROPOSED

**DAABHS COVID-19 RESPONSE  
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| 211.000        | Extension of Person Centered Service Plans -- ARChoices, Living Choices, and PACE |
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| 213.000        | Living Choices Assisted Living Facilities Reimbursement Rate                      |
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PROPOSED

## 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 -- ARChoices, 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.

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.

**212.000 ARChoices, Living Choices and PACE Manual –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.

**213.000 Living Choices Assisted Living Facilities Reimbursement Rate**

The rate reduction scheduled to occur January 1, 2021 will be suspended resulting in additional cost to the Medicaid program of \$4.36 dollars per client day.

PROPOSED

**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.

PROPOSED