

**REQUEST FOR SPECIAL LANGUAGE  
IN APPROPRIATION ACT**

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**EXECUTIVE RECOMMENDATION**

SECRETARY'S OFFICE/OFFICE OF CHIEF COUNSEL - PURCHASE OF EVIDENCE. Upon approval by the Chief Fiscal Officer of the State, the Chief Counsel for the Department of Human Services may transfer an amount up to but not to exceed \$12,000 and deposit same in a bank account for the purpose of purchasing evidence in the course of investigating the illegal use of food stamps/Electronic Benefit Transfer (EBT) cards. The funds so transferred shall be subject to accounting in a manner substantially similar to that employed by the Arkansas State Police for such transactions; provided however, that information tending to identify participants in such transactions shall be exempt from the Arkansas Freedom of Information Act.

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

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**EXECUTIVE RECOMMENDATION**

HUMAN SERVICES RENOVATION FUND. Department of Human Services Renovation Fund.

AGENCY REQUEST

(a) There is established on the books of the Treasurer of State, Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the Department of Human Services Renovation Fund.

(b) This fund shall be used for constructing, acquiring, renovating, maintaining, repairing, and equipping facilities of the Department of Human Services and for paying disallowances by the federal government.

(c) The fund shall consist of:

(1) Federal reimbursement received by the Department of Human Services and deposited in the various fund accounts of the department; and

(2) General revenues transferred from the Division of Youth Services, the Division of Aging, Adult, and Behavioral Health Services, and the Division of Developmental Disabilities Services for the purposes of repairing, renovating, equipping, acquiring and constructing Department of Human Services facilities with an annual maximum of five million dollars (\$5,000,000). The projects for which these transfers are authorized must be projects which were unanticipated during the preceding regular session of the Arkansas General Assembly and must be projects which, if not carried out in the interim period between regular sessions of the Arkansas General Assembly would cause greater harm to the facilities, clients or programs of the Department of Human Services than to wait until the next regular session.

(3) Other non-general revenue funds as may be available within the Department of Human Services that can be used for the purposes of this

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fund.

(d)(1) At the request of the Secretary of the Department of Human Services, and upon certification of the availability of such funds, the Chief Fiscal Officer of the State shall initiate the necessary transfer documents to reflect the transfer on the books of record of the Treasurer of State, the Auditor of State, the Chief Fiscal Officer of the State, and the Department of Human Services.

(2) The Secretary of the Department of Human Services shall submit any transfer plan to and must receive approval of the plan from the Chief Fiscal Officer of the State, the Governor and the Arkansas Legislative Council or Joint Budget Committee prior to the effective date of the transfer.

(e) Provided, that any non-general revenue funding that may remain in the fund at the end of any fiscal year shall be carried over into the next fiscal year and all obligated general revenue funding that may remain in the fund at the end of any fiscal year shall be carried over into the next fiscal year to satisfy such legal and contractual obligations that have been entered into prior to the end of the fiscal year.

(f) Determining the amount of funds appropriated to a state agency is the prerogative of the General Assembly and is usually accomplished by delineating specific line items and by identifying the appropriation and funding attached to that line item. The General Assembly has determined that the Department of Human Services could be operated more efficiently if some flexibility is given to that agency. That flexibility is being accomplished by providing transfer authority in subsection (d) of this section, and since the General Assembly has granted the agency broad

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powers under the transfer authority concept, it is both necessary and appropriate that the General Assembly maintain oversight of the utilization of the transfer authority by requiring prior approval of the Legislative Council or Joint Budget Committee in the utilization of this transfer authority. Therefore, the requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

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**EXECUTIVE RECOMMENDATION**

TRANSFER AUTHORITY. The Secretary of the Department of Human Services shall have transfer authority provided by the following:

(a) DEPARTMENT OF HUMAN SERVICES RENOVATION FUND. The Secretary of the Department of Human Services is authorized to request fund transfers according to the provisions established by Arkansas Code Ann. 19-5-1020, Department of Human Services Renovation Fund, as amended herein; and

(b) MATCH TRANSFER. The Secretary of the Department of Human Services, with the approval of the Chief Fiscal Officer of the State, is authorized to effect inter-agency and inter-divisional fund transfers for the purpose of providing the State's matching share for payments made to that Division or Office or its service providers for services eligible for federal reimbursement under programs administered by the Department of Human Services. The Department of Human Services shall report to the Legislative Council or Joint Budget Committee on a quarterly basis all fund transfers made in accordance with the authority granted by this section; and

(c) REALLOCATION OF RESOURCES: (1) The Department of Human Services (DHS) provides hundreds of different services to over 1 million Arkansans. The specific mix of service needs and the funding and staffing required to provide them can vary significantly based on many factors, including natural disasters, changing federal mandates and funding sources, demographic shifts, fluctuating court-ordered services, social trends, and job market variations such as nursing shortages. The impact of these factors through the course of any fiscal year make it very difficult for the Department to accurately predict the exact needs for funding,

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(a) DEPARTMENT OF HUMAN SERVICES RENOVATION FUND. The Secretary of the Department of Human Services is authorized to request fund transfers according to the provisions established by Arkansas Code Ann. 19-5-1020, Department of Human Services Renovation Fund, as amended herein; and

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appropriation and positions in each of its over 100 different appropriations. To ensure that it can respond quickly to changing client needs and make the most effective use of the resources allocated to it, the Department of Human Services shall be authorized to utilize the reallocation of resource authority to make the proper adjustments to the budgets within the Department. Therefore, upon determination by the Secretary of the Department of Human Services that a reallocation of resources within the department is necessary for the efficient and effective operation of the department, the Secretary, with approval of the Governor, shall have the authority to request, from the Chief Fiscal Officer of the State, a transfer of positions, appropriations, line item appropriations, and funds within or between existing and newly created divisions, offices, sections, or units of the department. Provided, however, that no transfer of funds or appropriation that provides direct support or matching support for the Arkansas Medicaid Program shall be made to any other fund account or appropriation that does not directly support the Arkansas Medicaid Program. Further, no positions, funds, or appropriation authorized during the budget process for the Division of Children and Family Services' compliance with initiatives established under the Angela R. consent decree shall be transferred to any other division. Nothing in this provision is intended to prevent the one-time transfers of savings in any other program to the Arkansas Medicaid Program, with the exception of the provisions previously cited for the Division of Children and Family Services - Angela R. consent decree. The Division of Developmental Disabilities - Grants to Community Providers line item of the Developmental Disabilities Services -

for the Department to accurately predict the exact needs for funding, appropriation and positions in each of its over 100 different appropriations. To ensure that it can respond quickly to changing client needs and make the most effective use of the resources allocated to it, the Department of Human Services shall be authorized to utilize the reallocation of resource authority to make the proper adjustments to the budgets within the Department. Therefore, upon determination by the Secretary of the Department of Human Services that a reallocation of resources within the department is necessary for the efficient and effective operation of the department, the Secretary, with approval of the Governor, shall have the authority to request, from the Chief Fiscal Officer of the State, a transfer of positions, appropriations, line item appropriations, and funds within or between existing and newly created divisions, offices, sections, or units of the department. Provided, however, that no transfer of funds or appropriation that provides direct support or matching support for the Arkansas Medicaid Program shall be made to any other fund account or appropriation that does not directly support the Arkansas Medicaid Program. Further, no positions, funds, or appropriation authorized during the budget process for the Division of Children and Family Services' compliance with initiatives established under the Angela R. consent decree shall be transferred to any other division. Nothing in this provision is intended to prevent the one-time transfers of savings in any other program to the Arkansas Medicaid Program, with the exception of the provisions previously cited for the Division of Children and Family Services - Angela R. consent decree. The Division of Developmental

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Grants-in-Aid appropriation may not be decreased. The appropriation, funding, and positions provided for the five Human Development Centers shall remain at a level sufficient to ensure quality care for the Centers' residents. The exemptions provided in this subsection whereby certain DHS Programs and Divisions are protected from appropriation, fund, or position transfers are applicable only to the reallocation or transfer authority granted herein, and not by any reductions which are applicable to all state programs.

