

APA-1

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No: 560 Department or Agency: Alabama Medicaid Agency

Rule No: 560-X-1-.22

Rule Title: Declaration of Emergency Plan of Action to Protect Public Health and Welfare – NEW RULE

X New; _____ Amend; _____ Repeal; _____ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? _____ no

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? _____ yes

Is there another, less restrictive method of regulation available that could adequately protect the public? _____ no

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? _____ no

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? _____ no

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? _____ yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? _____ no

Does the proposed rule have an economic impact? _____ no

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer: Stephanie Lindsay

Date: 6-19-20

REC'D & FILED

JUN 19 2020

LEGISLATIVE SVC AGENCY

ALABAMA MEDICAID AGENCY

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Medicaid Agency

RULE NO. & TITLE: 560-X-1-.22 Declaration of Emergency Plan of Action to Protect Public Health and Welfare – NEW RULE


INTENDED ACTION: Add New Rule 560-X-1-.22

SUBSTANCE OF PROPOSED ACTION: The above referenced rule is being added to allow the Medicaid Agency, under a state of emergency proclamation, to lessen the restrictions placed upon Medicaid providers when it is necessary to protect the public health and welfare of the citizens of Alabama.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written or oral comments may be submitted to the Alabama Medicaid Agency, 501 Dexter Avenue, Post Office Box 5624, Montgomery, Alabama 36103-5624. Agency business hours are 8:00 a.m. to 5:00 p.m. Monday through Friday.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Written/Oral comments concerning this change must be received by the Alabama Medicaid Agency no later than August 4th, 2020.

CONTACT PERSON AT AGENCY: Stephanie Lindsay, Administrative Secretary, Alabama Medicaid Agency, 501 Dexter Avenue, Post Office Box 5624, Montgomery, Alabama 36103-5624. Phone: (334) 242-5833.


Stephanie McGee Azar
Commissioner

Rule No. 560-X-1-.22 Declaration of Emergency Plan of Action to Protect Public Health and Welfare - NEW RULE

When the State of Alabama is under a state of emergency proclamation, it may be necessary, in order to protect the public health and welfare of the citizens of Alabama, for the Medicaid Agency to implement procedures that will contradict, and therefore supersede, promulgated rules utilizing the Alabama Medicaid Agency provider ALERT system.

The Provider ALERT must state the affected rule and have an explanation as to why it is superseding the rule. It must specifically relate the reason to the emergency proclamation and must have an end date not to exceed 60 days, unless ended earlier by the termination of the state of emergency.

Any ALERT issued pursuant to this rule shall control regarding the specific service(s) described in said ALERT. The extension of the state of emergency proclamation does not serve to extend any ALERT issued under this rule and the Commissioner of Medicaid shall have discretion to end any ALERT issued under this rule at any time before the state of emergency ends.

The intent of this rule is to allow the Medicaid Agency to lessen the restrictions placed upon Medicaid providers when it is necessary to protect the public health and welfare of the citizens of Alabama. This rule shall not be utilized to increase restrictions placed upon Medicaid providers by this Administrative Code.

Author: Stephanie Lindsay, Administrator, Administrative Procedures Office.

Statutory Authority: Ala. Code Section 41-22-1 et. seq.

History: New Rule: Filed June 19, 2020.