

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

SUBJECT: Rule Establishing Reasonable Charges for Costs of Treatment

DESCRIPTION: Effective January 1, 2020, the Rule Establishing Reasonable Charges for Costs of Treatment will be amended as follows:

In compliance with Acts 2019, No. 567, the proposed amendment expands the permissible criteria for waiver or postponement of a charge to include when a patient has a court-appointed attorney because the court has found them to be indigent.

Additionally, the proposed amendment repeals waiver language regarding patients who plead or are found guilty. This language was formerly found at Ark. Code Ann. § 5-2-305(j)(3)(B)(ii), but the language was repealed by Section 5 of Acts 2017, No. 472.

PUBLIC COMMENT: No public hearing was held on this rule. The public comment period expired November 14, 2019. The agency indicated that it did not receive any comments.

The proposed effective date is January 1, 2020.

FINANCIAL IMPACT: Per the agency, there is no financial impact. The amendments to the rule are not expected to result in any substantive change to the number of Arkansas State Hospital patients who are charged for services.

LEGAL AUTHORIZATION: These rules implement Act 567 of 2019, sponsored by Representative Justin Gonzales, which concerned the cost of mental health examinations of criminal defendants. The Act created a new section in the Arkansas Code that allows an “entity that provides treatment or other mental health services” to charge for services rendered. *See Act 567, 92nd Gen. Assemb., Reg. Sess. § 1(a) (2019) (to be codified at Ark. Code Ann. § 5-2-331(a)).* This section requires the Division of Aging, Adult, and Behavioral Health Services and the Department of Human Services to promulgate rules establishing reasonable charges “for the cost of treatment or other mental health services[.]” *See Act 567, 92nd Gen. Assemb., Reg. Sess. § 1(c)(1) (2019) (to be codified at Ark. Code Ann. § 5-2-331(c)(1)).* Such rules must provide for waiver or postponement of charges if a court has found the patient is indigent and qualifies for an attorney. *See Act 567, 92nd Gen. Assemb., Reg. Sess. § 1(c)(2)(C) (2019) (to be codified at Ark. Code Ann. § 5-2-331(c)(2)(C)).*