



Arkansas Department of Health

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Governor Asa Hutchinson
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PROPOSED REVISIONS TO RULES FOR HOME HEALTH AGENCIES IN ARKANSAS

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PURPOSE

The Arkansas Department of Health (Department) is seeking Governor Hutchinson's review of proposed amendments to the Rules for Home Health Agencies in Arkansas.

BACKGROUND

Pursuant to A.C.A. § 20-10-801 et seq., the Department has authority to promulgate the Rules for Home Health Agencies in Arkansas. These rules establish minimum standards for licensure of Home Health Agencies in Arkansas. These standards are not static and are subject to periodic revisions in the future as new knowledge and changes in patient care trends become apparent

KEY POINTS

The proposed rule:

- Adds definitions.
- Makes Changes to comply with Acts 761 and 817 of 2021.

DISCUSSION

The Rules for Home Health Agencies in Arkansas are duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas in Ark. Code Ann. § 20-10- 801 et. seq.

There were two legislative acts – Act 761 and Act 817 – which required modification to the Rules for Home Health Agencies in Arkansas

The following changes are proposed:

Section 4:

Added definitions as follows:

4.C. - Branch Office - revised definition (Act 817)

- 4.D. - Certified Agency – revised to meet CMS definition
- 4.P. - Home Health Aide – revised definition to current CMS requirements
- 4.BB. - Personal Care Aide – added training requirement reference
- 4.KK. - Service Area – added 100-mile radius

Section 5:

- 5.A. - added statement regarding 100-mile radius and removed action not required (Act 817)
- 5.B. - Defined process for adding a branch office and requirements for a branch office.
 - Defined – branch office application process
 - Deleted – branch must provide services same as the parent
 - Deleted – agency to notify HFS of branch information as this in part of the application process
- B.2, B.3, and B.4 – Deleted as not a requirement.

Section 7:

- 7.C. – Added 100-mile radius provision (Act 817)
- 7.D. - Deleted – Copy of CMS regs on file in HFS.
- 7.D.7 - Deleted as unnecessary already in Section 5.

Section 10:

Clean up of font issue.

Section 11:

- 11.A.6. – Added “Agency-wide” for infection control program (Act 817)

Section 15:

- 15.A.1 (a), (b) - Clarified the provisions by adding “and”
- 15.A.2. - Deleted – HFS will notify any licensed providers as the HHA must complete this prior to submitting request.

RECOMMENDATION

We recommend that the proposed amendments to the Rules for Home Health Agencies in Arkansas be approved as proposed by the Department.