

Title 20. Public Health and Welfare

Chapter XIV. Division of Developmental Disabilities Services, Department of Human Services

Subchapter A. Generally

Part 544. Appeals

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "Policy No. 1076"

"References: DDS Board Policy #1003; Ark. Code Ann. § 25-15-201 et seq.; Ark. Code Ann. § 20-77-1701 et seq.; Medicaid Provider Manual §§ 160.000, 190.000, 191.000"

"Administrative Rules & Regulations Sub Committee of the Arkansas Legislative Council:"

"Effective Date: October 1, 2017"

Subpart 1. Generally

20 CAR § 544-101. Purpose.

This part is provided to allow for appealing decisions made by the Division of Developmental Disabilities Services regarding the following programs:

- (1) Human development centers;
- (2) Community programs and services;
- (3) Medicaid Home and Community-Based Waiver services;
- (4) Licensure of community programs/services and certification of providers of waiver services, providers of early intervention voucher services, and independent (self-employed) care coordinators; and
- (5)(A) Nursing facility PASRR determinations.

(B) These determinations are made as required by the Omnibus Budget Reconciliation Act of 1987 (OBRA), Pub. L. No. 100-203, for persons with an ID/DD diagnosis who seek admission or for whom admission is sought to a nursing facility.

(C) It includes annual reviews for continued stay.

Authority. Arkansas Code §§ 20-48-205, 20-48-210, 20-77-1716.

Codification Notes. "ID/DD" means intellectual disability/developmental disability.

"PASRR" means preadmission screening and resident review.

20 CAR § 544-102. Scope.

(a) This part applies to:

- (1) Recipients of services and their parents/guardians;
- (2) Community programs;
- (3) Service providers;
- (4) Care coordinators;
- (5) Other interested parties; and
- (6) All Division of Developmental Disabilities Services employees.

(b)(1) The Board of Developmental Disabilities Services, according to board Policy 1003, has delegated its authority to hear appeals to the Director of the Division of Developmental Disabilities Services.

(2) The director hereby adopts this part to apply to all appeals of division services.

Authority. Arkansas Code §§ 20-48-205, 20-48-210, 20-77-1716.

20 CAR § 544-103. General provisions.

(a) All reconsiderations and appeals of Division of Developmental Disabilities Services decisions shall be made in accordance with the:

(1) Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.;

(2) Medicaid Fairness Act, Arkansas Code § 20-77-1701 et seq.; and

(3) Medicaid Provider Manual §§ 160.000, 190.000, and 191.000.

(b)(1) Reconsiderations will be heard by the Director of the Division of Developmental Disabilities Services or their designee, and must be filed within fifteen (15) business days of receipt of the denial notice.

(2) Reconsideration requests should be mailed to:

DDS Director's Office
P.O. Box 1437, Slot N501
Little Rock, AR 72201-1437

Authority. Arkansas Code §§ 20-48-205, 20-48-210, 20-77-1716.