

DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL SERVICES

SUBJECT: Rules for Life Choices Lifeline and Continuum of Care Programs

DESCRIPTION:

Statement of Necessity

Act 703 of 2023 transfers responsibility for administering the Life Choices Lifeline from the Department of Health to the Arkansas Department of Human Services (DHS). It also transfers to DHS resource access assistance offered under the “Every Mom Matters Act”. This new rule establishes the standards under which the program shall operate.

Rule Summary

DHS promulgates the standards for purpose, eligibility, administration, and outcomes reporting for the Life Choices Lifeline and the creation of a new program to assist qualifying residents of the state with community outreach, direct services, support, social services case management, care coordination, consultation, and referrals for identified services to meet their specific needs.

Eligibility requirements at the time of initial contact are:

- (1) A resident of the State who is a biological parent of an unborn child or adoptive parent of a child under two 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.

PUBLIC COMMENT: A public hearing was held on this rule on November 1, 2023. The public comment period expired on November 12, 2023. The agency indicated that it received no public comments.

The proposed effective date is January 1, 2024.

FINANCIAL IMPACT: The agency indicated that this rule has no financial impact.

LEGAL AUTHORIZATION: The Department of Human Services “shall promulgate rules necessary to implement” Ark. Code Ann. § 20-8-1003, regarding the Continuum of Care Program. *See* Ark. Code Ann. § 20-8-1003(i), *as created by* Act 703 of 2023, § 3.

This rule implements Act 703 of 2023. The Act, sponsored by Senator Jim Dotson, created the Continuum of Care Program within the Department of Human Services and amended the Life Choices Lifeline Program to clarify language and ensure proper administration of the Program.



ARKANSAS
DEPARTMENT OF
**HUMAN
SERVICES**

Division of Medical Services

P.O. Box 1437, Slot S401, Little Rock, AR 72203-1437

P: 501.682.8292 F: 501.682.1197

October 12, 2023

Mrs. Rebecca Miller-Rice
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
#1 Capitol, 5th Floor
Little Rock, AR 72201

Dear Mrs. Rebecca Miller-Rice:

Re: Rules for Life Choices Lifeline and Continuum of Care Programs

Please arrange for this rule to be reviewed by the ALC-Administrative Rules Subcommittee. If you have any questions or need additional information, please contact Mac Golden, Office of Rules Promulgation at 501-320-6383 or by emailing Mac.E.Golden@dhs.arkansas.gov.

Sincerely,

A handwritten signature in black ink that reads 'Elizabeth Pitman'.

Elizabeth Pitman
Director

EP:jet

Attachments

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

DEPARTMENT _____
 BOARD/COMMISSION _____
 BOARD/COMMISSION DIRECTOR _____
 CONTACT PERSON _____
 ADDRESS _____
 PHONE NO. _____ EMAIL _____
 NAME OF PRESENTER(S) AT SUBCOMMITTEE MEETING _____
 PRESENTER EMAIL(S) _____

INSTRUCTIONS

In order to file a proposed rule for legislative review and approval, please submit this Legislative Questionnaire and Financial Impact Statement, and attach (1) a summary of the rule, describing what the rule does, the rule changes being proposed, and the reason for those changes; (2) both a markup and clean copy of the rule; and (3) all documents required by the Questionnaire.

If the rule is being filed for permanent promulgation, please email these items to the attention of Rebecca Miller-Rice, miller-ricer@blr.arkansas.gov, for submission to the Administrative Rules Subcommittee.

If the rule is being filed for emergency promulgation, please email these items to the attention of Director Marty Garrity, garritym@blr.arkansas.gov, for submission to the Executive Subcommittee.

Please answer each question completely using layman terms.

1. What is the official title of this rule?

2. What is the subject of the proposed rule? _____
3. Is this rule being filed under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, please attach the statement required by Ark. Code Ann. § 25-15-204(c)(1).

If yes, will this emergency rule be promulgated under the permanent provisions of the Arkansas Administrative Procedure Act? Yes No

4. Is this rule being filed for permanent promulgation? Yes No

If yes, was this rule previously reviewed and approved under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, what was the effective date of the emergency rule? _____

On what date does the emergency rule expire? _____

5. Is this rule required to comply with a *federal* statute, rule, or regulation? Yes No

If yes, please provide the federal statute, rule, and/or regulation citation.

6. Is this rule required to comply with a *state* statute or rule? Yes No

If yes, please provide the state statute and/or rule citation.

