

# Exhibit F

## QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE

DEPARTMENT/AGENCY Department of Human Services  
DIVISION Division of Medical Services  
DIVISION DIRECTOR Andrew Allison, PhD  
CONTACT PERSON Robbie Nix  
ADDRESS P.O Box 1437, Slot S295, Little Rock, AR 72203  
PHONE NO. 320-86527 FAX NO. 682-2480 E-MAIL Robert.nix@arkansas.gov  
NAME OF PRESENTER AT COMMITTEE MEETING Marilyn Strickland  
PRESENTER E-MAIL marilyn.strickland@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:

Donna K. Davis  
Administrative Rules Review Section  
Arkansas Legislative Council  
Bureau of Legislative Research  
Room 315, State Capitol  
Little Rock, AR 72201

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1. What is the short title of this rule?  
EPISODE-2-13 and State Plan Amendment #2013-005
2. What is the subject of the proposed rule?  
To add Acute Exacerbation of Chronic Obstructive Pulmonary Disease (COPD) episodes, Percutaneous Coronary Intervention (PCI) episodes, Acute Exacerbation of Asthma episodes and Coronary Arterial Bypass Graft (CABG) episodes to both the Episodes of Care Medicaid manual and the Arkansas State Plan.
3. Is this rule required to comply with a federal statute, rule, or regulation? Yes \_\_\_ No X.  
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 X.  
If yes, what is the effective date of the emergency rule? \_\_\_\_\_  
When does the emergency rule expire? \_\_\_\_\_  
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 X If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule? Yes \_\_\_\_\_ No X If yes, a copy of the repealed rule is to be included with your completed questionnaire.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 X 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."

6. Cite the state law that grants the authority for this proposed rule? If codified, please give Arkansas Code citation.

Arkansas Statute 20-76-201

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

The purpose of the proposed rule is to add Acute Exacerbation of Chronic Obstructive Pulmonary Disease (COPD) episodes, Percutaneous Coronary Intervention (PCI) episodes, Acute Exacerbation of Asthma episodes and Coronary Arterial Bypass Graft (CABG) episodes to both the Episodes of Care Medicaid manual and the Arkansas State Plan. Medicaid has established a payment improvement initiative to incentivize improved care quality, efficiency, and economy. The program uses episode-based data to evaluate the quality, efficiency, and economy of care delivered in the course of the episode, and to apply payment incentives.

The proposed rule is necessary so that providers are aware of Arkansas Medicaid requirements for Acute Exacerbation of Chronic Obstructive Pulmonary Disease (COPD) episodes, Percutaneous Coronary Intervention (PCI) episodes, Acute Exacerbation of Asthma episodes and Coronary Arterial Bypass Graft (CABG) episodes.

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://www.medicaid.state.ar.us/InternetSolution/general/comment/comment.aspx>

9. Will a public hearing be held on this proposed rule? Yes X No \_\_\_\_\_.

If yes, please complete the following:

Date: June 7, 2013

Time: 2:00 PM – 4:00 PM

Place: Donaghey Plaza South, 700 East Main Street, Little Rock - Conference Room A

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

June 13, 2013

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

October 1, 2013

12. Do you expect this rule to be controversial? Yes X No \_\_\_\_\_ If yes, please explain.

While the episode based payment improvement initiative does not change current reimbursement, there is risk that providers could incur a negative incentive adjustment that would require them to remit money back to Medicaid

13. 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.

Medical associations, interested providers, and advocacy organizations. Their positions for or against is not known at this time.



**ECONOMIC IMPACT STATEMENT**  
**(As Required under Arkansas Code § 25-15-301)**

**Department:** Arkansas Department of Human Services  
**Division:** Medical Services  
**Person Completing this Statement:** Lynn Burton  
**Telephone Number:** 501-682-1857      **Fax Number:** 501-682-3889  
**EMAIL:** Lynn.Burton@Arkansas.gov

**Short Title of this Rule:**      EPISODE-2-13 and State Plan Amendment #2013-005

(1) The type or types of small businesses that will be directly affected by the proposed rule, bear the cost of the proposed rule, or directly benefit from the proposed rule.

**Health Care providers providing services for conditions covered under episodes included in the Arkansas Health Care Payment Improvement Initiative.**

(2) A description of how small businesses will be adversely affected.

**Some health care providers may benefit from the episode performance payment model, while those providing services that do not meet certain cost and quality standards will see reduced provider revenue. Impact to any individual provider will depend on the provider's behavior and performance.**

(3) A reasonable determination of the dollar amounts the proposed rule will cost small businesses in terms of fees, administrative penalties, reporting, recordkeeping, equipment, construction labor, professional services, revenue loss, or other costs associated with compliance.

**No additional incremental costs to providers are expected. The net revenue impact to any individual provider will depend on their current standard of care and any improvement they make.**

(4) A reasonable determination of the dollar amounts of the costs to the agency of implementing the proposed rule, as well as the financial benefit to the agency of implementing the rule.

**The Department projects savings resulting from implementation of this initiative to be \$260,083 in SFY 2015. 2015 is the first year that the full impact of this initiative would be realized.**

(5) Whether and to what extent alternative means exist for accomplishing the objectives of the proposed rule that might be less burdensome to small businesses and why such alternatives are not being proposed.

**Not Applicable**

(6) A comparison of the proposed rule with federal and state counterparts.

**Not Applicable**

**Summary for EPISODE-2-13 and State Plan Amendment #2013-005**

Effective October 1, 2013 Arkansas Medicaid proposes to add Acute Exacerbation of Chronic Obstructive Pulmonary Disease (COPD) episodes, Percutaneous Coronary Intervention (PCI) episodes, Acute Exacerbation of Asthma episodes and Coronary Arterial Bypass Graft (CABG) episodes to the Episodes of Care Medicaid manual and Arkansas State Plan to incentivize improved care quality, efficiency, and economy. The program uses episode-based data to evaluate the quality, efficiency, and economy of care delivered in the course of the episode, and to apply payment incentives.