

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1554

5 By: Representative L. Johnson
6 By: Senator J. Boyd
7

For An Act To Be Entitled

9 AN ACT TO ADD DEFINITIONS TO THE MEDICAID FAIRNESS
10 ACT TO ENSURE THAT ALL RULE ENFORCEMENT ACTIONS ARE
11 APPEALABLE; AND FOR OTHER PURPOSES.
12
13

Subtitle

14 TO ADD DEFINITIONS TO THE MEDICAID
15 FAIRNESS ACT TO ENSURE THAT ALL RULE
16 ENFORCEMENT ACTIONS ARE APPEALABLE.
17
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 20-77-1702(2)(B), concerning the definition
23 of "adverse action" within the Medicaid Fairness Act, is amended to read as
24 follows:

25 (B) To constitute an adverse decision, an agency decision
26 need not have a monetary penalty attached ~~but must have~~ or a direct monetary
27 consequence to the provider, including an enforcement action.
28

29 SECTION 2. Arkansas Code § 20-77-1702, concerning the definitions
30 within the Medicaid Fairness Act, is amended to add an additional subdivision
31 to read as follows:

32 (20) "Enforcement action" means an action or decision by the
33 Department of Human Services or its reviewers or contractors that affects a
34 Medicaid provider in regard to the enforcement of a rule of the Department of
35 Human Services.
36



1 SECTION 3. Arkansas Code Title 20, Chapter 77, Subchapter 17, is
2 amended to add an additional section to read as follows:

3 20-77-1719. Adverse actions resulting from enforcement actions.

4 In addition to the requirements of this subchapter regarding an adverse
5 action, the Department of Human Services shall ensure that an adverse action
6 resulting from an enforcement action meets the following minimum
7 requirements:

8 (1)(A) A provider shall be given no less than forty-eight (48)
9 hours' notice of a scheduled, routine monitor visit to conduct an
10 organization-wide one (1) time per licensing or certification period in a
11 single audit event.

12 (B) An inspection visit to conduct an investigation a
13 complaint of non-compliance received from a third party shall not require
14 notice as described under subdivision (1)(A) of this section;

15 (2)(A) A provider may challenge a violation in any enforcement
16 action by filing a reconsideration request setting forth the reasons the
17 violation is incorrect.

18 (B) The reconsideration request shall be ruled upon by the
19 enforcement entity within thirty (30) calendar days of receipt, or the
20 violation shall be vacated by operation of law; and

21 (3) All violations for a reconsideration that is not granted
22 shall be subject to administrative appeal.

23
24
25
26
27
28
29
30
31
32
33
34
35
36