7. Are two (2) rules being repealed in accord with Executive Order 23-02? Yes No

If yes, please list the rules being repealed.

If no, please explain.

8. Is this a new rule? Yes No

Does this repeal an existing rule? Yes No

If yes, the proposed repeal should be designated by strikethrough. If it is being replaced with a new rule, please attach both the proposed rule to be repealed and the replacement rule.

Is this an amendment to an existing rule? Yes No

If yes, all changes should be indicated by strikethrough and underline. In addition, please be sure to label the markup copy clearly as the markup.

9. What is the state law that grants the agency its rulemaking authority for the proposed rule, outside of the Arkansas Administrative Procedure Act? Please provide the specific Arkansas Code citation(s), including subsection(s).

10. Is the proposed rule the result of any recent legislation by the Arkansas General Assembly?
Yes No

If yes, please provide the year of the act(s) and act number(s).

11. What is the reason for this proposed rule? Why is it necessary?

12. Please provide the web address by which the proposed rule can be accessed by the public as provided in Ark. Code Ann. § 25-19-108(b)(1).

13. Will a public hearing be held on this proposed rule? Yes No

If yes, please complete the following:

Date: _____

Time: _____

Place: _____

Please be sure to advise Bureau Staff if this information changes for any reason.

14. On what date does the public comment period expire for the permanent promulgation of the rule? Please provide the specific date. _____

15. What is the proposed effective date for this rule? _____

16. Please attach (1) a copy of the notice required under Ark. Code Ann. § 25-15-204(a)(1) and (2) proof of the publication of that notice.

17. Please attach proof of filing the rule with the Secretary of State, as required by Ark. Code Ann. § 25-15-204(e)(1)(A).

18. Please give the names of persons, groups, or organizations that you anticipate will comment on these rules. Please also provide their position (for or against), if known.

19. Is the rule expected to be controversial? Yes No

If yes, please explain.

NOTICE OF RULE MAKING

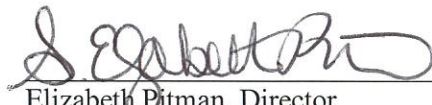
The Department of Human Services announces for a public comment period of thirty (30) calendar days a notice of rulemaking for the following proposed rule under one or more of the following chapters, subchapters, or sections of the Arkansas Code: §§20-76-201, 20-77-107, and 25-10-129.

The Division of Medical Services (DMS) proposes a new rule effective January 1, 2024, to comply with Act 703 of 2023. The Act transferred responsibility for administering the Life Choices Lifeline from the Department of Health to the Arkansas Department of Human Services (DHS), as well as resource access assistance offered under the “Every Mom Matters Act”. This new rule establishes the standards under which the program shall operate.

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. 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 November 12, 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.

A public hearing by remote access only through a Zoom webinar will be held on November 1, 2023 at 11:00 a.m. and public comments may be submitted at the hearing. Individuals can access this public hearing at <https://us02web.zoom.us/j/83834359564>. The webinar ID is 838 3435 9564. 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 501-320-6428. 4502172997



Elizabeth Pitman, Director
Division of Medical Services

Jack Tiner

From: Legal Ads <legalads@arkansasonline.com>
Sent: Wednesday, October 11, 2023 11:51 AM
To: Jack Tiner
Subject: Re: FULL RUN AD--Rules for Life Choices Lifeline and Continuum of Care Programs (Rule 255)

[EXTERNAL SENDER]

Thanks again, Jack. Will also run Sat 10/14, Sun 10/15 and Mon 10/16.

Gregg Sterne, Legal Advertising
Arkansas Democrat-Gazette
legalads@arkansasonline.com

From: "Jack Tiner" <jack.tiner@dhs.arkansas.gov>
To: "legalads" <legalads@arkansasonline.com>
Cc: "Mac Golden" <Mac.E.Golden@dhs.arkansas.gov>, "Lakeya Gipson" <Lakeya.Gipson@dhs.arkansas.gov>, "Thomas Herndon" <Thomas.Herndon@dhs.arkansas.gov>, "Elaine Stafford" <elaine.stafford@dhs.arkansas.gov>, "Jack Tiner" <jack.tiner@dhs.arkansas.gov>
Sent: Wednesday, October 11, 2023 10:45:12 AM
Subject: FULL RUN AD--Rules for Life Choices Lifeline and Continuum of Care Programs (Rule 255)

Hi Gregg,

Please run the attached ad in the *Arkansas Democrat-Gazette* on the following days:

Saturday	October 14, 2023
Sunday	October 15, 2023
Monday	October 16, 2023

Invoice to: **AR Dept of Human Services**
P.O. Box 1437
Slot S535
Little Rock, AR 72203
ATTN: Elaine Stafford (Elaine.stafford@dhs.arkansas.gov)

Or email invoices to: dms.invoices@arkansas.gov

I am aware that the print version will only be provided to all counties on Sundays.

