

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

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

HOUSE BILL 1172

By: Representatives L. Johnson, Gramlich

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 § 20-77-1702(2)(B), concerning the definition of "adverse action" within the Medicaid Fairness Act, is amended to read as follows:

(B) To constitute an adverse decision, an agency decision need not have a monetary penalty attached ~~but must have~~ or a direct monetary consequence to the provider, including an enforcement action.

SECTION 2. Arkansas Code § 20-77-1702, concerning the definitions within the Medicaid Fairness Act, is amended to add an additional subdivision to read as follows:

(20) "Enforcement action" means an action or decision by the department or its reviewers or contractors that affects a Medicaid provider in regard to the enforcement of a rule of the department.

SECTION 3. Arkansas Code Title 20, Chapter 77, Subchapter 17, is amended to add an additional section to read as follows:



20-77-1719. Adverse actions resulting from enforcement actions.

In addition to the requirements of this subchapter regarding an adverse action, the Department of Human Services shall ensure that an adverse action resulting from an enforcement action meets the following minimum requirements:

(1)(A) A provider shall be given no less than forty-eight (48) hours' notice of a scheduled, routine monitor visit to conduct an organization-wide one (1) time per licensing or certification period in a single audit event.

(B) An inspection visit to conduct an investigation of a complaint of non-compliance received from a third party shall not require notice as described under subdivision (1)(A) of this section;

(2)(A) A provider may challenge a violation in any enforcement action by filing a reconsideration request setting forth the reasons the alleged violation resulting in an enforcement act is invalid.

(B) The reconsideration request shall be ruled upon by the enforcement entity within thirty (30) calendar days of receipt of the reconsideration request under subdivision (2)(A) of this section.

(C) If the reconsideration request under subdivision (2)(A) of this section is not ruled upon within the time frame under subdivision (2)(B) of this section, the violation shall be vacated by operation of law; and

(3) If a provider's reconsideration request under subdivision (2) of this section is not approved, the provider may administratively appeal the violation.