

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

As Engrossed: S3/18/03

A Bill

SENATE BILL 321

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

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

12 AN ACT TO AMEND THE LAW REGARDING
13 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) The director may enter into agreements with private or public
32 entities to assist in the enforcement of rules and regulations of an indigent
33 medical program.

34 (1) Utilization review, and

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



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

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

8 (e) Nothing in this subchapter shall be construed to permit the
9 department or any entity with whom it contracts to enforce any rules or
10 regulations that are not lawfully promulgated pursuant to federal or state
11 law, provided that the department and any entity with whom it contracts may
12 rely on official publications of the United States Department of Health and
13 Human Services for the administration of the Medicaid program and other
14 rules, regulations, standards, guidance, or information that apply to the
15 Medicaid program by reference in statute, promulgated regulation, rule, or
16 official federal publication.

17 (f) The director shall ensure that the professional review of
18 providers, except nursing homes and their reviewers, participating in the
19 program comply with the following:

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

23 (2)(A)(i) Every citation or deficiency cited to a provider shall
24 refer by source and number to the authority upon which the citation or
25 deficiency is based;

26 (ii) However, the requirement of subdivision (f)(2)(A)(i)
27 does not limit the department and any entity with whom it contracts in the
28 exercise and application of professional medical judgment in determining when
29 and under what circumstances care is medically necessary.

30 (B) The inspection-of-care review team may only use
31 federal or state statutes or Medicaid regulations for the purpose of the
32 inspection-of-care review;

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34 (3) The professional review process shall include an informal
35 dispute resolution process to allow the provider to challenge the citation or
36 deficiency cited or sanction to a person other than the person making the

1 citation as defined by the director;
2 (4) The director shall establish a system to ensure standard and
3 consistent application of sanctions and citation or deficiencies among
4 surveyors in different areas of the state; and
5 (5) The director shall establish a process for program providers
6 to appeal a decision of a reviewer pursuant to the Arkansas Administrative
7 Act, § 25-15-201, et seq.

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9 /s/ Wooldridge
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