

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 87th General Assembly  
3 Regular Session, 2009  
4

# A Bill

HOUSE BILL 1185

5 By: Joint Budget Committee  
6  
7

## For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR THE MEDICAID  
10 EXPANSION PROGRAM FOR THE DEPARTMENT OF HUMAN  
11 SERVICES FOR THE FISCAL YEAR ENDING JUNE 30,  
12 2010; AND FOR OTHER PURPOSES.  
13  
14

## Subtitle

15 AN ACT FOR THE DEPARTMENT OF HUMAN  
16 SERVICES - MEDICAID EXPANSION PROGRAM  
17 APPROPRIATION FOR THE 2009-2010 FISCAL  
18 YEAR.  
19  
20  
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

24 SECTION 1. REGULAR SALARIES - COUNTY OPERATIONS - MEDICAID EXPANSION  
25 PROGRAM. There is hereby established for the Department of Human Services -  
26 Division of County Operations - Medicaid Expansion Program for the 2009-2010  
27 fiscal year, the following maximum number of regular employees whose salaries  
28 shall be governed by the provisions of the Uniform Classification and  
29 Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and  
30 all laws amendatory thereto. Provided, however, that any position to which a  
31 specific maximum annual salary is set out herein in dollars, shall be exempt  
32 from the provisions of said Uniform Classification and Compensation Act. All  
33 persons occupying positions authorized herein are hereby governed by the  
34 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas  
35 Code §21-5-101), or its successor.  
36



Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2009-2010
1	(1)	G129C DHS/DCO PROGRAM MANAGER	1	GRADE C120
2	(2)	M037C PROGRAM ELIGIBILITY SUPERVISOR	7	GRADE C117
3	(3)	M066C PROGRAM ELIGIBILITY SPECIALIST	44	GRADE C114
4	(4)	C062C LOCAL OFFICE ADMIN ASSISTANT	<u>9</u>	GRADE C110
5	MAX. NO. OF EMPLOYEES		61	

10

11 SECTION 2. REGULAR SALARIES - MEDICAL SERVICES - MEDICAID EXPANSION  
 12 PROGRAM. There is hereby established for the Department of Human Services -  
 13 Division of Medical Services - Medicaid Expansion Program for the 2009-2010  
 14 fiscal year, the following maximum number of regular employees whose salaries  
 15 shall be governed by the provisions of the Uniform Classification and  
 16 Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and  
 17 all laws amendatory thereto. Provided, however, that any position to which a  
 18 specific maximum annual salary is set out herein in dollars, shall be exempt  
 19 from the provisions of said Uniform Classification and Compensation Act. All  
 20 persons occupying positions authorized herein are hereby governed by the  
 21 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas  
 22 Code §21-5-101), or its successor.

23

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2009-2010
24	(1)	G152C DHS PROGRAM MANAGER	1	GRADE C119
25	(2)	G178C POLICY DEVELOPMENT COORDINATOR	<u>1</u>	GRADE C117
26	MAX. NO. OF EMPLOYEES		2	

31

32 SECTION 3. APPROPRIATION - COUNTY OPERATIONS - MEDICAID EXPANSION PROGRAM.  
 33 There is hereby appropriated, to the Department of Human Services - Division  
 34 of County Operations, to be payable from the Medicaid Expansion Program  
 35 Account, for personal services and operating expenses of the Department of  
 36 Human Services - Division of County Operations - Medicaid Expansion Program

1 for the fiscal year ending June 30, 2010, the following:

2

3 ITEM	FISCAL YEAR
4 <u>NO.</u>	<u>2009-2010</u>
5 (01) REGULAR SALARIES	\$ 1,747,611
6 (02) PERSONAL SERVICES MATCHING	648,921
7 (03) MAINT. & GEN. OPERATION	
8 (A) OPER. EXPENSE	195,795
9 (B) CONF. & TRAVEL	0
10 (C) PROF. FEES	100,000
11 (D) CAP. OUTLAY	0
12 (E) DATA PROC.	0
13 (04) DATA PROCESSING SERVICES	<u>50,000</u>
14 TOTAL AMOUNT APPROPRIATED	<u>\$ 2,742,327</u>

15

16 SECTION 4. APPROPRIATION - MEDICAL SERVICES - MEDICAID EXPANSION PROGRAM.

17 There is hereby appropriated, to the Department of Human Services - Division  
 18 of Medical Services, to be payable from the Medicaid Expansion Program  
 19 Account, for personal services and operating expenses of the Department of  
 20 Human Services - Division of Medical Services - Medicaid Expansion Program  
 21 for the fiscal year ending June 30, 2010, the following:

22

23 ITEM	FISCAL YEAR
24 <u>NO.</u>	<u>2009-2010</u>
25 (01) REGULAR SALARIES	\$ 79,293
26 (02) PERSONAL SERVICES MATCHING	25,527
27 (03) MAINT. & GEN. OPERATION	
28 (A) OPER. EXPENSE	15,973
29 (B) CONF. & TRAVEL	2,000
30 (C) PROF. FEES	0
31 (D) CAP. OUTLAY	0
32 (E) DATA PROC.	<u>0</u>
33 TOTAL AMOUNT APPROPRIATED	<u>\$ 122,793</u>

34

35 SECTION 5. APPROPRIATION - MEDICAL SERVICES - MEDICAID EXPANSION PROGRAM

36 GRANTS. There is hereby appropriated, to the Department of Human Services -

1 Division of Medical Services, to be payable from the Medicaid Expansion  
2 Program Account, for grant payments by the Department of Human Services -  
3 Division of Medical Services - Medicaid Expansion Program Grants for the  
4 fiscal year ending June 30, 2010, the following:

6 ITEM	FISCAL YEAR
7 <u>NO.</u>	<u>2009-2010</u>
8 (01) HOSPITAL AND MEDICAL SERVICES	\$ 74,479,346
9 (02) PRESCRIPTION DRUGS	<u>6,541,937</u>
10 TOTAL AMOUNT APPROPRIATED	<u>\$ 81,021,283</u>

11

12 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAID  
14 EXPANSION PROGRAM - PAYING ACCOUNTS. The Medicaid Expansion Program as  
15 established by Initiated Act 1 of 2000 shall be a separate and distinct  
16 component embracing (1) expanded Medicaid coverage and benefits to pregnant  
17 women; (2) expanded inpatient and outpatient hospital reimbursements and  
18 benefits to adults aged nineteen (19) to sixty-four (64); (3) expanded non-  
19 institutional coverage and benefits to adults aged 65 and over; and (4)  
20 creation and provision of a limited benefit package to adults aged nineteen  
21 (19) to sixty-four (64), to be administered by the Department of ~~Health and~~  
22 Human Services. Separate Paying Accounts shall be established for the  
23 Medicaid Expansion Program as designated by the Chief Fiscal Officer of the  
24 State, to be used exclusively for the purpose of drawing down federal funds  
25 associated with the federal share of expenditures and for the state share of  
26 expenditures transferred from the Medicaid Expansion Program Account or for  
27 any other appropriate state match funds.

28 The provisions of this section shall be in effect only from July 1, ~~2007~~  
29 2009 through June 30, ~~2009~~ 2010.

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31 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ACCOUNTS.  
33 Such appropriations and fund accounts as may be necessary to administer the  
34 provisions of this act shall be established on the books of the Chief Fiscal  
35 Officer of the State, State Treasurer, and the Auditor of the State.

36 The provisions of this section shall be in effect only from July 1, ~~2007~~

1 2009 through June 30, ~~2009~~ 2010.

2

3 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

5 POSITIONS. (a) Nothing in this act shall be construed as a commitment of the  
 6 State of Arkansas or any of its agencies or institutions to continue funding  
 7 any position paid from the proceeds of the Tobacco Settlement in the event  
 8 that Tobacco Settlement funds are not sufficient to finance the position.

9 (b) State funds will not be used to replace Tobacco Settlement funds when  
 10 such funds expire, unless appropriated by the General Assembly and authorized  
 11 by the Governor.

12 (c) A disclosure of the language contained in (a) and (b) of this Section  
 13 shall be made available to all new hire and current positions paid from the  
 14 proceeds of the Tobacco Settlement by the Tobacco Settlement Commission.

15 (d) Whenever applicable the information contained in (a) and (b) of this  
 16 Section shall be included in the employee handbook and/or Professional  
 17 Services Contract paid from the proceeds of the Tobacco Settlement.

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19 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
 21 RESTRICTIONS. The appropriations provided in this act shall not be  
 22 transferred under the provisions of Arkansas Code 19-4-522 ~~or the provisions~~  
 23 ~~of Arkansas code 6-62-104~~, but only as provided by this act.