The Secretary of the Department of Human Services shall submit any requests for transfers to and must receive approval of the requests for transfers from the Chief Fiscal Officer of the State, the Governor, and the Arkansas Legislative Council or Joint Budget Committee prior to the effective date of the transfers. Provided, however, that the Department of Human Services shall be limited to submitting no more than four reallocation of resources transfer requests during any fiscal year. In each Departmental request no single division will request reallocation for more than one purpose as listed in this section. Transfer authority for unforeseen purposes shall further be limited to no more than 5% of the total appropriation, funding, and positions authorized for the Department. Reallocation of resources transfers may include multiple items but shall be limited to the following purposes:

- i) Medicaid Program;
- ii) Facilities and institutions costs, including operational expenses and construction/renovation/equipping expenses;
- iii) Departmental grants and contracts;

Disabilities - Grants to Community Providers line item of the Developmental Disabilities Services - Grants-in-Aid appropriation may not be decreased. The appropriation, funding, and positions provided for the five Human Development Centers shall remain at a level sufficient to ensure quality care for the Centers' residents. The exemptions provided in this subsection whereby certain DHS Programs and Divisions are protected from appropriation, fund, or position transfers are applicable only to the reallocation or transfer authority granted herein, and not by any reductions which are applicable to all state programs.

The Secretary of the Department of Human Services shall submit any requests for transfers to and must receive approval of the requests for transfers from the Chief Fiscal Officer of the State, the Governor, and the Arkansas Legislative Council or Joint Budget Committee prior to the effective date of the transfers. Provided, however, that the Department of Human Services shall be limited to submitting no more than ~~four~~ two reallocation of resources transfer requests during any fiscal year. In each Departmental request no single division will request reallocation for more than one purpose as listed in this section. Transfer authority for unforeseen purposes shall further be limited to no more than 5% of the total appropriation, funding, and positions authorized for the Department. Reallocation of resources transfers may include multiple items but shall be limited to the following purposes:

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- iv) Court ordered settlements and payments;
- v) Payment of administrative expenses, including but not limited to, overtime and other costs of personnel for critical services or functions necessary to carry out the mission of the agency;
- vi) Restructuring efforts as deemed necessary to comply with new and/or unanticipated federal or state mandates; and/or
- vii) Redirecting internal resources, both direct and/or indirect, to meet client needs and services.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Human Services may operate more efficiently if some flexibility is provided to the Department of Human Services authorizing broad powers under the Reallocation of Resources provisions herein. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

- iii) Departmental grants and contracts;
- iv) Court ordered settlements and payments;
- v) Payment of administrative expenses, including but not limited to, overtime and other costs of personnel for critical services or functions necessary to carry out the mission of the agency;
- vi) Restructuring efforts as deemed necessary to comply with new and/or unanticipated federal or state mandates; and/or
- vii) Redirecting internal resources, both direct and/or indirect, to meet client needs and services.

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(2) If it is determined that the requested reallocation of resources transfers should be made, the Chief Fiscal Officer of the State shall then initiate the necessary transfer documents to reflect the transfers upon the fiscal records of the Treasurer of State, the Auditor of State, the Chief Fiscal Officer of the State, and the Department of Human Services. In addition, the Chief Fiscal Officer of the State, together with the Co-Chairpersons of the Legislative Council or Joint Budget Committee, may approve, on an emergency basis, requests for utilization of this Section without prior approval of the Arkansas Legislative Council or Joint Budget Committee, with any such actions reported at the next meeting of the Arkansas Legislative Council or Joint Budget Committee.

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

jurisdiction, this entire section is void.

(2) If it is determined that the requested reallocation of resources transfers should be made, the Chief Fiscal Officer of the State shall then initiate the necessary transfer documents to reflect the transfers upon the fiscal records of the Treasurer of State, the Auditor of State, the Chief Fiscal Officer of the State, and the Department of Human Services. In addition, the Chief Fiscal Officer of the State, together with the Co-Chairpersons of the Legislative Council or Joint Budget Committee, may approve, on an emergency basis, requests for utilization of this Section without prior approval of the Arkansas Legislative Council or Joint Budget Committee, with any such actions reported at the next meeting of the Arkansas Legislative Council or Joint Budget Committee.

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 6, Chapter 82, is amended to add an additional subchapter to codify special language in appropriation acts to read as follows:

AGENCY REQUEST

Subchapter 22 - Nursing/Direct Care Education Stipend Program

6-82-2201. Eligible nursing students.

A nursing student who is attending an accredited nursing institution to become one (1) of the following is eligible for the Nursing/Direct Care Education Stipend Program:

- (1) An Advanced Practice Nurse;
- (2) A registered or licensed practical nurse;
- (3) A certified nursing assistant;
- (4) A residential care assistant;
- (5) A residential care technician;
- (6) A residential care supervisor; or
- (7) A behavioral health aide.

6-82-2202. Department of Human Services stipend.

(a) An eligible student under § 6-82-2201(2)-(7) may be awarded a stipend of five thousand dollars (\$5,000) per year.

(b)(1) If an eligible student under § 6-82-2201(2)-(7) accepts a stipend under this section and signs a stipend contract, the eligible student shall be under an employment commitment to the respective division of the Department of Human Services and is required to work for the respective division in a full-time employee status effective immediately upon graduation.

(2) The student employment commitment under subdivision (b)(1) of this section is equal to the number of years that the stipend was awarded and accepted.

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(c) Each division of the department that is participating in the Nursing/Direct Care Education Stipend Program shall determine on an annual basis the number of student stipends available.

(d) The department may pay the stipend allowed under this section from the state and federal funds appropriated for the respective division of the department.

6-82-2203. Department of Health stipend.

(a) An eligible student under § 6-82-2201(1) may be awarded a stipend of seven thousand five hundred dollars (\$7,500) per year.

(b)(1) If an eligible student under § 6-82-2201(1) accepts a stipend under this section and signs a stipend contract, the eligible student shall be under an employment commitment to the Department of Health and is required to work for the department in a full-time employee status effective immediately upon graduation.

(2) The student employment commitment under subdivision (b)(1) of this section is equal to the number of years that the stipend was awarded and accepted.

(c) The department shall determine on an annual basis the number of student stipends available based on the availability of funds and the need for direct care services.

(d) The department may pay the stipend allowed under this section from the funds appropriated for the department.

6-82-2204. Default of employment commitment.

In the event of an employee or eligible student defaulting on the employment commitment under § 6-82-2202 or § 6-82-2203, the employee

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or eligible student shall be in breach of contract and repayment of the stipend shall be required as specified in the stipend contract with the appropriate division or department.

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 21, Chapter 5, Subchapter 1, is amended to add an additional section to codify special language in appropriation acts to read as follows:

21-5-111. Department of Human Services - Nursing/direct care recruitment and retention bonuses.

(a) The Department of Human Services may issue nursing/direct care recruitment and retention bonuses in addition to the maximum annual amounts provided for regular salaries in the operative appropriation act for the department for:

- (1) Registered nurses;
- (2) Licensed practical nurses;
- (3) Certified nursing assistants;
- (4) Residential care assistants;
- (5) Residential care technicians;
- (6) Residential care supervisors; and
- (7) Behavioral health aides.

(b) New hire nurses shall be licensed by the Arkansas State Board of Nursing.

(c) The total recruitment/retention bonus payment commitment for eligible nurses shall not exceed:

- (1) Four thousand dollars (\$4,000) per registered nurse;
- (2) Two thousand dollars (\$2,000) per licensed practical nurse; and
- (3) One thousand dollars (\$1,000) per:
  - (A) Certified nursing assistant;
  - (B) Residential care assistant;

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- (C) Residential care technician;
- (D) Residential care supervisor; and
- (E) Behavioral health aide.

