

**Abbreviated Public Notice
For Proposed Medicaid Section 1115 Demonstration Project**

**Opportunities to Test Transition-Related Strategies to Support Community Reentry from
Incarceration and Institutions for Mental Disease**

The Arkansas Department of Human Services (DHS), Division of Medical Services (DMS) is providing public notice of its intent to submit to the Centers for Medicare & Medicaid Services (CMS) a written request to submit a 1115 Demonstration Project and to hold public hearings to receive comments on the demonstration.

In accordance with 42 §CFR 431.408, this notice provides a summary of the waiver request and serves to formally open the 30-day public comment period, which will begin on **December 31, 2023** and conclude on **January 29, 2024**

DHS proposes to seek a new Section 1115 demonstration waiver, which combines two federal waiver opportunities related to the inmate and IMD exclusions. This waiver application, “Opportunities to Test Transition-Related Strategies to Support Community Reentry from Incarceration and Institutions for Mental Disease,” combines the CMS guidance on the SUPPORT Act and Cures Act into a single Demonstration Project (“Reentry Waiver”). The purpose of the Reentry Waiver is to provide Medicaid funding for treatment for individuals who are inmates on a temporary basis in a public institution and to bridge the gap in coverage for adults receiving treatment in an IMD. Arkansas views both waivers as an opportunity to greatly impact care for individuals in facilities, whether that facility is a correctional facility or an IMD.

Specifically, DHS seeks public comment on the Reentry Waiver, which proposes to:

1. *Improve Reentry Services for Justice Involved Populations.* Arkansas is seeking to cover all Medicaid services for all justice involved populations for up to 90 days beginning on the first day of incarceration and for another period of up to 90 days prior to release. The aim of this component is to support smoother care transitions into and from carceral settings to increase the likelihood that individuals who are transitioning out of incarceration can maintain coverage and receive the care they need.
2. *Address IMD (Institute for Mental Disease) Exclusion to Increase Access to Behavioral Health Services.* Arkansas is seeking to waive the IMD exclusion in order to cover Medicaid services provided to individuals receiving treatment in qualifying IMD institutions. Similar to the reentry services for justice involved populations, these services would be provided for up to 90 days beginning on the first day of admission to an IMD facility, and also for another period of up to 90 days prior to the individuals discharge back to community-based treatment for those that were in an IMD facility for greater than 90 days. This component will increase equitable access to services for Arkansas’ Medicaid population within IMD settings and support improved care transitions and overall health outcomes.

The proposed 1115 waiver and full public notice are available for public review on the DHS website at [ar.gov/dhs-proposed-rules](https://www.ar.gov/dhs-proposed-rules).

In addition, the draft documents are also available for hard copy review at the Department of Human Services (DHS) Office of Rules Promulgation, 2nd floor Donaghey Plaza South Building, 7th and Main Streets, P.O. Box 1437, Slot S295, Little Rock, Arkansas 72203-1437.

During the public comment period, the public is invited to provide written comments to DHS via US postal service or electronic mail, as well as make comments verbally during the two public hearings. DHS will hold two public hearings on the following dates, times, and locations:

Public Hearing #1: Department of Human Services Virtual Public Forum

January 10, 2024, 10:30 a.m. CST, Department of Human Services (DHS) via Zoom, Little Rock, Arkansas.

Zoom Link: <https://us02web.zoom.us/j/88981640420>

Zoom Dial-In: +1 346 248 7799 US (Houston) Meeting ID: 889 8164 0420

Public Hearing #2: Medicaid Client Voice Council

January 23, 2023, 11:00 a.m. to 2:00 p.m. CST

Locations: In-Person at AFMC Campus, 1020 W. 4th St., Little Rock, AR 72201; Virtual participation information will be announced at <https://ar.gov/clientvoice> and at ar.gov/dhs-proposed-rules once the information becomes available.

Interested persons should submit all comments to DHS on the proposed waiver on or before **January 29, 2024**.

Comments can be submitted via email to ORP@dhs.arkansas.gov or by mail to Department of Human Services (DHS) Office of Rules Promulgation, 2nd Floor Donaghey Plaza South Building, 7th and Main Streets, P. O. Box 1437, Slot S295, Little Rock, Arkansas 72203-1437.

Please note that public comments submitted in response to this notice are considered public documents. A public comment, including the commenter's name and any personal information contained within the public comment, will be made publicly available.

The Arkansas Department of Human Services is in compliance with Titles VI and VII of the Civil Rights Act and is operated and managed and delivers services without regard to religion, disability, political affiliation, veteran status, age, race, color or national origin.

If you need a copy of the draft waiver or public notice documents in a different format, such as large print or in hard copy, contact the Office of Rules Promulgation at 501-320-6428. 4502172997

Elizabeth Pitman, Director
Division of Medical Services