Please reply to this email using REPLY ALL

Please let me know if you need anything further from me. Thank you.



JACK TINER

OFFICE OF RULES PROMULGATION
DHS/DMS MEDICAL ASSISTANCE MANAGER

P: 501.320.6112
F: 501.404.4619
700 Main St., Slot S295
Little Rock, AR 72203
Jack.Tiner@dhs.arkansas.gov
humanservices.arkansas.gov



This email may contain sensitive or confidential information.

CONFIDENTIALITY NOTICE: The information contained in this email message and any attachment(s) is the property of the State of Arkansas and may be protected by state and federal laws governing disclosure of private information. It is intended solely for the use of the entity to which this email is addressed. If you are not the intended recipient, you are hereby notified that reading, copying, or distributing this transmission is **STRICTLY PROHIBITED**. The sender has not waived any applicable privilege by sending the accompanying transmission. If you have received this transmission in error, please notify the sender by return and delete the message and attachment(s) from your system.

Jack Tiner

From: Jasmine Williams <jasmine.williams@sos.arkansas.gov>
Sent: Thursday, October 12, 2023 8:20 AM
To: Jack Tiner; Arkansas Register
Cc: Mac Golden; JAMIE EWING; Thomas Herndon; Rebecca Murphy
Subject: RE: DHS/DMS--Proposed Filing--Rules for Life Choices Lifeline and Continuum of Care Programs (Rule 255)
Attachments: 016.29.23-009P.pdf

[EXTERNAL SENDER]

The attachment has a received stamp indicating our office has received the rule that was sent to us. It is now uploaded on our website.

Best regards,

Jasmine Williams

From: Jack Tiner <jack.tiner@dhs.arkansas.gov>
Sent: Thursday, October 12, 2023 7:27 AM
To: Arkansas Register <ArkansasRegister@sos.arkansas.gov>
Cc: Mac Golden <Mac.E.Golden@dhs.arkansas.gov>; JAMIE EWING <JAMIE.EWING@dhs.arkansas.gov>; Thomas Herndon <Thomas.Herndon@dhs.arkansas.gov>; Rebecca Murphy <Rebecca.A.Murphy@dhs.arkansas.gov>; Jack Tiner <jack.tiner@dhs.arkansas.gov>
Subject: RE: DHS/DMS--Proposed Filing--Rules for Life Choices Lifeline and Continuum of Care Programs (Rule 255)

External Message

Please find attached the proposed filing packet for a new rule titled: *Rules for Life Choices Lifeline and Continuum of Care Programs*. This will be published in the *Arkansas Democrat-Gazette* October 14 through 16, 2023. The public comment period will end November 12, 2023.

Please let me know if you have any questions. Thank you.



JACK TINER

OFFICE OF RULES PROMULGATION
DHS/DMS MEDICAL ASSISTANCE MANAGER

P: 501.320.6112
F: 501.404.4619
700 Main St., Slot S295
Little Rock, AR 72203
Jack.Tiner@dhs.arkansas.gov
humanservices.arkansas.gov

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT _____
BOARD/COMMISSION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ **EMAIL** _____

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 _____

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

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

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

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

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

\$ _____

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.

Statement of Necessity and Rule Summary
Rules for Life Choices Lifeline and Continuum of Care Programs

Why is this change necessary? Please provide the circumstances that necessitate the change.

Act 703 of 2023 transfers responsibility for administering the Life Choices Lifeline from the Department of Health to the Arkansas Department of Human Services (DHS). It also transfers to DHS resource access assistance offered under the “Every Mom Matters Act”. This new rule establishes the standards under which the program shall operate.

What is the change? Please provide a summary of the change.

DHS promulgates the standards for purpose, eligibility, administration, and outcomes reporting for the Life Choices Lifeline and the creation of a new program to assist qualifying residents of the state with community outreach, direct services, support, social services case management, care coordination, consultation, and referrals for identified services to meet their specific needs.