(d) The lump-sum bonus payments allowed under this section and the employment commitment to the state shall be made in partial payments as follows:

(1) For registered nurse classifications:

- (A) One thousand dollars (\$1,000) after completing six (6) months of probationary employment;
- (B) One thousand five hundred dollars (\$1,500) after completing the first year of employment; and
- (C) One thousand five hundred dollars (\$1,500) after completing the second year of employment;

(2) For licensed practical nurse classifications:

- (A) Five hundred dollars (\$500) after completing six (6) months of probationary employment;
- (B) Five hundred dollars (\$500) after completing the first year of employment; and
- (C) One thousand dollars (\$1,000) after completing the second year of employment; and

(3) For certified nursing assistant, residential care assistant, residential care technician, residential care supervisor, and behavioral health aide classifications:

- (A) Five hundred dollars (\$500) after completing six (6) months of probationary employment; and

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(B) Five hundred dollars (\$500) after completing the first year of employment.

(e) A qualified person hired and offered bonus payments under this section forfeits the balance of the bonus payments if he or she voluntarily resigns or is terminated for cause from employment with the department before completing the required employment commitment time periods under subsection (d) of this section.

(f) The department may pay the nursing/direct care recruitment and retention bonuses allowed under this section from the state and federal funds appropriated for the respective division of the department.

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**EXECUTIVE RECOMMENDATION**

EMPLOYEE SURVEY.

(a) The Department of Human Services will develop and implement a plan for measuring and improving employee engagement among employees of the State's Human Development Centers for the purpose of:

(1) Receiving and acting on employee feedback on areas including without limitation:

- (A) Employee engagement;
- (B) Supervision;
- (C) Strategy;
- (D) Workplace community and climate;
- (E) Information systems;
- (F) Pay;
- (G) Benefits;
- (H) Employee development; and
- (I) Job satisfaction;

(2) Assessing and systematically identifying problematic areas;

(3) Identifying areas to be improved;

(4) Developing improvement strategies and recommending changes to problematic areas; and

(5) Assessing management and leadership.

(b) The Department will develop the plan under this section with the intent of modeling and implementing employee engagement efforts in other divisions of the department.

(c) The Department may contract with an outside entity to aid in

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**EXECUTIVE RECOMMENDATION**

plan development, implement the plan, or assist with implementation of the plan under this section.

(d) The Department will adopt internal employment policies as necessary to implement the plan under this section.

(e) The Department will submit a written report of the plan under this section and ongoing implementation efforts to Legislative Council no later than December 1, 2022. The report will identify without limitation the data received, the issues identified, and the lessons learned to date.

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**0710 DHS - Aging, Adult & Behavioral Health**

**ACT#: 207**

**SECTION#: 13**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

Recommendation: Deletion of individual section with Codification of this and related special language sections (0731-0207-013, 0731-0207-019, 0731-0207-020, 0731-0207-024, and 0731-0207-025) as additional sections in Arkansas Code Title 25, Chapter 10, Subchapter 1.

Codification will include: "Behavioral Health Services - Federal Funds", "Extra Help - Behavioral Health Services", "Behavioral Health Services - Proceeds for Sales of Timber and Hay - Capital Improvements and Equipment", "Aging and Adult Services - Grant/Contract Disbursement Guidelines" and "Aging and Adult Services - State Match Authorized".

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**0710 DHS - Aging, Adult & Behavioral Health**

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

BEHAVIORAL HEALTH SERVICES. Pay rates for physicians and chief psychologists within the Division of Aging, Adult, and Behavioral Health Services may include the special allowances available to UAMS physicians and professional faculty as described in the special language of the UAMS appropriation. Part of the salaries of such staff will come from the receipt of professional income in the care of patients and/or funds received from federal agencies, foundations and other private sponsors in the support of research. Provided that any such allowance shall not exceed, for any employee, an amount equal to two and one half times the salary authorized by the General Assembly. The specific Division of Aging, Adult, and Behavioral Health Services classifications covered by this language are:

Class

Code Title

L005N Psychiatric Specialist

L009N DHS Behavioral Health General Physician

L001C Psychologist Supervisor

Prior to these allowances being made available for an individual, they will be approved by the Chief Fiscal Officer of the State and reviewed by the Personnel Committee of the Arkansas Legislative Council or the Joint Budget Committee.

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

SPECIAL LANGUAGE. CODE AMENDMENT. Arkansas Code Title 25, Chapter 10, is amended to add an additional subchapter to read as follows:

AGENCY REQUEST

Subchapter 5 - Division of Aging, Adult, and Behavioral Health Services

25-10-501. Vocational trainees.

(a) It is the intent of the General Assembly that the authorization of certain vocational trainee positions shall facilitate the Department of Human Services' ability to provide for residents who are not part of a regular vocational training program.

(b)(1) The Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services may provide employment opportunities for some of the working residents who are separate from the currently authorized regular vocational trainee positions.

(2) The positions authorized in this subsection shall not be incorporated into the present classification system but shall be provided for by each community mental health center or the Arkansas State Hospital, on a cash account basis.

25-10-502. Job share for nursing classifications.

The Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services may utilize job share for positions within the nursing classification for up to twenty-four (24) hours per week per individual to allow the division to offer weekend option shifts to nursing personnel without increasing the number of positions.

25-10-503. Arkansas State Hospital contingency positions.

(a) If the Department of Human Services determines, after prior review by the Legislative Council or, if the General Assembly is in session,

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the Joint Budget Committee, that it is in the best interest of the state to discontinue a management contract with a private provider and it is deemed necessary to utilize department staff to provide the required services, the Secretary of the Department of Human Services may request the Department of Transformation and Shared Services to approve the establishment of one (1) or more additional positions at salary rates not to exceed the maximum salaries established for comparable positions in the Uniform Classification and Compensation Act, § 21-5-201 et seq., the operative appropriation act of the Department of Human Services, and the operative appropriation act of the University of Arkansas for Medical Sciences.

(b) Upon approval by the Department of Transformation and Shared Services and after review by the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee, the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services may establish positions described in subsection (a) of this section.

(c) If the division requests continuation of a position as established in this section, the position shall be requested as a new position in the division's budget request.

Recommendation: Codification of this and related special language sections (0731-0207-015, 0731-0207-016, and 0731-0207-017 as additional Subchapter in Arkansas Code Title 25, Chapter 10:

Subchapter 5 - Division of Aging, Adult, and Behavioral Health Services

Codification will include: "Behavioral Health Services - Vocational



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Trainees”, “Behavioral Health Services - Job Share”, and “Behavioral Health Services - State Hospital Contingency Positions”.

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**SECTION#: 16**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

Recommendation: Deletion of individual section and Codification of this and related special language sections (0731-0207-015, 0731-0207-016, and

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**SECTION#: 17**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

Recommendation: Deletion of individual section and Codification of this and related special language sections (0731-0207-015, 0731-0207-016, and

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

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ARKANSAS HEALTH CENTER. (A) The Department of Human Services shall not close the Arkansas Health Center that provides skilled nursing through specialized services and programs.

(B) The Department of Human Services shall continue to accept clients for whom it has determined that skilled nursing and specialized services are needed at the Arkansas Health Center.

(C) No funds shall be transferred or reduced from the Arkansas Health Center, except for use as federal matching funds, below the approved funding level on March 1, 2003 without the prior approval of the Arkansas Legislative Council or the Joint Budget Committee.

(D) Determining the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Human Services may operate more efficiently if some flexibility is provided to the Department of Human Services authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent

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**EXECUTIVE RECOMMENDATION**

jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2022~~  
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**SECTION#: 19**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

Recommendation: Deletion of individual section with Codification of this and related special language sections (0731-0207-013, 0731-0207-019, 0731-0207-020, 0731-0207-024, and 0731-0207-025) as additional sections in Arkansas Code Title 25, Chapter 10, Subchapter 1.

Codification will include: "Behavioral Health Services - Federal Funds", "Extra Help - Behavioral Health Services", "Behavioral Health Services - Proceeds for Sales of Timber and Hay - Capital Improvements and Equipment", "Aging and Adult Services - Grant/Contract Disbursement Guidelines" and "Aging and Adult Services - State Match Authorized".

