

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

A Bill

SENATE BILL 397

5 By: Senator J. Dotson
6 By: Representative Tosh
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE ADMINISTRATIVE PROCEDURE ACT; TO
10 ALLOW ADMINISTRATIVE ADJUDICATION DECISIONS TO BE
11 SERVED ELECTRONICALLY; AND FOR OTHER PURPOSES.
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Subtitle

15 TO AMEND THE ADMINISTRATIVE PROCEDURE
16 ACT; AND TO ALLOW ADMINISTRATIVE
17 ADJUDICATION DECISIONS TO BE SERVED
18 ELECTRONICALLY.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 25-15-210(c), concerning administrative
24 adjudication decisions under the Arkansas Administrative Procedure Act, is
25 amended to read as follows:

26 (c)(1) Parties shall be served either personally or by mail with a copy
27 of any decision or order.

28 (2) In addition to the manner of service provided under
29 subsection (c)(1) of this section, administrative adjudication decisions made
30 by the Department of Human Services may be served electronically by e-mail if
31 the party consents.
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33 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
34 General Assembly of the State of Arkansas that the Department of Human
35 Services issues numerous administrative adjudication decisions concerning
36 eligibility for health services under Medicaid; that Medicaid provided for



1 the continuous enrollment in certain programs during the coronavirus 2019
 2 (COVID-19) pandemic; that the revocation of the continuous enrollment
 3 procedures under Medicaid will increase the number of administrative
 4 adjudication decisions to be transmitted by the Department of Human Services;
 5 that beneficiaries under the Medicaid programs require timely notice to
 6 ensure continuous care for their health and welfare; and that timely notice
 7 to beneficiaries affected by the decisions of the Department of Human
 8 Services is immediately necessary because the health and welfare of the
 9 citizens affected will be harmed by increased delay in the administrative
 10 adjudication process. Therefore, an emergency is declared to exist, and this
 11 act being immediately necessary for the preservation of the public peace,
 12 health, and safety shall become effective on:

- 13 (1) The date of its approval by the Governor;
- 14 (2) If the bill is neither approved nor vetoed by the Governor,
 15 the expiration of the period of time during which the Governor may veto the
 16 bill; or
- 17 (3) If the bill is vetoed by the Governor and the veto is
 18 overridden, the date the last house overrides the veto.

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 21 **APPROVED: 4/4/23**
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