

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1717

5 By: Representative M. Gray
6

For An Act To Be Entitled

8 AN ACT TO INCREASE THE NUMBER OF PERSONS SERVED UNDER
9 THE ASSISTED LIVING WAIVER PROGRAM; TO DECLARE AN
10 EMERGENCY; AND FOR OTHER PURPOSES.
11
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Subtitle

13 TO INCREASE THE NUMBER OF PERSONS SERVED
14 UNDER THE ASSISTED LIVING WAIVER PROGRAM;
15 AND TO DECLARE AN EMERGENCY.
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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 § 20-10-1704(g), concerning the assisted
22 living program, is amended to read as follows:

23 (g)(1) The department shall take all actions necessary to develop a
24 home- and community-based care waiver application in accordance with §
25 1915(c) of the Social Security Act.

26 (2) The waiver application shall seek federal financial
27 participation to increase access to services in assisted living facilities by
28 raising Medicaid income and resource limits to the maximum eligibility level
29 of other home- and community-based waivers in effect.

30 (3)(A) The waiver application shall seek permission to serve a
31 minimum of ~~one thousand (1,000) at a time~~ one thousand two hundred (1,200)
32 persons and shall be submitted to the Centers for Medicare & Medicaid
33 Services by ~~June 30, 2001~~ May 1, 2019.

34 (B)(i) The waiver may limit the number of persons served
35 under the waiver based on an unduplicated number of persons enrolled in the
36 assisted living program during any given wavier year.



1 (ii) The unduplicated number of persons enrolled in
2 the assisted living program during any given waiver year shall not exceed one
3 thousand seven hundred twenty-five (1,725).

4 (4) The department's implementation of the waiver shall be
5 reasonable and shall not have the effect of excluding residential care
6 facilities ~~which~~ that have become assisted living facilities under the
7 provisions of this subchapter.

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9 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
10 General Assembly of the State of Arkansas that assisted living patients are
11 not receiving care due to the limitation on the number of persons served by
12 the assisted living program; that assisted living providers are providing
13 care for assisted living patients who are waiting to be enrolled in the
14 assisted living program due to the limitation on the number of persons served
15 by the assisted living program at a time; that increasing the number of the
16 persons served under the assisted living program will ensure that citizens of
17 Arkansas receive the appropriate care needed and that assisted living
18 providers are reimbursed for their services; that this act requires the
19 Department of Human Services to request from the Centers for Medicare and
20 Medicaid Services an amendment to the existing waiver concerning the assisted
21 living program; and that this act is immediately necessary to ensure that the
22 citizens of Arkansas have access to the assisted living program and to
23 provide assisted living providers certainty about the law regarding the
24 assisted living program. Therefore, an emergency is declared to exist, and
25 this act being immediately necessary for the preservation of the public
26 peace, health, and safety shall become effective on:

27 (1) The date of its approval by the Governor;

28 (2) If the bill is neither approved nor vetoed by the Governor,
29 the expiration of the period of time during which the Governor may veto the
30 bill; or

31 (3) If the bill is vetoed by the Governor and the veto is
32 overridden, the date the last house overrides the veto.