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**SECTION#: 20**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 25, Chapter 10, Subchapter 1, is amended to add additional sections to codify special language in appropriation acts to read as follows:

AGENCY REQUEST

25-10-146. Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services - Timber and hay sales.

(a) The Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services may use the administrative operating account for:

- (1) Capital improvements to the physical plant;
- (2) The purchase of capital equipment; and
- (3) The operations of the Arkansas Health Center.

(b)(1) The harvesting of timber and hay is authorized to provide funds to finance the items listed in subsection (a) of this section.

(2) The division shall hold funds from timber and hay sales separately from other division funds.

(3) All funds deposited from timber and hay sales and all expenses paid through timber and hay sales shall be tracked separately from other division deposits and payments.

(c) All expenditures of funds derived from the sale of timber and hay shall be expended in accordance with relevant state purchasing laws.

(d)(1) The division shall report all income derived from the sale of timber and hay to the Chief Fiscal Officer of the State and the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee.

(2) A contract initiated for the harvesting of timber and hay

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**EXECUTIVE RECOMMENDATION**

shall be submitted to the Review Subcommittee of the Legislative Council or, if the General Assembly is in session, the Review/PEER Subcommittee of the Joint Budget Committee for prior review.

25-10-147. Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services - Extra help positions - Limitations.

Employees in extra help positions in the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services shall not, in a fiscal year:

(1) Receive an amount exceeding eighty-five percent (85%) of the maximum annual salary for a comparable position as authorized under the Uniform Classification and Compensation Act, § 21-5-201 et seq.; or

(2) Be employed for a period of time exceeding one thousand eight hundred (1,800) hours.

25-10-148. Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services - State and federal funds.

(a) The Secretary of the Department of Human Services may use state funds to match federal funds available under Title III and Title V of the Older Americans Act, 42 U.S.C. § 3001 et. seq., as they existed on January 1, 2023, the Social Services Block Grant, or other federal funds that become available.

(b) All appropriations for state and federal funding for the Division of Aging, Adult, and Behavioral Health Services that are distributed under grant or contract methodologies may be disbursed by the Department of Human Services in the same manner as authorized under federal



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regulations for the disbursement of funds under Title III of the Older Americans Act, 42 U.S.C. § 3001 et. seq., as they existed on January 1, 2023.

(c) If federal funding is available for the division during a fiscal year, the federal funding shall be used to conserve or reduce the expenditure of general revenue except when prohibited by law.

Recommendation: Codification of this and related special language sections (0731-0207-013, 0731-0207-019, 0731-0207-020, 0731-0207-024, and

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

SPECIAL RATES OF PAY AND EMPLOYMENT WORK DAYS. For employees hired on or after July 1, 2013, at the Arkansas State Hospital in the classifications listed below, the Division of Aging, Adult, and Behavioral Health Services Director shall implement salary adjustments utilizing the approved pay grid for teachers employed by the Arkansas Schools for the Blind and Deaf.

To achieve the salary adjustments, the Division of Aging, Adult, and Behavioral Health Services is authorized to pay special rates of pay for classifications at the Arkansas State Hospital listed below:

Classification	Title	Grade
E035C	Certified Masters Teacher	GS08 E044C
	Certified Bachelors Teacher	GS06

Funding for the minimum compensation provided for in this section that is supported in whole or in part from general revenues, shall, if required, be provided by a transfer from the Performance Fund to the proper fund or fund account and in such amounts as determined by the Chief Fiscal Officer of the State. The Division of Aging, Adult, and Behavioral Health Services shall in addition to the funds provided in this Act for Annual Career Service Recognition Payments from the Performance Fund, make available any funding generated from agency salary savings for such purposes from the funds or fund accounts as provided by law.

For employees hired on or after July 1, 2013, at the Arkansas State Hospital in the classifications listed above, the Division of Aging, Adult, and Behavioral Health Services Director shall set the number of work days for the employment year to equal the number of days worked by those

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**EXECUTIVE RECOMMENDATION**

employed in the same classifications at the Arkansas Schools for the Blind and Deaf. The accrual, use, and carryover of sick days, personal days, and holidays of the employees at the Arkansas State Hospital that are hired on or after July 1, 2013, or current employees choosing to adopt this plan, shall be treated in the same manner as those employed in the same classifications at the Arkansas Schools for the Blind and Deaf.

Those currently employed at the Arkansas State Hospital in the classifications listed above as of June 30, 2013, have the one-time option of adopting this language or continuing to operate under the same salary, leave and benefit plans they are currently receiving. Employees must make their decision by June 30, 2013.

Accrued annual and holiday leave, up to 240 hours, as of June 30, 2013, will be paid out to current employees choosing to adopt this plan. Any additional accrued annual and holiday leave will be forfeited. Accrued sick leave, as of June 30, 2013, shall be retained on file and shall be exhausted before any newly accrued sick leave may be taken.

All employees affected by this section shall be eligible to receive hazardous duty pay for time worked in eligible areas.

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

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**EXECUTIVE RECOMMENDATION**

CARRY FORWARD - COMMUNITY BASED CRISIS INTERVENTION. Any unexpended balance of funds allocated for Community Based Crisis Intervention in the Department of Human Services - Division of Aging, Adult, and Behavioral Health Services from the Behavioral Health Services Fund Account which remains at the close of each state fiscal year shall be carried forward to the next state fiscal year to be used for the same intent and purposes as set forth in law. Any carry forward of unexpended balance of funding as authorized herein may be carried forward under the following conditions:

(1) Prior to June 30, ~~2022~~ 2023, the Agency shall, by written statement, set forth its reason(s) for the need to carry forward said funding to the Department of Finance and Administration Office of Budget;

(2) The Department of Finance and Administration Office of Budget shall report to the Arkansas Legislative Council all amounts carried forward by the September Arkansas Legislative Council or Joint Budget Committee meeting which report shall include the name of the Agency, Board, Commission, or Institution and the amount of the funding carried forward, the program name or line item, the funding source of that appropriation and a copy of the written request set forth in (1) above;

(3) Each Agency, Board, Commission, or Institution shall provide a written report to the Arkansas Legislative Council or Joint Budget Committee containing all information set forth in item (2) above, along with a written statement as to the current status of the project, contract, purpose, etc. for which the carry forward was originally requested no later than thirty (30) days prior to the time the Agency, Board, Commission, or

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Institution presents its budget request to the Arkansas Legislative Council/Joint Budget Committee; and

(4) Thereupon, the Department of Finance and Administration shall include all information obtained in item (3) above in the budget manuals and/or a statement of non-compliance by the Agency, Board, Commission, or Institution.

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

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**SECTION#: 23**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

AGING AND ADULT SERVICES - MATCHING FUNDS. The funds appropriated for state match for the Arkansas Senior Olympics Program in this Act shall be paid on a two-to-one state/local matching basis. The Senior Arkansas Sports Organization must certify its portion of the match to the Division of Aging, Adult, and Behavioral Health Services before any funds appropriated for state match for the Arkansas Senior Olympics Program in this Act are disbursed.

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

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**0710 DHS - Aging, Adult & Behavioral Health**

**ACT#: 207**

**SECTION#: 24**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

Recommendation: Deletion of individual section with Codification of this and related special language sections (0731-0207-013, 0731-0207-019, 0731-0207-020, 0731-0207-024, and 0731-0207-025) as additional sections in Arkansas Code Title 25, Chapter 10, Subchapter 1.

Codification will include: "Behavioral Health Services - Federal Funds", "Extra Help - Behavioral Health Services", "Behavioral Health Services - Proceeds for Sales of Timber and Hay - Capital Improvements and Equipment", "Aging and Adult Services - Grant/Contract Disbursement Guidelines" and "Aging and Adult Services - State Match Authorized".

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**SECTION#: 25**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

Recommendation: Deletion of individual section with Codification of this and related special language sections (0731-0207-013, 0731-0207-019, 0731-0207-020, 0731-0207-024, and 0731-0207-025) as additional sections in Arkansas Code Title 25, Chapter 10, Subchapter 1.

