

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

As Engrossed: H3/29/23

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.
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Subtitle

15 TO ADD DEFINITIONS TO THE MEDICAID
16 FAIRNESS ACT TO ENSURE THAT ALL RULE
17 ENFORCEMENT ACTIONS ARE APPEALABLE.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 *SECTION 1. Arkansas Code Title 20, Chapter 77, Subchapter 17, is*
23 *amended to add an additional section to read as follows:*

24 20-77-1719. Certification enforcement actions.

25 (a) For purposes of this section, "enforcement action" means one (1)
26 of the following actions taken by the Division of Provider Services and
27 Quality Assurance of the Department of Human Services under its certification
28 authority:

29 (1) A directive to submit a corrective action plan; or

30 (2) A citation or other finding of a violation that does not
31 have a direct monetary consequence to the provider.

32 (b)(1) A Medicaid provider that is certified by the division may
33 challenge an enforcement action by filing a reconsideration request setting
34 forth the reasons the violation is incorrect.

35 (2)(A) The division shall make an administrative reconsideration
36 determination within sixty (60) calendar days of receipt of the request.



1 (B) An administrative reconsideration determination is not
2 an order as defined in the Arkansas Administrative Procedure Act, § 25-15-201
3 et seq.

4 (3)(A) If there is a failure to meet the timelines specified in
5 this section, an adverse decision based on the enforcement action shall not
6 be enforced against the Medicaid provider unless the division shows good
7 cause for the failure to meet the timelines.

8 (B) Good cause for failure to meet the timelines includes
9 without limitation that the division has referred the matter to the Office of
10 Medicaid Inspector General or the Medicaid Fraud Control Unit of the Attorney
11 General's office for investigation.

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13 /s/L. Johnson
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