Eligibility requirements at the time of initial contact are:

- (1) A resident of the State who is a biological parent of an unborn child or adoptive parent of a child under two 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.

**Rules for Life Choices Lifeline
and Continuum of Care Program**

PROPOSED



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. Eligibility.

- (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. Provider Requirements.

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. Annual Report.

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).

1 State of Arkansas As Engrossed: S3/30/23 S3/30/23

2 94th General Assembly

A Bill

3 Regular Session, 2023

SENATE BILL 465

4

5 By: Senator J. Dotson

6 By: Representative Bentley

7

8

For An Act To Be Entitled

9 AN ACT TO CREATE THE CONTINUUM OF CARE PROGRAM WITHIN
10 THE DEPARTMENT OF HUMAN SERVICES; TO AMEND THE LIFE
11 CHOICES LIFELINE PROGRAM TO CLARIFY LANGUAGE AND
12 ENSURE PROPER ADMINISTRATION OF THE PROGRAM; TO
13 TRANSFER THE RESOURCE ACCESS ASSISTANCE OFFERS UNDER
14 THE EVERY MOM MATTERS ACT TO THE DEPARTMENT OF HUMAN
15 SERVICES; AND FOR OTHER PURPOSES.

16

17

18

Subtitle

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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28

SECTION 1. Arkansas Code § 20-8-1001(a), concerning the creation of
29 the Life Choices Lifeline Program, is amended to read as follows:

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(a) *The Department of Health and the Department of Human Services* may
implement the Life Choices Lifeline Program as a statewide care program to
provide direct services, support, social services case management, and
referrals to individuals listed in subsection (f) of this section.

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36

SECTION 2. Arkansas Code § 20-8-1001(d)(2), concerning the components
of the Life Choices Lifeline Program, is amended to read as follows:



1 (2) The use of licensed nurses, community health workers, or
2 other individuals of equivalent experience to offer healthy pregnancy program
3 services to participants in the Life Choices Lifeline Program, including:

4 (A) An assessment and evaluation of needs related to
5 pregnancy or parenting;

6 (B) Medically accurate pregnancy-related medical
7 information; ~~and~~

8 (C) Assistance obtaining obstetric care, primary care,
9 mental health or behavioral health counseling, or postpartum care; and

10 (D) Assistance for program participants in obtaining
11 medical and mental health care;

12
13 SECTION 3. Arkansas Code Title 20, Chapter 8, Subchapter 10, is
14 amended to add additional sections to read as follows:

15 20-8-1002. Administration.

16 (a)(1) The Department of Human Services may contract with one (1) or
17 more organizations to deliver one (1) or more of the services described in §
18 20-8-1001 but may not contract with an organization that:

19 (A) Is an abortion provider;

20 (B) Assists women in obtaining an abortion, refers women
21 to an abortion provider, recommends abortion, or promotes abortion;

22 (C) Owns or operates an abortion provider or an entity
23 that assists women in obtaining an abortion, refers women to an abortion
24 provider, recommends abortion, or promotes abortion;

25 (D) Employs a person who has performed an abortion in the
26 last two (2) years; or

27 (E) Has as a director, board member, officer, or employee
28 a person who serves in any of these roles for an entity described in
29 subdivisions (a)(1)(A)-(E) of this section.

30 (2)(A) The procurement of one (1) or more vendors to serve as
31 organizations shall be done through the Arkansas Procurement Law, § 19-11-201
32 et seq., by the Office of State Procurement.

33 (B) If by July 1, 2024, the Department of Human Services
34 has not contracted with one (1) or more organizations to deliver one (1) or
35 more of the services described in § 20-8-1001, the Department of Human
36 Services shall submit a written report to the Legislative Council documenting

1 the reasons why no contract has been procured and the status of the provision
2 of the services required by § 20-8-1001.

3 (b) An organization contracting with the department shall report to
4 the department on no more frequent than a monthly basis the following
5 information:

6 (1) The number of unique individuals who contacted the Life
7 Choices Lifeline Program;

8 (2) The number of individuals who obtained care plan
9 coordination services;

10 (3) The number of individuals who obtained healthy pregnancy
11 program services;

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

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

17 (A) Abuse, assault, sexual assault, coercion, or neglect;

18 (B) Education or training for a professional
19 certification;

20 (C) Housing assistance;

21 (D) Employment assistance;

22 (E) Resume development;

23 (F) Childcare;

24 (G) Adoption services;

25 (H) Financial assistance;

26 (I) Substance abuse treatment and alcohol abuse treatment;

27 (J) Mental health care;

28 (K) Medical care;

29 (L) Human trafficking; or

30 (M) Health benefit plan coverage; and

31 (6) The resources, services, and referrals provided by the
32 organization.