Codification will include: "Behavioral Health Services - Federal Funds", "Extra Help - Behavioral Health Services", "Behavioral Health Services - Proceeds for Sales of Timber and Hay - Capital Improvements and Equipment", "Aging and Adult Services - Grant/Contract Disbursement Guidelines" and "Aging and Adult Services - State Match Authorized".

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**SECTION#: 26**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

AGING AND ADULT SERVICES - NURSING HOME CARE ALTERNATIVES.  
Funding for "Nursing Home Care Alternatives", as it appears in the Aging and Adult Services - Operations appropriation may be used for home delivered meals, adult day care, homemaker/chore, respite care, personal care, health promotion, and other community-based activities. These funds may also be used to match Medicaid community-based programs.

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

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**SECTION#: 27**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

SENIOR CITIZEN CENTERS. The appropriation in this act for Senior Citizen Centers shall be distributed in the same manner as the funding formula requirements set out in the federal Older Americans Act funding law. The additional funding provided by this provision shall supplement and not supplant any monies currently funding services for Senior Citizen Centers.

The requirements in this section shall only be implemented in accordance with any necessary approval by the Centers for Medicare and Medicaid Services and in the event that additional general revenue funding is provided by the General Assembly for these purposes. Should additional funding provided for these purposes be insufficient to provide for the increases in full, the increases shall be provided to the extent that funding is made available.

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

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**0710 DHS - Aging, Adult & Behavioral Health**

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**SECTION#: 28**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

CARRY FORWARD OF UNOBLIGATED GENERAL REVENUE FUNDS FOR SENIOR CITIZEN CENTERS. (a) On June 30, 2019, or as soon as is practicable to determine funds available as authorized in this Section, and each fiscal year thereafter the Chief Fiscal Officer of the State shall cause to be transferred on his or her books and those of the State Treasurer and Auditor of State the balance of unobligated general revenue funds, excluding funds carried forward for other purposes, remaining in the Fund or Fund Accounts and the corresponding paying accounts as determined by the Chief Fiscal Officer of the State, as set out in subsection (b) herein, to the Department of Human Services - Division of Aging, Adult, and Behavioral Health Services paying account to be used exclusively for the disbursement of funds for Senior Citizen Centers in the amount of recouped and recovered general revenue not to exceed five hundred thousand dollars (\$500,000).

(b) Any unobligated general revenue, excluding funds carried forward for other purposes, remaining in the following Fund or Fund Accounts and the corresponding paying accounts at the end of the Fiscal Year that would normally be transferred into the General Revenue Allotment Reserve Fund as recouped or recovered General Revenue shall be transferred as authorized in subsection (a) herein:

- (1) Department of Human Services Administration Fund Account;
- (2) Children and Family Services Fund Account;
- (3) Child Care and Early Childhood Education Fund Account;
- (4) Youth Services Fund Account;
- (5) Developmental Disabilities Services Fund Account;

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**EXECUTIVE RECOMMENDATION**

- (6) Medical Services Fund Account;
- (7) Behavioral Health Services Fund Account;
- (8) County Operations Fund Account; and
- (9) Provider Services and Quality Assurance Fund Account.

(c)(1) Any general revenue recouped or recovered as authorized in subsections (a) and (b) herein shall be carried forward to the following fiscal year for Senior Citizen Centers and shall be distributed in the same manner as the funding formula requirements set out in the federal Older Americans Act funding law.

(2) The additional funding provided by this provision shall supplement and not supplant any monies currently funding services for Senior Citizen Centers.

(d) Should additional funding provided for in subsections (a) and (b) herein be insufficient to provide for the full five hundred thousand dollars (\$500,000) authorized, the increases shall be provided to the extent that general revenue is recouped and carried forward.

(e)(1) The Department of Human Services shall provide a written report to the Department of Finance and Administration Budget Office, the Arkansas Legislative Council or Joint Budget Committee the total amount of general revenue carried forward and distributed as set forth in this section no later than thirty (30) days prior to the time the Department presents its budget request to the Legislative Council or Joint Budget Committee.

(2) The Department of Finance and Administration shall include all information obtained in subsection (e)(1) herein in the budget manual submitted to the Arkansas Legislative Council or Joint Budget Committee for

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**EXECUTIVE RECOMMENDATION**

the Department.

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**0710 DHS - County Operations Division**

**ACT#: 197**

**SECTION#: 8**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

INTER-AGENCY TRANSFER OF STATE GENERAL REVENUE FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) PROGRAMS. Upon the request of the Secretary of the Department of Human Services (DHS) and the Director of the Department of Workforce Services (DWS), the Chief Fiscal Officer of the State may approve up to \$3,640,650 in State General Revenue appropriated to DWS for the TANF Program to be transferred to the Department of Human Services - Division of County Operations in support of Arkansas' Temporary Assistance for Needy Families (TANF) Programs or any related Separate State Programs. The Director of the Division of Workforce Services shall provide a report of all transfers made to the DHS - Division of County Operations to the Performance Evaluation and Expenditure Review Committee of the Arkansas Legislative Council and/or Joint Budget Committee. The report must include the justification for and the amount of the completed transfers.

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

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**0710 DHS - County Operations Division**

**ACT#: 197**

**SECTION#: 9**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 12, Chapter 75, Subchapter 1, is amended to codify special language in appropriation acts by adding an additional section to read as follows:

AGENCY REQUEST

12-75-139. Division of County Operations - Employees.

If a state of disaster emergency under this chapter or a federal disaster is declared, the Division of County Operations may:

(1) Contract labor for periods that exceed the limitations imposed by rules adopted by the Department of Finance and Administration;

and

(2) Waive the limitation of one thousand five hundred (1,500) hours per state fiscal year for extra help positions under § 21-5-224.

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Developmental Disabilities Services Division**

**ACT#: 210**

**SECTION#: 11**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

DEVELOPMENTAL DISABILITIES - GRANTS TO COMMUNITY BASED PROVIDERS. Funds allocated for community-based services under the appropriation for (i) the Grants-in-Aid appropriation in this act, (ii) the Grants/Patient Services Line in the Operations appropriation in this act, and (iii) the Inter-Divisional Programs appropriation in this act, shall be used only to provide services through private community based services licensed or certified by the Arkansas Division of Developmental Disabilities Services (DDS) or licensed or certified by a Provider-Led Arkansas Shared Savings Entity (PASSE). Non-profit community-based programs licensed by the Division of Developmental Disabilities Services are quasi-governmental instrumentalities of the state which provide supports and services to individuals who have a developmental disability or delay, who would otherwise require supports and services through state-operated programs and facilities owned by the State of Arkansas. When licensed providers are involved in delivering services which are Medicaid reimbursable, they must enroll as a provider with the Arkansas Medicaid Program and must bill the Arkansas Medicaid Program for all covered services for eligible individuals.

Services which are covered by the Arkansas State Medicaid Program, including the Provider-Led Arkansas Shared Savings Entity (PASSE) model, will be utilized to the maximum extent possible for any individual who is eligible for Medicaid coverage. It is the intent of this section that DDS, as a general policy, maximize the use of Medicaid funding available for appropriate services.

Licensed private community providers funded from these appropriations for community based services shall:

AGENCY REQUEST



**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Developmental Disabilities Services Division**

**ACT#: 210**

**SECTION#: 11**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

1. Screen each individual to whom services are provided for a determination of eligibility or ineligibility for Medicaid coverage within thirty days of the first date that services are provided.
2. Meet minimum standards of performance in the delivery of services to people with disabilities as defined by the Department of Human Services - Division of Developmental Disabilities Services.
3. Supply statistical and financial data to the Department of Human Services - Division of Developmental Disabilities Services.
4. Establish and maintain a sound financial management system in accordance with guidelines as set forth by the Department of Human Services.
5. Establish and maintain community support programs designed to provide coordinated care and treatment to ensure ongoing involvement and individualized services for persons with disabilities.

It is the intent of this section to insure that wherever possible and appropriate, Medicaid funds are utilized.