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25 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFERS  
 27 OF APPROPRIATIONS. In the event the amount of any of the budget  
 28 classifications of maintenance and general operation in this act are found by  
 29 the administrative head of the agency to be inadequate, then the agency head  
 30 may request, upon forms provided for such purpose by the Chief Fiscal Officer  
 31 of the State, a modification of the amounts of the budget classification. In  
 32 that event, he shall set out on the forms the particular classifications for  
 33 which he is requesting an increase or decrease, the amounts thereof, and his  
 34 reasons therefor. In no event shall the total amount of the budget exceed  
 35 either the amount of the appropriation or the amount of the funds available,  
 36 nor shall any transfer be made from the capital outlay or data processing

1 subclassifications unless specific authority for such transfers is provided  
 2 by law, except for transfers from capital outlay to data processing when  
 3 determined by the Department of Information Systems that data processing  
 4 services for a state agency can be performed on a more cost-efficient basis  
 5 by the Department of Information Systems than through the purchase of data  
 6 processing equipment by that state agency. In considering the proposed  
 7 modification as prepared and submitted by each state agency, the Chief Fiscal  
 8 Officer of the State shall make such studies as he deems necessary. The Chief  
 9 Fiscal Officer of the State shall, after obtaining the approval of the  
 10 Legislative Council, approve the requested transfer if in his opinion it is  
 11 in the best interest of the state.

12 Upon determination by the Director of the Department of ~~Health and Human~~  
 13 Services that a Reallocation of Resources is necessary for the effective  
 14 operation of the Medicaid Expansion Program Grants, the director, with the  
 15 approval of the Governor, shall have the authority to request from the Chief  
 16 Fiscal Officer of the State a transfer of Appropriation. This transfer  
 17 authority applies only to Section 5 Medicaid Expansion Program Grants of this  
 18 Act between Hospital and Medical Services Item (01) and Prescription Drugs  
 19 Item (02). The limitation restrictions applicable to the Department  
 20 Reallocation of Resources authority applies to this section.

21 The General Assembly has determined that the agency in this act could be  
 22 operated more efficiently if some flexibility is given to that agency and  
 23 that flexibility is being accomplished by providing authority to transfer  
 24 between certain items of appropriation made by this act. Since the General  
 25 Assembly has granted the agency broad powers under the transfer of  
 26 appropriations, it is both necessary and appropriate that the General  
 27 Assembly maintain oversight of the utilization of the transfers by requiring  
 28 prior approval of the Legislative Council in the utilization of the transfer  
 29 authority. Therefore, the requirement of approval by the Legislative Council  
 30 is not a severable part of this section. If the requirement of approval by  
 31 the Legislative Council is ruled unconstitutional by a court jurisdiction,  
 32 this entire section is void.

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34 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
 36 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act

1 shall be limited to the appropriation for such agency and funds made  
 2 available by law for the support of such appropriations; and the restrictions  
 3 of the State Purchasing Law, the General Accounting and Budgetary Procedures  
 4 Law, the Regular Salary Procedures and Restrictions Act, or their successors,  
 5 and other fiscal control laws of this State, where applicable, and  
 6 regulations promulgated by the Department of Finance and Administration, as  
 7 authorized by law, shall be strictly complied with in disbursement of said  
 8 funds.

9 The provisions of this section shall be in effect only from July 1, 2007  
 10 2009 through June 30, ~~2009~~ 2010.

11  
 12 SECTION 12. SPECIAL LANGUAGE. LEGISLATIVE INTENT. It is the intent of  
 13 the General Assembly that any funds disbursed under the authority of the  
 14 appropriations contained in this act shall be in compliance with the stated  
 15 reasons for which this act was adopted, as evidenced by Initiated Act 1 of  
 16 2000, the Agency Requests, Executive Recommendations and Legislative  
 17 Recommendations contained in the budget manuals prepared by the Department of  
 18 Finance and Administration, letters, or summarized oral testimony in the  
 19 official minutes of the Arkansas Legislative Council or Joint Budget  
 20 Committee which relate to its passage and adoption.

21  
 22 SECTION 13. EMERGENCY CLAUSE. It is found and determined by the General  
 23 Assembly, that the Constitution of the State of Arkansas prohibits the  
 24 appropriation of funds for more than a one (1) year period; that the  
 25 effectiveness of this Act on July 1, 2009 is essential to the operation of  
 26 the agency for which the appropriations in this Act are provided, and that in  
 27 the event of an extension of the Regular Session, the delay in the effective  
 28 date of this Act beyond July 1, 2009 could work irreparable harm upon the  
 29 proper administration and provision of essential governmental programs.  
 30 Therefore, an emergency is hereby declared to exist and this Act being  
 31 necessary for the immediate preservation of the public peace, health and  
 32 safety shall be in full force and effect from and after July 1, 2009.