

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: H3/29/23

A Bill

HOUSE BILL 1554

By: Representative L. Johnson

By: Senator J. Boyd

For An Act To Be Entitled

AN ACT TO ADD DEFINITIONS TO THE MEDICAID FAIRNESS
ACT TO ENSURE THAT ALL RULE ENFORCEMENT ACTIONS ARE
APPEALABLE; AND FOR OTHER PURPOSES.

Subtitle

TO ADD DEFINITIONS TO THE MEDICAID
FAIRNESS ACT TO ENSURE THAT ALL RULE
ENFORCEMENT ACTIONS ARE APPEALABLE.

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

SECTION 1. Arkansas Code Title 20, Chapter 77, Subchapter 17, is amended to add an additional section to read as follows:

20-77-1719. Certification enforcement actions.

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

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

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

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

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



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

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

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

/s/L. Johnson