33 (c) The department shall not:

34 (1) Require any contracted organization, or its employees, to
35 refer a woman for any social or medical service to which the employee or
36 agency has a conscience objection;

1 (2) Prohibit a contracted organization or its employees from
2 discussing abortion or related topics;

3 (3) Prevent a contracted organization from recording information
4 voluntarily disclosed by the participant for the purposes of supporting the
5 participant or providing the participant ongoing support;

6 (4) Require the contract organization to report data on a basis
7 more frequent than monthly; and

8 (5) Require the vendor to maintain an answer rate greater than
9 eighty percent (80%) of calls within twenty (20) seconds.

10
11 20-8-1003. Continuum of Care Program.

12 (a)(1) The Department of Human Services shall establish the "Continuum
13 of Care Program" for certain pregnant women and parents.

14 (2) The department may contract with entities to operate the
15 program.

16 (3) The procurement of a vendor shall be done through the
17 Arkansas Procurement Law, § 19-11-201 et seq., by the Office of State
18 Procurement.

19 (b)(1) The purpose of the program is to facilitate the operation of a
20 statewide telemedicine support network that provides community outreach,
21 consultations, and care coordination for women who are challenged with
22 unexpected pregnancies.

23 (2) The program shall:

24 (A) Encourage healthy childbirth;

25 (B) Support childbirth as an alternative to abortion;

26 (C) Promote family formation;

27 (D) Assist parents in establishing successful parenting
28 techniques; and

29 (E) Increase the economic self-sufficiency of families.

30 (c)(1) The program shall utilize a statewide telemedicine support
31 network to facilitate the services and resources described under subsection
32 (e) of this section.

33 (2) The department shall provide by rule for the functions and
34 administration of the telemedicine support network.

35 (d) The department shall finance the program with funds appropriated
36 to the department by the General Assembly for operation of the program.

1 (e)(1) The program shall provide direct services, supports, social
2 services case management, and referrals to biological parents of unborn
3 children and biological or adoptive parents of children under two (2) years
4 of age.

5 (2) The program shall include:

6 (A) Outreach to at-risk populations eligible for the
7 program;

8 (B) Use of licensed nurses, community health workers, or
9 other individuals of equivalent expertise to:

10 (i) Assess and evaluate program participant needs
11 related to pregnancy or parenting;

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

14 (iii) Provide medically accurate, pregnancy-related
15 medical information to program participants; and

16 (C) Use of licensed social workers, nurses, community
17 health workers, licensed professional counselors, or other individuals of
18 equivalent experience to:

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

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

24 (iii) Assist program participants in:

25 (a) Applying for state and federal benefits
26 programs; and

27 (b) Accomplishing elements of the care plan.

28 (f) Any organization contracted by the department to provide services
29 under this section and any of its subcontractors or agents providing services
30 under this section shall:

31 (1) Maintain the confidentiality of information obtained while
32 performing program services, including complying with state law;

33 (2) Not provide or prescribe abortion services or abortion aid;

34 (3) Not promote, refer for, facilitate, or assist women in
35 obtaining abortion services or abortion aid;

36 (4) Not own or operate an abortion provider;

1 (5) Not own or operate with a person who promotes, refers for,
2 facilitates, or assists women in obtaining an abortion;

3 (6) Not employ an individual who has performed or induced an
4 abortion in the last two (2) years; and

5 (7) Not have a director, board member, officer, volunteer, or
6 employee who performed or induced an abortion in the last two (2) years or
7 who serves in any of these roles described in this subsection.

8 (g) Any program participant who terminates a pregnancy shall be
9 eligible to continue receiving services through the program for a period of
10 six (6) months from the date of the pregnancy termination.

11 (h)(1) On or before October 1, 2024, and annually thereafter, the
12 department shall submit to the Legislative Council a report on the status and
13 operation of the program.

14 (2) Each report required by subdivision (h)(1) of this section
15 shall include:

16 (A) The number of individuals served by the program, and
17 for the individuals served; and

18 (B) The types of referrals and services provided to
19 program participants.

20 (3) Information provided to the department shall not include any
21 personally identifying information regarding program participants.