Nothing in this Act shall prevent the Division or any provider from extending emergency services when appropriate measures have been taken in a timely manner to secure Medicaid eligibility.

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Developmental Disabilities Services Division**

**ACT#: 210**

**SECTION#: 12**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 20, Chapter 48, Subchapter 4, is amended to add additional sections and to codify special language in appropriation acts to read as follows:

AGENCY REQUEST

20-48-418. Vocational trainees.

The Division of Developmental Disabilities Services may provide employment opportunities for individuals with developmental disabilities who:

- (1) Reside at a human development center; and
- (2) Who work at a less than competitive employment level.

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Developmental Disabilities Services Division**

**ACT#: 210**

**SECTION#: 13**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

DEVELOPMENTAL DISABILITIES - TIMBER SALES PROCEEDS - CAPITAL IMPROVEMENTS AND EQUIPMENT. The Division of Developmental Disabilities Services is authorized to use the administrative operating accounts for capital improvements to physical plants and for the purchase of capital equipment. The funds shall be held by the Department of Human Services - Division of Developmental Disabilities Services from the proceeds of the sale of timber that may be harvested from land owned by the Division of Developmental Disabilities Services. All funds deposited and all expenses shall be tracked separately. The harvesting of timber is specifically authorized to provide funds to finance capital improvements to the physical plants and for the purchase of major capital equipment.

The Division of Developmental Disabilities Services shall report all income derived from timber management to the Chief Fiscal Officer of the State and the Arkansas Legislative Council or Joint Budget Committee. Any contracts initiated for the harvesting of timber shall be submitted to the Review Subcommittee of the Arkansas Legislative Council or Joint Budget Committee for prior review. All expenditures of funds derived from the sale of timber will be expended in accordance with relevant state purchasing laws.

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

Recommendation: Per agency email, language codified at 20-48-511 is good as is; section not needed and may be deleted.

AGENCY REQUEST

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**0710 DHS - Developmental Disabilities Services Division**

**ACT#: 210**

**SECTION#: 14**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 20, Chapter 48, Subchapter 4, is amended to add additional sections and to codify special language in appropriation acts to read as follows:

AGENCY REQUEST

20-48-419. Prohibition on closure of human development centers - Funding for human development centers and community providers.

(a) The Board of Developmental Disabilities Services and the Department of Human Services shall not close any of the existing five (5) human development centers.

(b)(1) The department shall continue to accept clients for whom the department has determined needs therapy and residential services at a human development center.

(2) A community program licensed by the Division of Developmental Disabilities Services shall continue to accept clients for whom the community program has determined, in accordance with federal law, are in need of services in the community.

(c) Except for use as federal matching funds, no funds for community- based services licensed by the division shall be transferred from funds appropriated:

(1) To the division for grants to community providers unless the transfer directly benefits community-based services for persons with developmental disabilities; or

(2) For the human development centers unless the transfer directly benefits the human development centers.

(d) General revenue appropriated as grants to community providers for persons with developmental disabilities or general revenue applied as

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

federal matching funds for community-based services licensed by the division shall not be reduced below the approved funding level.

(e) General revenue applied as federal matching funds for human development centers shall not be reduced below the approved funding level.

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**0710 DHS - Developmental Disabilities Services Division**

**ACT#: 210**

**SECTION#: 15**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

ELIMINATION OF AUTISM WAIVER SERVICES WAITING LIST. Immediately upon the effective date of this Act, the Department of Human Services - Division of Developmental Disabilities Services shall budget, allocate, and expend up to one million dollars (\$1,000,000) for the elimination of the Autism Waiver Services Program waiting list.

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

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**0710 DHS - Medical Services Division**

**ACT#: 195**

**SECTION#: 8**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 19-12-112, concerning the creation of the Medicaid Expansion Program Account and resulting from Initiated Act 1 of 2000, is amended to add an additional subsection to codify special language in appropriation acts to read as follows:

(e)(1) The Chief Fiscal Officer of the State shall establish separate paying accounts for the Medicaid Expansion Program to be used exclusively to draw down federal funds associated with the federal share of expenditures and for the state share of expenditures transferred from the Medicaid Expansion Program Account or for any other appropriate state matching funds.

(2) The Medicaid Expansion Program, established by Initiated Act 1 of 2000 and enacted in the Tobacco Settlement Proceeds Act, § 19-12-101 et seq., is a separate and distinct component of the Arkansas Medicaid Program, administered by the Department of Human Services and established under § 19-12-116(b)(1).

AGENCY REQUEST

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**0710 DHS - Medical Services Division**

**ACT#: 195**

**SECTION#: 9**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

ACCOUNTS. Such appropriations and fund accounts as may be necessary to administer the provisions of this act shall be established on the books of the Chief Fiscal Officer of the State, State Treasurer, and the Auditor of the State.

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

AGENCY REQUEST



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**0710 DHS - Medical Services Division**

**ACT#: 195**

**SECTION#: 10**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

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

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

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

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

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

AGENCY REQUEST

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**0710 DHS - Medical Services Division**

**ACT#: 195**

**SECTION#: 11**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFER RESTRICTIONS. The appropriations provided in this act shall not be transferred under the provisions of Arkansas Code 19-4-522, but only as provided by this act.

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

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**0710 DHS - Medical Services Division**

**ACT#: 195**

**SECTION#: 12**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFERS OF APPROPRIATIONS. In the event the amount of any of the budget classifications of maintenance and general operation in this act are found by the administrative head of the agency to be inadequate, then the agency head may request, upon forms provided for such purpose by the Chief Fiscal Officer of the State, a modification of the amounts of the budget classification. In that event, he shall set out on the forms the particular classifications for which he is requesting an increase or decrease, the amounts thereof, and his reasons therefor. In no event shall the total amount of the budget exceed either the amount of the appropriation or the amount of the funds available, nor shall any transfer be made from the capital outlay or data processing subclassifications unless specific authority for such transfers is provided by law, except for transfers from capital outlay to data processing when determined by the Division of Information Systems that data processing services for a state agency can be performed on a more cost-efficient basis by the Division of Information Systems than through the purchase of data processing equipment by that state agency. In considering the proposed modification as prepared and submitted by each state agency, the Chief Fiscal Officer of the State shall make such studies as he deems necessary. The Chief Fiscal Officer of the State shall, after obtaining the approval of the Legislative Council or Joint Budget Committee, approve the requested transfer if in his opinion it is in the best interest of the state.

Upon determination by the Secretary of the Department of Human Services that a Reallocation of Resources is necessary for the effective operation of the Medicaid Tobacco Settlement Program Grants, the

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**EXECUTIVE RECOMMENDATION**

Secretary, with the approval of the Governor, shall have the authority to request from the Chief Fiscal Officer of the State a transfer of Appropriation. This transfer authority applies only to the Medicaid Tobacco Settlement Program Grants appropriation section of this Act between the Hospital and Medical Services line item and the Prescription Drugs line item. The limitation restrictions applicable to the Department Reallocation of Resources authority applies to this section.

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

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

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**SECTION#: 13**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

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

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

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**0710 DHS - Medical Services Division**

**ACT#: 195**

**SECTION#: 14**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

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

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

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**0710 DHS - Medical Services Division**

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**SECTION#: 8**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 20, Chapter 77, Subchapter 4, is amended to add an additional section to codify special language in appropriation acts to read as follows:

AGENCY REQUEST

20-77-407. Pharmaceutical dispensing fee survey.

(a) No more than two (2) years before making any changes to the current pharmaceutical dispensing fee, the Department of Human Services shall conduct an independent survey utilizing generally accepted accounting principles to determine the cost of dispensing a prescription by pharmacists in Arkansas.

(b)(1) Only factors relative to the cost of dispensing shall be surveyed under subsection (a) of this section.

(2) The factors surveyed under subsection (a) of this section shall not include actual acquisition costs, average profit, or any combination of actual acquisition costs or average profit.

