

DEPARTMENT OF HUMAN SERVICES, DIVISION OF COUNTY OPERATIONS

SUBJECT: SUPPORT Act Changes for Former Foster Care Youth

DESCRIPTION:

Statement of Necessity

With the new federal requirements from the Children's Bureau, Former Foster Care coverage should be available to individuals that age out of foster care in one state and move to another. This only applies to youth who reach eighteen (18) years of age on or after January 01, 2023 (and meet all other eligibility requirements). The Medical Services Policy is being updated to reflect these changes.

Rule Summary

The following are changes to Policy B-260:

1. Updated MS Manual date to 01/01/23; and
2. Added note: If an individual has aged out of foster care in one state, and they move to another state, they are eligible for Former Foster Coverage if all other general Health Care eligibility requirements are met. This applies only to youth who reach eighteen (18) years of age on or after January 01, 2023.

PUBLIC COMMENT: No public hearing was held on this rule. The public comment period expired on October 31, 2022. The agency indicated that it received no public comments.

The proposed effective date is January 1, 2023.

FINANCIAL IMPACT: The agency indicated that this rule has a financial impact.

Per the agency, this rule implements a federal rule or regulation. The total estimated cost to implement the federal rule or regulation is \$39,195 for the current fiscal year (\$11,124 in general revenue and \$28,072 in federal funds) and \$78,390 for the next fiscal year (\$22,247 in general revenue and \$56,143 in federal funds). The total estimated cost by fiscal year to state, county, and municipal government as a result of this rule is \$11,124 for the current fiscal year and \$22,247 for the next fiscal year.

LEGAL AUTHORIZATION: The Department of Human Services has the responsibility to administer assigned forms of public assistance and is specifically authorized to maintain an indigent medical care program (Arkansas Medicaid). *See* Ark. Code Ann. §§ 20-76-201(1), 20-77-107(a)(1). The Department has the authority to make rules that are necessary or desirable to carry out its public assistance duties. Ark. Code Ann. § 20-76-201(12). The Department and its divisions also have the authority to promulgate rules as necessary to conform their programs to federal law and receive

federal funding. Ark. Code Ann. § 25-10-129(b).

This rule implements the federal SUPPORT Act, which requires states to make medical assistance available to certain individuals under age 26 who “were in foster care under the responsibility of a State on the date of attaining 18 years of age or such higher age as the State has elected[.]” 42 U.S.C. § 1396a(a)(10)(A)(i)(IX).

NOTICE OF RULE MAKING

The Director of the Division of County Operations of the Department of Human Services announces for a public comment period of thirty (30) calendar days a notice of rulemaking for the following proposed rule under one or more of the following chapters, subchapters, or sections of the Arkansas Code: §§20-76-201, 20-77-107, and 25-10-129.

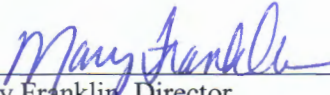
Effective January 1, 2023:

The Director of the Division of County Operations amends Medical Services Policy Manual Section B-260 to provide Medicaid coverage to eligible “former foster youth” who age out of foster care in one state and then move to a new state based on Section 1002 of the SUPPORT Act. The proposed rule estimates a financial impact of \$39,195 (\$28,072 of which is federal funds) for state fiscal year (SYF) 2023 and \$78,390 (\$56,143 of which is federal funds) for SYF 2024.

The proposed rule is available for review at the Department of Human Services (DHS) Office of Rules Promulgation, 2nd floor Donaghey Plaza South Building, 7th and Main Streets, P. O. Box 1437, Slot S295, Little Rock, Arkansas 72203-1437. You may also access and download the proposed rule at <https://humanservices.arkansas.gov/do-business-with-dhs/proposed-rules/>. Public comments must be submitted in writing at the above address or at the following email address: ORP@dhs.arkansas.gov. All public comments must be received by DHS no later than October 31, 2022. Please note that public comments submitted in response to this notice are considered public documents. A public comment, including the commenter’s name and any personal information contained within the public comment, will be made publicly available and may be seen by various people.

If you need this material in a different format, such as large print, contact the Office of Rules Promulgation at 501-534-4138.

The Arkansas Department of Human Services is in compliance with Titles VI and VII of the Civil Rights Act and is operated, managed and delivers services without regard to religion, disability, political affiliation, veteran status, age, race, color or national origin. 4502100209



Mary Franklin, Director
Division of County Operations



Division of County Operations

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P: 501. 320.6266 F: 501. 404.4619 TDD: 501.682.8933

MEMORANDUM

TO: Interested Persons and Providers

FROM: Mary Franklin, Director, Division of County Operations

DATE: September 29, 2022

SUBJ: Medical Services Policy Manual

As a part of the Arkansas Administrative Procedure Act process, attached for your review and comment are proposed rule revisions.

Public comments must be submitted in writing at the above address or at the following email address: ORP@dhs.arkansas.gov Please note that public comments submitted in response to this notice are considered public documents. A public comment, including the commenter's name and any personal information contained within the public comment, will be made publicly available and may be seen by various people.

If you have any comments, please submit those comments in writing, no later than October 31, 2022 .

All DHS proposed rules, public notices, and recently finalized rules may also be viewed at: [Proposed Rules & Public Notices](#).

B-260 Former Foster Care Adults

MS Manual 01/01/~~2223~~

This group consists of adults up to twenty-six (26) years of age who aged out of foster care in Arkansas. There is no income or resource test. Other than the general Health Care eligibility requirements that all Health Care eligibles must meet ([MS D-100](#)), the requirements for eligibility in this group are that the adult was in foster care in Arkansas, was enrolled in Health Care when aging out of foster care at eighteen (18) to twenty-one (21) years of age depending on the individual circumstances and is currently under twenty-six (26) years of age.

Individuals in this group receive the full range of Health Care benefits.

Note: If an individual has aged out of foster care in one state-, and they move to another state, they are eligible for Former Foster Coverage if all -other general Health Care eligibility requirements are met. This applies only to youth who reach eighteen (18) years of age on or after January 01, 2023.