

State of Arkansas  
94th General Assembly  
Regular Session, 2023

# A Bill

SENATE BILL 397

By: Senator J. Dotson  
By: Representative Tosh

## For An Act To Be Entitled

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

## Subtitle

TO AMEND THE ADMINISTRATIVE PROCEDURE  
ACT; AND TO ALLOW ADMINISTRATIVE  
ADJUDICATION DECISIONS TO BE SERVED  
ELECTRONICALLY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 25-15-210(c), concerning administrative adjudication decisions under the Arkansas Administrative Procedure Act, is amended to read as follows:

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

(2) In addition to the manner of service provided under subsection (c)(1) of this section, administrative adjudication decisions made by the Department of Human Services may be served electronically by e-mail if the party consents.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the Department of Human Services issues numerous administrative adjudication decisions concerning eligibility for health services under Medicaid; that Medicaid provided for



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

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

**APPROVED: 4/4/23**