

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1439

5 By: Representatives M. Gray, Wardlaw
6 By: Senator Irvin
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE HEALTHCARE QUALITY AND PAYMENT
10 POLICY ADVISORY COMMITTEE; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO AMEND THE HEALTHCARE QUALITY AND
14 PAYMENT POLICY ADVISORY COMMITTEE.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code §§ 20-77-2203 - 2206 is amended to read as
21 follows:

22 20-77-2203. Healthcare Quality and Payment Policy Advisory Committee -
23 Created - Membership.

24 (a) The Healthcare Quality and Payment Policy Advisory Committee is
25 created.

26 (b)(1) Except as provided under subdivision (b)(2) of this section,
27 the committee shall consist of the following ~~seven (7)~~ ten (10) voting
28 members:

29 (A) ~~Three (3)~~ Five (5) members appointed by the President
30 Pro Tempore of the Senate and recommended by the Arkansas Medical Society,
31 including:

32 ~~(i) One (1) physician in good standing with the~~
33 ~~Arkansas State Medical Board;~~

34 ~~(ii) One (1) member nominated by the Arkansas~~
35 ~~Hospital Association who represents hospitals with more than one hundred~~
36 ~~(100) beds; and~~



~~(iii) One (1) medical director of a commercially owned insurance company participating with the Division of Medical Services of the Department of Human Services in the Arkansas Health Care Payment Improvement Initiative;~~

(i) One (1) family physician;

(ii) One (1) pediatrician;

(iii) One (1) internal medicine physician;

(iv) One (1) physician of any specialty in good standing with the Arkansas State Medical Board; and

(v) One (1) physician who is a medical director of an insurance company; and

(B) ~~Three (3)~~ Five (5) members appointed by the Speaker of the House of Representatives and recommended by the Arkansas Medical Society, including:

~~(i) Two (2) physicians nominated by the Arkansas Medical Society; and~~

~~(ii) One (1) member nominated by the Arkansas Hospital Association who represents hospitals with fewer than one hundred (100) beds; and~~

~~(C) The Director of the Division of Medical Services of the Department of Human Services~~

(i) One (1) family physician;

(ii) One (1) pediatrician;

(iii) One (1) internal medicine physician;

(iv) One (1) physician of any specialty in good standing with the Arkansas State Medical Board; and

(v) One (1) physician who is a specialist.

(2)(A) For purposes of reviewing a draft rule related to long-term care services and supports, the committee shall include the following ~~five (5)~~ four (4) additional voting members:

(i) One (1) member nominated by the Arkansas Health Care Association to represent nursing homes and appointed by the President Pro Tempore of the Senate;

(ii) One (1) member nominated by the ~~Arkansas Association of Area Agencies on Aging~~ Arkansas Pharmacists Association and appointed by the President Pro Tempore of the Senate;

1 (iii) One (1) member nominated by the ~~Arkansas~~
 2 ~~Residential Assisted Living Association~~ Arkansas Hospital Association and
 3 appointed by the President Pro Tempore of the Senate; and

4 (iv) ~~One (1) member nominated by the Arkansas~~
 5 ~~Residential Assisted Living Association and appointed by the Speaker of the~~
 6 ~~House of Representatives; and~~

7 (v) ~~One (1) member nominated by the HomeCare~~
 8 ~~Association of Arkansas and appointed by the Speaker of the House of~~
 9 ~~Representatives~~ The Director of the Division of Medical Services of the
 10 Department of Human Services.

11 (B)(i) As used in subdivision (b)(2)(A) of this section,
 12 “long-term care services and supports” does not include services provided in
 13 intermediate care facilities for individuals with developmental disabilities
 14 or services provided by an entity licensed or certified by the Division of
 15 Developmental Disabilities Services of the Department of Human Services.

16 (ii) For purposes of reviewing a draft rule related
 17 to services provided in intermediate care facilities for individuals with
 18 developmental disabilities and services provided by an entity licensed or
 19 certified by the Division of Developmental Disabilities Services, § 20-77-
 20 2205(b)(2) applies.

21 ~~(3) A medical director of a commercially owned insurance company~~
 22 ~~participating with the Division of Medical Services in the Arkansas Health~~
 23 ~~Care Payment Improvement Initiative who is not appointed under subdivision~~
 24 ~~(b)(1)(A)(iii) of this section may serve as an ex officio member of the~~
 25 ~~committee but shall not vote.~~

26 (c) The committee may appoint subcommittees of the committee to study,
 27 research, and advise the committee.

28 (d) The Department of Human Services may provide offices and staff for
 29 the committee.

30 (e)(1) The members of the committee shall serve two-year terms.

31 (2) At the first meeting of the committee, the length of the
 32 terms of the initial appointees shall be determined by lot.

33 (f) The members of the committee shall hold the first meeting in
 34 offices made available by the department within thirty (30) days of the
 35 appointment of the members of the committee.

36 (g) The committee annually shall select from its membership a chair

1 and a vice chair.

2 (h)(1) A majority of the membership of the committee constitutes a
3 quorum.

4 (2) A majority vote of the members present is required for any
5 action of the committee.

6 (i)(1) A vacancy on the committee due to death, resignation, removal,
7 or another cause shall be filled in the same manner as the initial
8 appointment.

9 (2) A member appointed to fill a vacancy shall serve for the
10 remainder of the vacated term.

11 (j) The members of the committee may be removed by the appointing
12 official for cause.

13 (k) Members of the committee except those employed by the state may
14 receive expense reimbursement and stipends under § 25-16-902.

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16 20-77-2204. Purpose.

