

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

ACT 179 OF 1997
HOUSE BILL 1003

4 By: Representative Flanagin

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For An Act To Be Entitled

7 "AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE TO
8 REFER TO THE HOUSE AND SENATE INTERIM COMMITTEES ON PUBLIC
9 HEALTH, WELFARE, AND LABOR INSTEAD OF THE JOINT INTERIM
10 COMMITTEE ON PUBLIC HEALTH, WELFARE, AND LABOR; AND FOR
11 OTHER PURPOSES."

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Subtitle

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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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SECTION 1. Arkansas Code 8-4-311(16)(C) is amended to read as follows:

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SECTION 2. Arkansas Code 8-5-207 is amended to read as follows:

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"8-5-207. In order to safeguard the public health and protect the waters of this state from pollution, all operators in responsible charge of public or private wastewater treatment plants shall be duly licensed and certified as competent by the Arkansas Pollution Control and Ecology Commission under the provisions of this subchapter and under such rules and regulations as the commission may adopt, with the advice and assistance of the licensing committee, pursuant to the authority of this subchapter. All rules

1 and regulations promulgated pursuant to this subchapter shall be reviewed by
 2 the House and Senate Interim Committees on Public Health, Welfare, and Labor
 3 or appropriate subcommittees thereof."

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5 SECTION 3. Arkansas Code 8-6-221 is amended to read as follows:

6 "8-6-221. Review of rules and regulations.

7 All rules and regulations adopted under this subchapter shall be
 8 reviewed by the House and Senate Interim Committees on Public Health, Welfare,
 9 and Labor or appropriate subcommittees of the committees."

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11 SECTION 4. Arkansas Code 8-6-610(b) is amended to read as follows:

12 "(b) The rules shall be reviewed by the House and Senate Interim
 13 Committees on Public Health, Welfare, and Labor or appropriate subcommittees
 14 of the committees. At a minimum, the rules shall require that applicants or
 15 their agents which receive a grant meet the following conditions of the grant
 16 program as set forward in the departments regulations. The applicants
 17 shall:"

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19 SECTION 5. Arkansas Code 8-6-902(c) is amended to read as follows:

20 "(c) All rules and regulations adopted under this subchapter shall be
 21 reviewed by the House and Senate Interim Committees on Public Health, Welfare,
 22 and Labor or appropriate subcommittees of the committees."

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24 SECTION 6. Arkansas Code 8-9-105(c) is amended to read as follows:

25 "(c) All rules and regulations adopted under this chapter shall be
 26 reviewed by the House and Senate Interim Committees on Public Health, Welfare,
 27 and Labor or appropriate subcommittees of the committees."

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29 SECTION 7. Arkansas Code 9-28-406(e)(2) is amended to read as follows:

30 "(2) The recommendation of the Advisory Committee on Child Placement
 31 shall accompany regulations submitted to the Legislative Council and the House
 32 and Senate Interim Committees on Public Health, Welfare, and Labor or
 33 appropriate subcommittees thereof pursuant to §10-3-309."

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35 SECTION 8. Arkansas Code 12-9-104(1) is amended to read as follows:

36 "(1) Promulgate rules and regulations for the administration of this

1 subchapter. The rules and regulations promulgated by the Arkansas Commission
 2 on Law Enforcement Standards and Training shall not go into full force and
 3 effect until the commission seeks the advice of the Arkansas Legislative
 4 Council and the House and Senate Interim Committees on Public Health, Welfare,
 5 and Labor or appropriate subcommittees thereof;"

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7 SECTION 9. Arkansas Code 14-236-107(b)(1) is amended to read as
 8 follows:

9 "(1) After review by the House and Senate Interim Committees on Public
 10 Health, Welfare, and Labor or appropriate subcommittees thereof adopt, and
 11 from time to time amend, rules and regulations governing the review and
 12 approval of subdivisions proposing to utilize individual sewage disposal
 13 systems as the means of sewage disposal for part or all of the lots in the
 14 subdivision and the location, design, construction, installation, and
 15 operation of individual sewage disposal systems proposed for or located in
 16 subdivisions or in platted or unplatted lots or tracts of land pursuant to the
 17 procedures provided in the Arkansas Administrative Procedure Act, §25-15-201
 18 et seq., in order that the wastes from the systems will not pollute any
 19 potable water supply, or source of water used for public or domestic supply
 20 purposes, or for recreational purposes, or other waters of this state, and
 21 will not give rise to a public health hazard by being accessible to insects,
 22 rodents, or other possible carriers which may come into contact with food or
 23 potable water, or by being accessible to human beings, and will not constitute
 24 a nuisance due to odor or unsightly appearance;"

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26 SECTION 10. Arkansas Code 14-262-101(b)(4) is amended to read as
 27 follows:

28 "(4) All rules and regulations promulgated pursuant to this subsection
 29 shall be reviewed by the House and Senate Interim Committees on Public Health,
 30 Welfare, and Labor or appropriate subcommittees thereof."

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32 SECTION 11. Arkansas Code 17-38-102(g) is amended to read as follows:

33 "(g) All rules and regulations promulgated pursuant to this subsection
 34 shall be reviewed by the House and Senate Interim Committees on Public Health,
 35 Welfare, and Labor or appropriate subcommittees thereof."

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1 SECTION 12. Arkansas Code 17-51-103(b) is amended to read as follows:

2 "(b) All rules and regulations promulgated pursuant to this chapter
3 shall be reviewed by the House and Senate Interim Committees on Public Health,
4 Welfare, and Labor or appropriate subcommittees thereof."

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6 SECTION 13. Arkansas Code 17-87-203(1)(B) is amended to read as
7 follows:

8 "(B) No regulation promulgated hereafter by the board shall be
9 effective until reviewed by the Legislative Council and the House and Senate
10 Interim Committees on Public Health, Welfare, and Labor or appropriate
11 subcommittees thereof of the Arkansas General Assembly;"

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13 SECTION 14. Arkansas Code 17-87-308(d) is amended to read as follows:

14 "(d) The procedure prescribed by the Arkansas State Board of Nursing
15 for license renewal shall not be implemented until the proposal has been
16 reviewed by the House and Senate Interim Committees on Public Health, Welfare,
17 and Labor or appropriate subcommittees thereof of the General Assembly."

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19 SECTION 15. Arkansas Code 17-92-906(c) is amended to read as follows:

20 "(c) No regulations promulgated to implement this subchapter shall be
21 effective until they have been reviewed by the House and Senate Interim
22 Committees on Public Health, Welfare, and Labor or appropriate subcommittees
23 thereof."

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25 SECTION 16. Arkansas Code 17-100-202(b)(3)(A) is amended to read as
26 follows:

27 "(3)(A) All rules and regulations promulgated pursuant to this section
28 shall be reviewed by the House and Senate Interim Committees on Public Health,
29 Welfare, and Labor or appropriate subcommittees thereof."

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31 SECTION 17. Arkansas Code 19-4-1716 is amended to read as follows:

32 "19-4-1716. Development and use of performance based contracts.

33 (a) The General Assembly finds that in the absence of adequate
34 attention to service quality, government programs often become wasteful,
35 ineffective, and unresponsive; that evaluating the quality of service provided
36 under state agency contracts for professional and consulting services is

1 necessary to protect the integrity of state-funded programs; that the State
2 Hospital Board and the Department of Human Services enter into many of these
3 types of contracts that involve millions of dollars of public funds; that
4 requiring the inclusion of a performance evaluation provision in professional
5 service contracts and consulting services contracts entered into by the State
6 Hospital Board and the Department of Human Services will provide a mechanism
7 for evaluating the quality of service provided under those contracts; and that
8 requiring the State Hospital Board and the Department of Human Services to
9 report annually regarding performance evaluation to the House and Senate
10 Interim Committees on Public Health, Welfare, and Labor or appropriate
11 subcommittees thereof will encourage the State Hospital Board and the
12 Department of Human Services to conduct thorough performance evaluations,
13 which may provide information that can help improve the programs and services
14 they provide. Therefore, it is declared to be the intent of this General
15 Assembly to require the State Hospital Board and the Department of Human
16 Services to include performance evaluation provisions in contracts for
17 professional services and consulting services and to report at least annually
18 regarding the evaluation of each contract.

