

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013

# A Bill

HOUSE BILL 1384

4  
5 By: Representative Miller

## For An Act To Be Entitled

8 AN ACT TO REQUIRE THAT PROVIDERS FOR CERTAIN MEDICAID  
9 WAIVER PROGRAMS BE TESTED FOR ILLEGAL DRUG USE; AND  
10 FOR OTHER PURPOSES.

## Subtitle

14 TO REQUIRE THAT PROVIDERS FOR CERTAIN  
15 MEDICAID WAIVER PROGRAMS BE TESTED FOR  
16 ILLEGAL DRUG USE.

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

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21 SECTION 1. Arkansas Code Title 20, Chapter 77, Subchapter 1, is  
22 amended to add an additional section to read as follows:

23 20-77-125. Medicaid waiver provider drug tests.

24 (a) As used in this section, "service provider" means:

25 (1) An Alternative Community Services Waiver provider under §  
26 20-48-1001 et seq.;

27 (2) An ElderChoices provider certified by the Division of Aging  
28 and Adult Services of the Department of Human Services; and

29 (3) A home health care service under § 20-10-801.

30 (b)(1) An individual employed by a service provider shall submit to a  
31 drug screen that tests for the use of illegal drugs through a program  
32 established by the Department of Human Services.

33 (2) A drug screen under this section shall be administered to:

34 (A) An individual offered employment with a service  
35 provider on or after September 1, 2013; and

36 (B)(i) A random sampling of individuals employed by a



1 service provider on or after September 1, 2013.

2 (ii) The random sampling shall be designed to ensure  
3 that each individual employed by a service provider is tested for illegal  
4 drug use under this section at least one (1) time every five (5) years.

5 (3)(A) A person who refuses to submit to a drug screen required  
6 under this section or who tests positive for the use of illegal drugs in a  
7 drug screen required under this section shall be ineligible for employment by  
8 a service provider for six (6) months after the date of the refusal or the  
9 date of the positive test result.

10 (B)(i) After the six-month period under subdivision  
11 (b)(3)(A) of this section, the person may volunteer to undergo a new test for  
12 the use of illegal drugs under this section.

13 (ii) If the person tests positive for the use of  
14 illegal drugs in a voluntary drug screen under this section, the person shall  
15 be ineligible for future employment by a service provider.

16 (c)(1) The department shall adopt rules to implement this section.

17 (2) If necessary, the department shall seek a waiver from the  
18 Centers for Medicare and Medicaid Services for approval of the rules adopted  
19 under this section.

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