17 The purpose of the Healthcare Quality and Payment Policy Advisory
18 Committee is to make recommendations and provide ~~advice~~ approval and
19 assistance to the Department of Human Services concerning the promulgation of
20 rules submitted by the department to the committee to promote high-quality,
21 safe, effective, timely, efficient, and patient-centered physician services,
22 hospital services, and long-term care services and supports in the State of
23 Arkansas, as related to the development of:

24 (1) The Arkansas Health Care Payment Improvement Initiative;

25 (2) Patient-centered medical homes; and

26 (3) ~~episodes~~ Episodes of care and the episodes-of-care target
27 prices and quality metrics within the Arkansas Health Care Payment
28 Improvement Initiative.

29

30 20-77-2205. Medicaid payment and reimbursement rules related to
31 development of episodes of care.

32 (a)(1) The Department of Human Services shall not adopt a rule under
33 the Arkansas Administrative Procedure Act, § 25-15-201 et seq., related to
34 the following areas ~~development of episodes of care for patient-centered~~
35 ~~physician services, hospital services, and long-term care services and~~
36 ~~supports, including without limitation the episodes of care target prices and~~

1 ~~quality metrics~~, without first submitting the proposed rule to the Healthcare
 2 Quality and Payment Policy Advisory Committee for review;

3 (A) The Arkansas Health Care Payment Improvement
 4 Initiative;

5 (B) Patient-centered medical homes; and

6 (C) Episodes of care for patient-centered physician
 7 services, hospital services, and long-term care services and supports,
 8 including without limitation the episodes of care target prices and quality
 9 metrics.

10 (2) Concurrent with a submission of a draft rule to the
 11 committee under subdivision (a)(1) of this section, the department shall
 12 issue a public notice of the draft rule for which the department shall:

13 (A) Include in the notice a statement of the terms or
 14 substance of the draft rule and the specific provider category or categories
 15 affected;

16 (B) Mail the notice to any person who requests notice of a
 17 submission of a draft rule to the committee under subdivision (a)(1) of this
 18 section; and

19 (C) Post the notice on the department's website in a
 20 section dedicated to the committee.

21 (3) Concurrent with a submission of a draft rule to the
 22 committee under subdivision (a)(1) of this section, the department shall post
 23 the draft rule on its website in a section dedicated to the committee during
 24 the entire period the draft rule is under consideration by the committee.

25 (4) The department shall provide to a person who requests the
 26 information a meeting notice that identifies the time and place of each
 27 committee and subcommittee meeting and the draft rules under consideration by
 28 the committee or subcommittee at each meeting.

29 (b)(1) At least forty-five (45) days before initiating the
 30 promulgation process under the Arkansas Administrative Procedure Act, § 25-
 31 15-201 et seq., ~~for a rule related to the development of episodes of care for~~
 32 ~~patient-centered physician services, hospital services, or long-term care~~
 33 ~~services and supports, including without limitation the episodes of care~~
 34 ~~target prices and quality metrics,~~ the department shall submit the draft rule
 35 to the committee for review and advice approval.

36 (2)(A) If the draft rule pertains to a healthcare provider

1 listed in § 20-77-2202(2) whose provider category is not represented on the
 2 committee, the committee shall seek representation by designated
 3 representatives of the statewide provider association or associations for
 4 that provider category for the purpose of review and ~~advice~~ approval.

5 (B) The committee shall:

6 (i) Provide at least twenty-five (25) days for the
 7 representatives of the affected healthcare providers to review and comment on
 8 the draft rule; and

9 (ii) Afford the representatives the opportunity to
 10 participate in committee and subcommittee deliberations on the draft rule.

11 (C)(i) The committee shall not provide ~~advice~~ approval to
 12 the department without seeking the input of the affected healthcare
 13 providers.

14 (ii) If the committee does not reach agreement with
 15 a provider association on a draft rule pertaining to a healthcare provider
 16 not represented on the committee, the committee shall prepare a written
 17 report that objectively states the information and viewpoints presented but
 18 does not ~~advise grant approval to~~ the department concerning ~~how to proceed on~~
 19 the draft rule.

20 (c) A rule required to be submitted to the committee under subsection
 21 (b) of this section that is adopted without following this section is void.

22 (d)(1) The committee shall issue and deliver a written ~~advisory~~
 23 approval statement to the department within thirty (30) calendar days after
 24 the department's submission of the proposed rule to the committee.

25 ~~(2) If the department fails to follow the advice of the~~
 26 ~~committee with respect to a proposed rule under this section, the department,~~
 27 ~~before beginning the promulgation process, shall prepare a written report~~
 28 ~~setting out the advice of the committee and an explanation of the reason that~~
 29 ~~the department decided not to follow the committee's advice with regard to~~
 30 ~~the rule.~~

31 ~~(3)(2)~~ The department shall make available for public review the
 32 ~~report required under subdivision (d)(2) of this section~~ written approval
 33 statement required under subdivision (d)(1) of this section and the text of
 34 the proposed rule during the public comment period.

35 ~~(4)(3)~~ The department ~~may~~ shall not begin the promulgation
 36 process for the proposed rule if the committee does not issue and deliver a

1 written ~~advisory~~ approval statement to the department within thirty (30)
2 calendar days after the department's submission of the proposed rule to the
3 committee.

4 ~~(e) After the public comment period, the department shall retain and~~
5 ~~make available for public review the report required under subdivision (d)(2)~~
6 ~~of this section and the text of any final regulation issued.~~

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8 20-77-2206. Powers and duties of Healthcare Quality and Payment Policy
9 Advisory Committee.

10 The Healthcare Quality and Payment Policy Advisory Committee shall:

11 (1) Review and provide ~~advice~~ approval regarding draft rules
12 submitted by the Department of Human Services under § 20-77-2205;

13 (2) Have the authority to obtain from the department all data
14 and analysis required to fully meet its charge under § 20-77-2204; and

15 (3) Provide reports to the Legislative Council upon request.

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