19 (b) All new professional services contracts and consultant services
20 contracts entered into by the State Hospital Board and the Department of Human
21 Services shall include a performance evaluation provision that outlines a
22 method for evaluating the service provided under the contract. The provision
23 shall identify the goals and performance indicators of the contract and how
24 the state agency intends to evaluate the service provided.

25 (c) The State Hospital Board and the Department of Human Services shall
26 actively seek appropriate remedy when contract performance is less than
27 satisfactory.

28 (d) The State Hospital Board and the Department of Human Services shall
29 report to the House and Senate Interim Committees on Public Health, Welfare,
30 and Labor or appropriate subcommittees thereof at least annually regarding the
31 performance evaluation of each professional services contract and each
32 consulting services contract. The House and Senate Interim Committees on
33 Public Health, Welfare, and Labor or appropriate subcommittees thereof may
34 refer contracts related to the Division of Youth Services of the Department of
35 Human Services to the Joint Interim Committee on Children and Youth.

36 (e) The State Hospital Board and the Department of Human Services shall

1 not extend or renew an existing professional services contract or consultant
 2 services contract unless the contract includes a provision for performance
 3 evaluation.

4 (f) This section shall only apply to contracts required to be submitted
 5 under §19-4-1710 and shall not apply to architectural and engineering services
 6 contracts.

7 (g) The House and Senate Interim Committees on Public Health, Welfare,
 8 and Labor or appropriate subcommittees thereof shall report to the other
 9 interim committees and to the General Assembly on the success of including
 10 performance evaluation provisions in professional services and consultant
 11 services contracts with regard to the legislative intent of this section and
 12 make recommendations with regard to the expansion, continuation, or
 13 termination of the use of performance evaluation provisions in professional
 14 services and consultant services contracts."

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16 SECTION 18. Arkansas Code 19-11-261(b)(2) is amended to read as
 17 follows:

18 "(2) The regulations shall be reviewed by the House and Senate Interim
 19 Committees on Public Health, Welfare, and Labor or appropriate subcommittees
 20 of the committees."

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22 SECTION 19. Arkansas Code 20-7-101(b)(4) is amended to read as follows:

23 "(4) All rules and regulations promulgated pursuant to this subsection
 24 shall be reviewed by the House and Senate Interim Committees on Public Health,
 25 Welfare, and Labor or appropriate subcommittees thereof."

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27 SECTION 20. Arkansas Code 20-7-109(a)(2) is amended to read as follows:

28 "(2) All rules and regulations promulgated pursuant to this subsection
 29 shall be reviewed by the House and Senate Interim Committees on Public Health,
 30 Welfare, and Labor or appropriate subcommittees thereof."

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32 SECTION 21. Arkansas Code 20-7-114(b)(3) is amended to read as follows:

33 "(3) All rules and regulations promulgated pursuant to this subsection
 34 shall be reviewed by the House and Senate Interim Committees on Public Health,
 35 Welfare, and Labor or appropriate subcommittees thereof."

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1 SECTION 22. Arkansas Code 20-7-306 is amended to read as follows:

2 "20-7-306. Reports - Assistance.

3 (a) The Director of the Department of Health shall prepare and submit a
 4 biennial report to the Governor and the House and Senate Interim Committees on
 5 Public Health, Welfare, and Labor or appropriate subcommittees thereof.

6 (b) The Department of Health shall provide assistance to the House and
 7 Senate Interim Committees on Public Health, Welfare, and Labor or appropriate
 8 subcommittees thereof in the development of information necessary in the
 9 examination of health care issues."

