

EXHIBIT I

DEPARTMENT OF HUMAN SERVICES, BEHAVIORAL HEALTH SERVICES

SUBJECT: Behavioral Health Services (DBHS) Certification Manual for Rehabilitative Services for Persons with Mental Illness (RSPMI) Update #2015-1

DESCRIPTION: Effective September 1, 2015, the department proposes to amend the outcomes reporting requirements in the DBHS Rehabilitative Services for Persons with Mental Illness (RSPMI) Certification Manual. This update is necessary to remove the requirement of RSPMI facilities to demonstrate use of the Youth Outcomes Questionnaire (YOQ) for certification purposes. This is pursuant to Act 161 of 2015.

PUBLIC COMMENT: A public hearing was not held on this rule. The public comment period expired May 26, 2015. The Department received no public comments.

Isaac Linam, an attorney with the Bureau of Legislative Research, asked the following questions:

QUESTION #1: Is the Youth Outcomes Questionnaire (YOQ) the “current outcomes measurement tool” referred to in Acts 2015, No. 161?

RESPONSE #1: Yes, the YOQ is the current outcomes measurement tool referred to in ACT 161 of 2015.

QUESTION #2: Is the new language added to this rule the “new outcomes measurement tool” referred to in Acts 2015, No. 161? If yes, can you briefly explain this new tool? If no, does the Department anticipate promulgating a rule to select a new outcomes measurement tool by the timetable set in Act 161?

RESPONSE #2: No, the language added here simply removes the requirement for a provider to show the usage of the YOQ to be certified by DBHS. The requirement now would be for the provider to show the tracking of outcomes (of their choosing) to be certified as an RSPMI site by DBHS. The new tool is mandated to be chosen by September 30, 2015 and new language will have to be promulgated which would specify that tool.

The proposed effective date for the final rule is November 1, 2015.

CONTROVERSY: This is not expected to be controversial.

FINANCIAL IMPACT: There is no financial impact.

LEGAL AUTHORIZATION: This rule implements in part Acts 2015, No. 161. That Act requires the Department to replace its current outcomes measurement tool regarding behavior health care services for children and youth by selecting a new outcomes based measurement tool by September 30, 2015.

Ark. Code Ann. § 20-47-709 provides that the Department of Human Services shall promulgate rules to carry out the Arkansas System of Care for Behavioral Health Care Services for Children and Youth Act, codified as § 24-47-701 et seq.

Ark. Code Ann. § 20-76-201 authorizes the Department of Human Services to administer programs for the indigent and to "make rules and regulations" pertaining to the administration of those programs. Ark. Code Ann. § 20-77-107 specifically authorizes the Department to "establish and maintain an indigent medical care program."

Ark. Code Ann. § 25-10-129 directs the Department to promulgate rules to conform to federal law that affects "programs administered or funded by or through the department" as necessary to receive available federal funds.

EXHIBIT I

Summary

Division of Behavioral Health Services Certification Manual for Rehabilitative Services for Persons with Mental Illness (RSPMI) Update 1

Effective November 1, 2015, the Arkansas Department of Human Services Division of Behavioral Health Services (DBHS) proposes to amend the outcomes reporting requirements in the DBHS Rehabilitative Services for Persons with Mental Illness (RSPMI) Certification manual. This update is necessary to remove the requirement of RSPMI facilities to demonstrate use of the Youth Outcomes Questionnaire (YOQ) for certification purposes, pursuant to Arkansas ACT 161 of the 2015 Regular Session.

**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 Behavioral Health Services
 DIVISION DIRECTOR James C. Green
 CONTACT PERSON Robbie Nix
 ADDRESS 4800 West 7th Street, Little Rock, AR 72205
 PHONE NO. 501-686-9871 FAX NO. 501-683-0860 E-MAIL robert.nix@dhs.arkansas.gov
 NAME OF PRESENTER AT COMMITTEE MEETING Julie Meyer
 PRESENTER E-MAIL julie.meyer@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:

**Donna K. Davis
 Administrative Rules Review Section
 Arkansas Legislative Council
 Bureau of Legislative Research
 One Capitol Mall, 5th Floor
 Little Rock, AR 72201**

1. What is the short title of this rule? Division of Behavioral Health Services (DBHS) Certification Manual for Rehabilitative Services for Persons with Mental Illness (RSPMI) Update #2015-1

2. What is the subject of the proposed rule? The purpose of the proposed rule is to amend outcomes reporting requirements in the DBHS RSPMI Certification manual.

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? _____

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
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."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. Arkansas Code Annotated § 25-10-129 et. seq.; Arkansas Administrative Procedure Act § 25-15-204

7. What is the purpose of this proposed rule? Why is it necessary? The purpose of the proposed rule is to amend the outcomes reporting requirements in the DBHS RSPMI Certification manual.

This update is necessary to remove the requirement of RSPMI facilities to demonstrate use of the Youth Outcomes Questionnaire (YOQ) for certification purposes, pursuant to Arkansas ACT 161 of the 2015 Regular Session.

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).
http://humanservices.arkansas.gov/dbhs/Pages/dbhs_docs.aspx

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 26, 2015

11. What is the proposed effective date of this proposed rule? (Must provide a date.)
November 1, 2015

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Department of Human Services
DIVISION Division of Behavioral Health Services
PERSON COMPLETING THIS STATEMENT Julie Meyer
TELEPHONE NO. 501-683-0551 **FAX NO.** 501-683-0860 **EMAIL:** julie.meyer@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 Division of Behavioral Health Services Certification Manual for Rehabilitative Services for Persons with Mental Illness (RSPMI) Update 1

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?

Current Fiscal Year

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

Next Fiscal Year

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

Total \$0 _____

Total \$0 _____

(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 \$0 _____

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

Total \$0 _____

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

\$ 0 _____

\$ 0 _____

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.