



**DHS Secretary Cindy Gillespie
Office of the Secretary**

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September 1, 2021

Jessica C. Whittaker, Administrator
Administrative Rules Review Section
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, Arkansas 72201
whittakerj@blr.arkansas.gov

RE: Act 595 of 2021 – Intention Not to Adopt Rules

Dear Ms. Whittaker,

Please allow this letter to confirm that the Arkansas Department of Human Services (DHS) does not intend to adopt rules for the following Acts identified in the *Report on the Acts of the 2021 Regular Session Requiring New Rulemaking* (appearing in order of the report). No rulemaking is necessary or current rules are sufficient and DHS already has implemented the Acts or has scheduled implementation as detailed below. Accordingly, DHS respectfully requests to exclude these rules from further reporting requirements.

Act 745: Medicaid Coverage of New Drugs: Implementation of coverage did not require rulemaking. DHS fully implemented this Act after presentation to the DUR board and became effective July 21, 2021. The pharmacy vendor site was updated after implementation with this information:

(https://arkansas.magellanrx.com/client/docs/rxinfo/PDL_criteria_for_medications_new_to_market_or_label_expansion.pdf)

Act 937: LTC Medicaid Eligibility Rules: No rulemaking is necessary. The Act gives discretion to amend the rules if necessary (which discretion did not exist prior to the Act), but DHS determines that current rules meet the requirements of the Act.

Act 651 (Report Section I): Coprescription of Opioid Antagonist: This Act is non-agency specific. DHS determined it does not require rulemaking by DHS. DHS considers the Act implemented as Naloxone is covered without prior authorization for Medicaid clients. *See* Medicaid Pharmacy manual Section 211.105 (<https://humanservices.arkansas.gov/divisions-shared-services/medical-services/helpful-information-for-providers/manuals/pharmacy-prov/>).

Act 357: Arkansas Coverage for Early Refills of Prescription Eye Drops Act:
Implementation of coverage does not require rulemaking. System changes are being implemented with operational go-live scheduled for 10/1/22.

Please let me know if you have any questions or concerns.

Sincerely,

Mark White

Chief of Staff

Chief of Legislative and Intergovernmental Affairs