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11 SECTION 23. Arkansas Code 20-8-110(h)(2)(A) is amended to read as
 12 follows:

13 "(2)(A) The director shall prepare an annual report of the agency's
 14 findings and submit the report to the Governor, the General Assembly, and the
 15 House and Senate Interim Committees on Public Health, Welfare, and Labor or
 16 appropriate subcommittees thereof."

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18 SECTION 24. Arkansas Code 20-10-501(1) is amended to read as follows:

19 " (1) "Committees" means the House and Senate Interim Committees on
 20 Public Health, Welfare, and Labor or appropriate subcommittees thereof to whom
 21 the state agencies in the long-term care network will report the progress of
 22 this effort;"

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24 SECTION 25. Arkansas Code 20-10-506 is amended to read as follows:

25 "20-10-506. Reports.

26 (a) The state agencies will collect and report management and caseload
 27 information to the appropriate legislative committees on a quarterly basis.

28 (b) Each agency will identify all agency funds and personnel involved in
 29 the delivery of long-term care and related community-based services to the
 30 committees".

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32 SECTION 26. Arkansas Code 20-10-508(b) is amended to read as follows:

33 "(b) The transfers are to be made upon the request of the state agency,
 34 but only after having sought and received the advice of the committees, by the
 35 Chief Fiscal Officer of the State."

36

1 SECTION 27. Arkansas Code 20-13-208 is amended to read as follows:

2 "20-13-208. State Board of Health - Powers and duties.

3 (a) The board shall have the responsibility and authority to hold
 4 public hearings and promulgate and implement rules, regulations, and standards
 5 which it deems necessary to carry out the provisions of this subchapter.
 6 However, prior to implementing any rules, regulations, or standards, the board
 7 shall submit and obtain the review of the House and Senate Interim Committees
 8 on Public Health, Welfare, and Labor or appropriate subcommittees thereof.

9 (b) In addition, the board is authorized to establish appropriate rules,
 10 regulations, and standards defining or limiting the emergency medical
 11 procedures or service that may be rendered by a certified emergency medical
 12 technician who is authorized to legally perform these services under the
 13 conditions set forth by the board, except that prior to implementing any
 14 rules, regulations, and standards, the board shall submit and obtain the
 15 review of the House and Senate Interim Committees on Public Health, Welfare,
 16 and Labor or appropriate subcommittees thereof of the General Assembly."

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18 SECTION 28. Arkansas Code 20-13-210 is amended to read as follows:

19 "20-13-210. Rules, regulations, and standards -Review required.

20 (a)(1) All rules, regulations, and standards relating to emergency
 21 medical services promulgated and adopted by the Emergency Medical Services
 22 Advisory Council and the State Board of Health or any other state agency or
 23 department authorized to promulgate and adopt rules and regulations to carry
 24 out the purposes of this subchapter or any acts amendatory or supplemental
 25 thereto shall be submitted to the House and Senate Interim Committees on
 26 Public Health, Welfare, and Labor or appropriate subcommittees thereof of the
 27 General Assembly for its consideration and review prior to being placed in
 28 effect by the department or agency.

29 (2) No rules, regulations, or standards promulgated to carry out the
 30 purposes of this subchapter or acts amendatory or supplemental thereto shall
 31 be enforced by any state agency or department until they have been submitted
 32 to, considered, and approved for enforcement by the committee.

33 (b)(1) Rules and regulations promulgated by the Emergency Medical
 34 Services Advisory Council shall receive approval of the Governor after he
 35 receives the review of the House and Senate Interim Committees on Public
 36 Health, Welfare, and Labor or appropriate subcommittees thereof prior to

1 effect and enforcement.

2 (2) The rules and regulations shall be of a temporary nature, and no
3 rules or regulations shall become final until specifically approved by the
4 General Assembly."

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6 SECTION 29. Arkansas Code 20-18-202 is amended to read as follows:

7 "20-18-202. Regulatory powers of the State Board of Health.

8 The board is authorized to adopt, amend, and repeal rules and
9 regulations for the purpose of carrying out the provisions of this chapter.
10 All rules and regulations adopted under this chapter shall be reviewed by the
11 House and Senate Interim Committees on Public Health, Welfare, and Labor or
12 appropriate subcommittees of the committees."

