

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003  
4

# A Bill

SENATE BILL 321

5 By: Senators Wooldridge, Miller, Critcher  
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## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW REGARDING ASSISTANCE FOR  
9 INDIGENT PERSONS; AND FOR OTHER PURPOSES.  
10

## Subtitle

11 AN ACT TO AMEND THE LAW REGARDING  
12 ASSISTANCE FOR INDIGENT PERSONS.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 SECTION 1. Arkansas Code § 20-77-107 is amended to read as follows:  
20 20-77-107. Program for indigent medical care - Rules and regulations.

21 (a)(1) The appropriate division of the Department of Human Services is  
22 authorized to establish and maintain an indigent medical care program.

23 (2) However, eligibility regulations for the ARKids First  
24 Program Act, § 20-77-1101 et seq., shall not include an assets or a resource  
25 test for children or families of children eighteen (18) years of age or  
26 younger.

27 (b) The ~~deputy~~ director is further authorized to enter into separate  
28 agreements with the University of Arkansas for Medical Sciences and private  
29 institutions in order to provide maximum medical care for the indigent  
30 persons of this state.

31 (c) It is the public policy of the State of Arkansas to maximize the  
32 level of federal financial participation received by the State of Arkansas to  
33 operate an indigent medical care program.

34 (d) The director may enter into agreements with private or public  
35 entities to assist in the enforcement of rules and regulations of an indigent  
36 medical program, including, but limited, to:



1           (1) Utilization review, and

2           (2) Professional review of providers participating in the  
3 program.

4           (e)(1) The director shall ensure that any entity with whom the  
5 department contracts to assist in the enforcement of rules and regulations of  
6 an indigent medical program will fulfill its duties in accordance with state  
7 and federal law regulation.

8           (2) The director may terminate any contractor who excessively  
9 burdens the State of Arkansas with the defense of appeals of sanctions or  
10 citations of deficiencies that are resolved in favor of the program provider.

11           (f) Nothing in this subchapter shall be construed to permit the  
12 department or any entity with whom it contracts to enforce any rules or  
13 regulations that are not lawfully promulgated pursuant to federal law.

14           (g) The director shall ensure that the professional review of  
15 providers participating in the program complies with the following:

16           (1) The party conducting any professional reviews of providers  
17 participating in the program shall be knowledgeable in the specific areas of  
18 law and regulations being enforced;

19           (2)(A) Every citation of deficiency shall specify the precise  
20 federal or state statute or rule violated.

21           (B)(i) The inspection-of-care review team may only use  
22 federal or state statutes or medical regulations for the purpose of the  
23 inspection-of-care review.

24                   (ii) No third party standards may be used;

25           (3) The professional review process shall include an informal  
26 dispute resolution process to allow the provider to challenge the citation of  
27 deficiency or sanction to a person other than the person making the citation  
28 as defined by the director;

29           (4) The director shall establish a system to ensure standard and  
30 consistent application of sanctions and citation of deficiencies among  
31 surveyors and different areas of the state; and

32           (5) The director shall establish a process for program providers  
33 to appeal a decision of a reviewer procedure pursuant to the Arkansas  
34 Administrative Procedure Act, § 25-15-201, et seq.

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