22 (i) The department shall promulgate rules necessary to implement this
23 section.

24
25 SECTION 4. Arkansas Code § 20-16-2402(3), concerning the definition of
26 "agency" within the Every Mom Matters Act, is amended to read as follows:

27 (3) "Agency" means an entity that contracts with the ~~Department~~
28 ~~of Health~~ Department of Human Services to provide the services required under
29 § 20-8-1001 or the resource access assistance offer;

30
31 SECTION 5. Arkansas Code § 20-16-2405(a), concerning agencies
32 providing resource access assistance offers under the Every Mom Matters Act,
33 is amended to read as follows:

34 (a) ~~The Department of Health~~ Upon the effective date of this section,
35 the Department of Human Services shall:

36 (1)(A) Contract with a number of agencies sufficient to ensure

1 that each pregnant woman seeking an abortion in Arkansas receives a resource
2 access assistance offer and has the opportunity to receive care plan
3 coordination services and healthy pregnancy program services.

4 (B) The procurement of a vendor to serve as an agency
5 shall be done through the Arkansas Procurement Law, § 19-11-201 et seq., by
6 the Office of State Procurement;

7 (2) Annually, designate the proportion of resource access
8 assistance offers to be provided by each agency's share of participants in
9 care plan coordination services or healthy pregnancy program services; and

10 (3) Contract only with agencies that are capable of offering all
11 of the services required under § 20-8-1001 or the resource access assistance
12 offer.

13
14 SECTION 6. Arkansas Code § 20-16-2407(a), concerning the
15 administration of the resource access assistance offer program under the
16 Every Mom Matters Act, is amended to read as follows:

17 (a) ~~The Department of Health~~ Department of Human Services shall:

18 (1)(A) Before implementation of the services under § 20-8-1001
19 or the resource access assistance offer, create a program-specific website
20 that describes the services offered by § 20-8-1001 and the resource access
21 assistance offer.

22 (B) The department may also create materials using other
23 media, including print and electronic media, to convey information about the
24 services under § 20-8-1001 and the resource access assistance offer to the
25 public;

26 (2)(A) Establish a single toll-free number for pregnant women
27 seeking an abortion in Arkansas to call in order to receive a resource access
28 assistance offer.

29 (B) The toll-free number shall automatically connect the
30 pregnant woman to an agency based on the proportion determined under § 20-16-
31 2405(a)(2);

32 (3)(A) Before implementation of the resource access assistance
33 offer, develop ~~Develop~~ and maintain a secure database.

34 (B) The secure database shall:

35 (i) Generate a unique identifying number;

36 (ii) Be accessible only to a person who is to perform

1 an abortion or an agent of the person performing an abortion, agencies, and
2 the department; and

3 (iii) Not transmit any information to:

4 (a) The agency or care agent concerning the
5 identity or location of the person who performs the abortion or the facility
6 at which the abortion is performed; or

7 (b) The person providing the abortion or the
8 agent of the person performing the abortion concerning the identity of the
9 agency or care agent providing the resource access assistance offer.

10 (C) The unique identifying number shall not contain
11 personally identifiable information; and

12 (4) For each agency, report on the department's website the
13 percentage of pregnant women who received a resource access assistance offer
14 from the agency and subsequently obtained an abortion in the state.

15
16 SECTION 7. Arkansas Code § 20-16-2409(e), concerning penalties within
17 the Every Mom Matters Act, is repealed.

18 ~~(e) The Department of Health shall revoke the license of an abortion~~
19 ~~facility if more than five percent (5%) of audited medical records at the~~
20 ~~abortion facility indicate noncompliance with the requirements of § 20-16-~~
21 ~~2407(b).~~

22
23 SECTION 8. Arkansas Code § 20-16-2410(a), concerning confidentiality
24 and disclosure under the Every Mom Matters Act, is amended to read as
25 follows:

26 (a) *All personally identifiable information held by the Department of*
27 *Health or Department of Human Services under this subchapter is confidential*
28 *and is not subject to the Freedom of Information Act of 1967, § 25-19-101 et*
29 *seq.*

30
31 SECTION 9. Arkansas Code § 20-16-2411 is amended to read as follows:
32 20-16-2411. Conscience protections.

33 The ~~Department of Health~~ Department of Human Services shall not require
34 any care agent or agency to refer a woman for any social or medical service
35 to which the care agent or agency has a conscience objection.

36