(c)(1) The survey results obtained under this section shall be the basis for establishing the dispensing fee paid to participating pharmacies in the Medicaid prescription drug program in accordance with federal requirements.

(2) The dispensing fee shall be no lower than the cost of dispensing as determined by the survey conducted under this section.

(e) This section does not prohibit the department from increasing the dispensing fee at any time.

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**SECTION#: 9**

<b>CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)</b>	<b>EXECUTIVE RECOMMENDATION</b>
<p>MEDICAL SERVICES - GENERAL MEDICAID RATE METHODOLOGY PROVISIONS.</p> <p>(a) Rates established by the Division of Medical Services for the services or programs covered by this Act shall be calculated by the methodologies approved by the Centers for Medicare and Medicaid Services (CMS). The Division of Medical Services shall have the authority to reduce or increase rates based on the approved methodology. Further, the Division of Medical Services shall have the authority to increase or decrease rates for good cause including, but not limited to: (1) Identification of provider(s) who can render needed services of equal quality at rates less than traditionally charged and who meet the applicable federal and state laws, rules and regulations pertaining to the provision of a particular service;</p> <p>(2) Identification that a provider or group of providers has consistently charged rates to the Arkansas Medicaid Program greater than to other purchasers of medical services of similar size;</p> <p>(3) The Division determines that there has been significant changes in the technology or process by which services are provided by a provider or group of providers which has affected the costs of providing services, or;</p> <p>(4) A severe economic downturn in the Arkansas economy which has affected the overall state budget of the Division of Medical Services.</p> <p>The Division of Medical Services shall make available to requesting providers, the CMS's inflationary forecasts (CMS Market Basket Index). Rates established with cost of living increases based on the CMS Market Basket Index or other indices will be adjusted annually except when the state budget does not provide sufficient appropriation and funding to affect</p>	<p align="center">AGENCY REQUEST</p>



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**0710 DHS - Medical Services Division**

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

the change or portion thereof.

(b) Any rate methodology changes proposed by the Division of Medical Services both of a general and specific nature, shall be subject to prior approval by the Legislative Council or Joint Budget Committee.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Human Services - Division of Medical Services may operate more efficiently if some flexibility is provided to the Department of Human Services - Division of Medical Services authorizing broad powers under this section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

FUND USAGE AUTHORIZED. The Arkansas Children's Hospital may request the Department of Human Services - Division of Medical Services to retain in the Department of Human Services Grant Fund account an amount not to exceed \$2,100,000 from funds made available by this Act in the Child and Family Life Institute line item of the Grants appropriation to be used to match federal funds used for supplemental Medicaid payments to Arkansas Children's Hospital. These retained funds shall not be recovered to transfer to the General Revenue Allotment Reserve Fund.

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 20, Chapter 77, Subchapter 1, is amended to add an additional section to codify special language in appropriation acts to read as follows:

AGENCY REQUEST

20-77-148. Early and Periodic Screening, Diagnostic, and Treatment. (a) The General Assembly finds that:

(1) The Medicaid State Plan must include the provision of early and periodic screening, diagnostic, and treatment services as those services are defined in 42 U.S.C. §§ 1396d(r), 1396a(a)(10)(A), 1396d(a)(4)(B), and 1396a(a)(43);

(2) Federal law, 42 U.S.C. § 1396d(r)(5), lists in detail the screening services, vision services, dental services, and hearing services that the State Medicaid Plan must expressly include, but with regard to treatment services, it states that early and periodic screening, diagnostic, and treatment means "[s]uch other necessary health care, diagnostic services, treatment, and other measures described in section 1950(a) to correct or ameliorate defects and physical and mental illnesses and conditions discovered by the screening services, whether or not such services are covered under the State Plan";

(3) Federal law, 42 U.S.C. § 1396d(r)(5) states that early and periodic screening, diagnostic, and treatment services includes any treatments or measures outlined in 42 U.S.C. §1396d(a), which has twenty-seven sub-parts;

(4) Sub-part (a)(13) of 42 U.S.C. §1396d(a), in particular, which defines medical assistance reimbursable by Medicaid as "other diagnostic, screening, preventive, and rehabilitative services, including any

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**EXECUTIVE RECOMMENDATION**

medical or remedial services recommended by a physician . . . for the maximum reduction of physical and mental disability and restoration of an individual to the best possible functional level," when read with the other sections of the federal Medicaid Act, mandates that early intervention day treatment be provided when it is prescribed by a physician;

(5) Reading 42 U.S.C. § 1396a, 42 U.S.C. § 1396d(a), and 42 U.S.C. § 1396d(r) together, the Medicaid State Plan need not specifically list every treatment service conceivably available under the early and periodic screening, diagnostic, and treatment mandate;

(6) The Medicaid State Plan, however, must pay part or all of the cost of treatments to ameliorate conditions discovered by the screening process when those treatments meet the definitions set forth in 42 U.S.C. § 1396a; and

(7)(A) The Medicaid State Plan states that the "State will provide other health care described in [42 U.S.C. 1396d(a)] that is found to be medically necessary to correct or ameliorate defects and physical and mental illnesses and conditions discovered by the screening services, even when such health care is not otherwise covered under the State Plan."

(B) This provision meets the early and periodic screening, diagnostic, and treatment mandate of the federal Medicaid Act.

(b) It is the intent of the General Assembly to affirm the district court's decision in *Pediatric Specialty Care, Inc. v. Arkansas Dept. of Human Services*, 293 F.3d 472 (8th Cir. 2002), to the extent that it holds that a Medicaid-eligible individual has a federal right to early intervention day treatment when a physician recommends such treatment.

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(c)(1) After child health management services clinic staff perform a diagnostic evaluation of an eligible child, if the child health management services physician prescribes early intervention day treatment as a service that would lead to the maximum reduction of medical and physical disabilities and restoration of the child to his or her highest possible functional level, the Arkansas Medicaid State Plan shall reimburse the treatment.

(2) As child health management services clinics are the only providers of early intervention day treatment, the Arkansas Medicaid Program shall reimburse child health management services clinics.

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 20, Chapter 77, Subchapter 1, is amended to add an additional section to codify special language in appropriation acts to read as follows:

20-77-148. Personal Care Program - Private care agency participation requirements.

(a)(1) It is the intent of the General Assembly that the Department of Human Services, in the administration of the Arkansas Medicaid Program, set forth Medicaid provider participation requirements for personal care providers that will ensure sufficient available personal care providers to meet the required needs of all eligible recipients, including ensuring available in-home services twenty-four (24) hours a day and seven (7) days a week for personal care.

(2) The purpose of this section is to:

(A) Allow the private care agencies to be eligible to provide Medicaid reimbursed personal care services seven (7) days a week but does not supersede rules promulgated by the Department of Human Services establishing monthly benefit limits and prior authorization requirements; and

(B) Ensure the care provided by the private care agencies is consistent with the rules promulgated by the Department of Health.

(b) As used in this section, "private care agencies" means healthcare providers that:

(1) Are licensed by the United States Department of Labor;

(2) Are certified as Home and Community Based Services

Providers;

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(3) Furnish in-home staffing services for respite, chore services, and homemaker services; and

(4) Are covered by liability insurance of not less than one million dollars (\$1,000,000) covering their employees and independent contractors while engaging in providing services such as personal care, respite, chore services, and homemaker services.

(c) The availability of providers shall not require the Department of Human Services to reimburse for twenty-four (24) hours per day of personal care services.

(d) The Department of Human Services shall take necessary action as required by the Centers for Medicare and Medicaid Services to amend the Arkansas Medicaid Program to include private care agencies as qualified entities to provide Medicaid reimbursed personal care services.

(e)(1) The private care agencies shall comply with rules promulgated by the Department of Health, which shall establish a separate licensure category for the private care agencies for the provision of Medicaid reimbursable personal care services seven (7) days a week.

(2) The Department of Health shall supervise the conduct of the private care agencies.

