

1 State of Arkansas  
2 95th General Assembly  
3 Regular Session, 2025  
4

# A Bill

HOUSE BILL 1172

5 By: Representatives L. Johnson, Gramlich  
6  
7

## For An Act To Be Entitled

8 AN ACT TO ADD DEFINITIONS TO THE MEDICAID FAIRNESS  
9 ACT TO ENSURE THAT ALL RULE ENFORCEMENT ACTIONS ARE  
10 APPEALABLE; AND FOR OTHER PURPOSES.  
11  
12  
13

## Subtitle

14 TO ADD DEFINITIONS TO THE MEDICAID  
15 FAIRNESS ACT TO ENSURE THAT ALL RULE  
16 ENFORCEMENT ACTIONS ARE APPEALABLE.  
17  
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
20

21 SECTION 1. Arkansas Code § 20-77-1702(2)(B), concerning the definition  
22 of "adverse action" within the Medicaid Fairness Act, is amended to read as  
23 follows:

24 (B) To constitute an adverse decision, an agency decision  
25 need not have a monetary penalty attached ~~but must have~~ or a direct monetary  
26 consequence to the provider, including an enforcement action.  
27

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

31 (20) "Enforcement action" means an action or decision by the  
32 department or its reviewers or contractors that affects a Medicaid provider  
33 in regard to the enforcement of a rule of the department.  
34

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



1           20-77-1719. Adverse actions resulting from enforcement actions.

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

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

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

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

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

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

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

26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36