

ARKANSAS SENATE
87th General Assembly - Fiscal Session, 2010
Amendment Form

JBC 02/23/10 (15)

Subtitle of Senate Bill No. 28

"AN ACT FOR THE DEPARTMENT OF HUMAN SERVICES - DIVISION OF MEDICAL
SERVICES APPROPRIATION FOR THE 2010-2011 FISCAL YEAR."

Amendment No. 1 to Senate Bill No. 28.

Amend Senate Bill No. 28 as originally introduced:

Insert an additional section immediately following SECTION 14 of the bill to read as follows:

" SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REVIEW OF RULES IMPACTING STATE MEDICAID COSTS. (a) In light of the rapidly rising potential costs to the State attributable to the Medicaid program and the importance of Medicaid expenditures to the health and welfare of the citizens of this State, the General Assembly finds it desirable to exercise more thorough review of future proposed changes to rules that might impact those costs or expenditures.

(b) As used in this section, "rule impacting state Medicaid costs" means a proposed rule, as defined by § 25-15-202(8), or a proposed amendment to an existing rule, as defined by § 25-15-202(8), that would, if adopted, adjust Medicaid reimbursement rates, Medicaid eligibility criteria, or Medicaid benefits, including without limitation a proposed rule or a proposed amendment to an existing rule seeking to accomplish the following:

- (1) Reduce the number of individuals covered by Arkansas Medicaid;
- (2) Limit the types of services covered by Arkansas Medicaid;
- (3) Reduce the utilization of services covered by Arkansas Medicaid;
- (4) Reduce provider reimbursement;
- (5) Increase consumer cost-sharing;
- (6) Reduce the cost of administering Arkansas Medicaid;
- (7) Increase Arkansas Medicaid revenues; or
- (8) Reduce fraud and abuse in the Arkansas Medicaid program.

(c)(1) In addition to filing requirements under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., and § 10-3-309, the Department of Human Services shall, at least thirty (30) days before the expiration of the period for public comment, file a proposed rule impacting state Medicaid costs or a proposed amendment to an existing rule impacting state Medicaid costs with the Senate Interim Committee on Public Health,



Welfare, and Labor and the House Interim Committee on Public Health, Welfare, and Labor, or, when the General Assembly is in session, with the Senate Committee on Public Health, Welfare, and Labor and the House Committee on Public Health, Welfare and Labor.

(2) Any review of the proposed rule or proposed amendment to an existing rule by the Senate and House Interim Committees on Public Health, Welfare and Labor or the Senate and House Committees on Public Health, Welfare, and Labor shall occur within forty-five (45) days of the date the proposed rule or proposed amendment to an existing rule is filed with the committees.

(d)(1) If adopting an emergency rule impacting state Medicaid costs, in addition to the filing requirements under the Arkansas Administrative Procedure Act, § 25-15-201 et seq. and § 10-3-309, the Department of Human Services shall notify the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the chair of the Senate Committee on Public Health, Welfare, and Labor, and the chair of the House Committee on Public Health, Welfare and Labor of the emergency rule and provide each of them a copy of the rule within five (5) business days of adopting the rule.

(2) Any review of the emergency rule by the Senate and House Interim Committees on Public Health, Welfare and Labor or the Senate and House Committees on Public Health, Welfare, and Labor shall occur within forty-five (45) days of the date the emergency rule is provided to the chairs.

(e)(1) The Joint Budget Committee may review a rule impacting state Medicaid costs during a regular, fiscal, or special session of the General Assembly.

(2) Actions taken by the Joint Budget Committee when reviewing a rule impacting state Medicaid costs shall have the same effect as actions taken by the Legislative Council under § 10-3-309.

(3) If the Joint Budget Committee reviews a rule impacting state Medicaid costs, it shall file a report of its actions with the Legislative Council as soon as practicable.

(f) This section expires on June 30, 2011."

AND

Delete SECTION 17 of the bill in its entirety and substitute the following:

" SECTION 18. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2010, with the exception that Section 15 in this Act shall be in full force and effect from and after the date of its passage and approval, is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2010, with the exception that Section 15 in this Act shall be in full force and effect from and after the date of its passage and approval, could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force

and effect from and after July 1, 2010, with the exception that Section 15 in this Act shall be in full force and effect from and after the date of its passage and approval."

AND

Appropriately renumber all SECTION numbers of the bill.

The Amendment was read the first time, rules suspended and read the second time and _____

By: Representative Reep

Senator P. Malone

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Secretary