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14 SECTION 30. Arkansas Code 20-32-106(c) is amended to read as follows:

15 "(c) All rules and regulations promulgated pursuant to this chapter
16 shall be reviewed by the House and Senate Interim Committees on Public Health,
17 Welfare, and Labor or appropriate subcommittees thereof."

18

19 SECTION 31. Arkansas Code 20-46-105(a) is amended to read as follows:

20 "(a) The Department of Human Services shall report quarterly to the
21 Arkansas Legislative Council and the House and Senate Interim Committees on
22 Public Health, Welfare, and Labor or appropriate subcommittees thereof the
23 utilization of residential treatment facilities in the Residential Treatment
24 Program for Emotionally Disturbed Youth."

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26 SECTION 32. Arkansas Code 20-77-111 is amended to read as follows:

27 "20-77-111. Data reports.

28 The Director of the Department of Human Services shall cause to be
29 prepared a compilation of data on the Arkansas medicaid program. The report
30 shall be issued quarterly and shall include comparisons of expenditures and
31 recipients for the quarter with those of the previous quarters, for the same
32 period the previous year, and such other comparisons and in such format as may
33 be requested by the Arkansas Legislative Council, the Arkansas Health Care
34 Resources Commission, and the House and Senate Interim Committees on Public
35 Health, Welfare, and Labor or appropriate subcommittees thereof to which the
36 reports are to be delivered. The report shall also identify any changes in

1 eligibility requirements, level of benefits, methods or rates of
 2 reimbursement, and any program adjustments implemented to achieve savings in
 3 any category of the medicaid program. The report shall also identify any
 4 increase or decrease in expenditures as a result of any of these changes in
 5 the medicaid program."

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7 SECTION 33. Arkansas Code 21-5-203(19)(B)(ii) is amended to read as
 8 follows:

9 " (ii) All rules and regulations promulgated pursuant to this
 10 subdivision shall be reviewed by the House and Senate Interim Committees on
 11 Public Health, Welfare, and Labor or appropriate subcommittees thereof."

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13 SECTION 34. Uncodified Section 2 of Act 884 of 1991 is amended to read
 14 as follows:

15 "SECTION 2. All rules and regulations promulgated pursuant to this act
 16 shall be reviewed by the House and Senate Interim Committees on Public Health,
 17 Welfare, and Labor or appropriate subcommittees thereof."

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19 SECTION 35. All provisions of this act of a general and permanent
 20 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
 21 Code Revision Commission shall incorporate the same in the Code.

22

23 SECTION 36. If any provision of this act or the application thereof to
 24 any person or circumstance is held invalid, such invalidity shall not affect
 25 other provisions or applications of the act which can be given effect without
 26 the invalid provision or application, and to this end the provisions of this
 27 act are declared to be severable.

28

29 SECTION 37. All laws and parts of laws in conflict with this act are
 30 hereby repealed.

31

32 SECTION 38. EMERGENCY. It is hereby found and determined by the
 33 General Assembly that Act 10 of the First Extraordinary Session of 1995
 34 abolished the Joint Interim Committee on Public Health, Welfare, and Labor and
 35 in its place established the House Interim Committee and Senate Interim
 36 Committee on Public Health, Welfare, and Labor; that various sections of the

1 Arkansas Code refer to the Joint Interim Committee on Public Health, Welfare,
2 and Labor and should be corrected to refer to the House and Senate Interim
3 Committees on Public Health, Welfare, and Labor; that this act so provides;
4 and that this act should go into effect immediately in order to make the laws
5 compatible as soon as possible. Therefore, an emergency is declared to exist
6 and this act being immediately necessary for the preservation of the public
7 peace, health and safety shall become effective on the date of its approval by
8 the Governor. If the bill is neither approved nor vetoed by the Governor, it
9 shall become effective on the expiration of the period of time during which
10 the Governor may veto the bill. If the bill is vetoed by the Governor and the
11 veto is overridden, it shall become effective on the date the last house
12 overrides the veto.

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