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**EXECUTIVE RECOMMENDATION**

ARKANSAS HEALTH AND OPORTUNITY FOR ME AND ARKANSAS HEALTH INSURANCE MARKETPLACE RESTRICTIONS. (a) As used in this section, "Arkansas Health and Opportunity for Me" means Arkansas Health and Opportunity for Me established under the Arkansas Health and Opportunity for Me Act of 2021, Arkansas Code § 23-61-1001 et seq.

(b)(1) Determining the maximum number of employees, the maximum amount of appropriation, for what purposes an appropriation is authorized, and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly.

(2) The purposes of subdivision (b)(1) of this section are typically accomplished by:

(A) Identifying the purpose in the appropriation act;

(B) Delineating such maximums in the appropriation act for a state agency; and

(C) Delineating the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization Law, Arkansas Code § 19-5-101 et seq.

(3) It is both necessary and appropriate that the General Assembly restrict the use of appropriations authorized in this act.

(c)(1) Except as provided in this subsection, the Department of Human Services shall not allocate, budget, expend, or utilize any appropriation authorized by the General Assembly for the purpose of advertisement, promotion, or other activities designed to promote or encourage enrollment in the Arkansas Health Insurance Marketplace or Arkansas Health and Opportunity for Me, including without limitation:

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(A) Unsolicited communications mailed to potential recipients;

(B) Television, radio, or online commercials;

(C) Billboard or mobile billboard advertising;

(D) Advertisements printed in newspapers, magazines, or other print media; and

(E) Internet websites and electronic media.

(2) This subsection does not prohibit the department from:

(A) Direct communications with:

(i) Licensed insurance agents; and

(ii) Persons licensed by the department;

(B) Solicited communications with potential recipients;

(C)(i) Responding to an inquiry regarding the coverage for which a potential recipient might be eligible, including without limitation providing educational materials or information regarding any coverage for which the individual might qualify.

(ii) Educational materials and information distributed under subdivision (c)(2)(C)(i) of this section shall contain only factual information and shall not contain subjective statements regarding the coverage for which the potential recipient might be eligible; and

(D) Using an Internet website for the exclusive purpose of enrolling individuals in the Arkansas Health Insurance Marketplace or Arkansas Health and Opportunity for Me.

(d) The Department of Human Services shall not apply for or accept

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any funds, including without limitation federal funds, for the purpose of advertisement, promotion, or other activities designed to promote or encourage enrollment in the Arkansas Health Insurance Marketplace or Arkansas Health and Opportunity for Me.

(e)(1) Except as provided in subdivision (e)(2) of this section, the Department of Human Services shall not:

(A)(i) Except as provided in subdivision (e)(1)(A)(ii) of this section, allocate, budget, expend, or utilize an appropriation authorized by the General Assembly for the purpose of funding activities of navigators, guides, certified application counselors, and certified licensed producers under the Arkansas Health Insurance Marketplace Navigator, Guide, and Certified Application Counselors Act, Arkansas Code § 23-64-601 et seq.

(ii) Subdivision (e)(1)(A)(i) of this section does not apply to regulatory and training responsibilities related to navigators, guides, certified application counselors, and certified licensed producers; and

(B) Apply for or accept any funds, including without limitation federal funds, for the purpose of funding activities of navigators, guides, certified application counselors, and certified licensed producers under the Arkansas Health Insurance Marketplace Navigator, Guide, and Certified Application Counselors Act, Arkansas Code § 23-64-601 et seq.

(2) Subdivision (e)(1) of this section does not apply to certified application counselors at health related institutions, including without limitation the University of Arkansas for Medical Sciences.

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

(f) An appropriation authorized by the General Assembly shall not be subject to the provisions allowed through reallocation of resources or transfer of appropriation authority for the purpose of transferring an appropriation to any other appropriation authorized for the Department of Human Services to be allocated, budgeted, expended, or utilized in a manner prohibited by this section.

(g) The provisions of this section are severable, and the invalidity of any subsection or subdivision of this section shall not affect other provisions of the section that can be given effect without the invalid provision.

(h) This section expires on June 30, ~~2023~~ 2024.

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Medical Services Division**

**ACT#: 213**

**SECTION#: 14**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

MEDICAL SERVICES - COMMUNITY AND EMPLOYMENT SUPPORTS MEDICAID WAIVER.

AGENCY REQUEST

(a) Of the funding allocated to the Department of Human Services Grants Fund Account under § 19-5-402, the first thirty-seven million six hundred thousand dollars (\$37,600,000) shall be set aside in its own subfund by the Department of Human Services and shall be used only for home and community-based services to individuals with intellectual and developmental disabilities under the Community and Employment Supports Medicaid Waiver Program or a successor Medicaid Waiver program that provides home and community-based services to individuals with intellectual and developmental disabilities.

(b) At the close of the fiscal year ending June 30, ~~2023~~ 2024, any unexpended balance of monies set aside as established in subsection (a) herein shall be transferred forward and made available for the same purpose for the fiscal year ending June 30, ~~2024~~ 2025.

(c) The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Medical Services Division**

**ACT#: 213**

**SECTION#: 15**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

ASSISTED LIVING FACILITY REIMBURSEMENT - ACCOUNTING OF HOME AND COMMUNITY-BASED FUNDS.

AGENCY REQUEST

(a)(1) The Department of Human Services shall take the necessary action to submit a waiver application to the Centers for Medicare and Medicaid Services to increase reimbursement rates for assisted living facilities under the Living Choices Assisted Living Waiver.

(2) The department shall study and explore methods to increase the reimbursement rates for assisted living facilities under the Living Choices Assisted Living Waiver, including without limitation setting the reimbursement rate for assisted living facilities under the Living Choices Assisted Living Waiver as a percentage of the reimbursement rate for nursing home facilities.

(b) The department shall provide an accounting of funds allocated to qualifying entities under home and community-based services to the Legislative Council.

(c)(1) The Secretary of the Department of Human Services shall provide, in person, a monthly update to the Legislative Council on the status of the actions listed in subsections (a) and (b) of this section until the conclusion or resolution of these actions.

(2) If the General Assembly is in session, the secretary shall provide the updates described in subdivision (c)(1) of this section to the Joint Budget Committee.

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Medical Services Division**

**ACT#: 213**

**SECTION#: 16**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

SEVERABILITY. If any provisions of this act or the application of this act to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Provider Services & Quality Assurance**

**ACT#: 200**

**SECTION#: 5**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 25, Chapter 10, Subchapter 1, is amended to add an additional section to codify special language in appropriation acts to read as follows:

25-10-146. Certification and licensure by the Division of Provider Services and Quality Assurance.

(a) The Division of Provider Services and Quality Assurance may use funds appropriated for the certification or licensure of an entity on behalf of any division of the Department of Human Services.

(b) An entity whose certification or licensure is funded through an appropriation for the Division of Provider Services and Quality Assurance shall hold its certification or license under the authority of the relevant division of the Department of Human Services.

(c) All laws that apply to a certified or licensed entity by a relevant division of the Department of Human Services shall apply to an entity whose certification or licensure is funded through an appropriation for the Division of Provider Services and Quality Assurance on behalf of a relevant division of the Department of Human Services.

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Youth Services Division**

**ACT#: 214**

**SECTION#: 8**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFER OF FUNDS FOR THE JUVENILE OMBUDSMAN PROGRAM. The Department of Human Services shall provide funding in an amount not to exceed \$240,000 for the fiscal year ending June 30, ~~2023~~ 2024 for the Juvenile Ombudsman Program described in ACA 16-87-216. Upon request by the Executive Director of the Arkansas Public Defender Commission, the Chief Fiscal Officer of the State shall transfer an amount not to exceed \$240,000 for the fiscal year ending June 30, ~~2023~~ 2024 from an account designated by the Secretary of the Department of Human Services to the State Central Services Fund as a direct revenue to fund the Juvenile Ombudsman Program.

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

TRANSFER OF FUNDS FOR THE JUVENILE OMBUDSMAN PROGRAM. The Department of Human Services shall provide funding in an amount not to exceed ~~\$240,000~~ \$120,000 for the fiscal year ending June 30, ~~2023~~ 2024 for the Juvenile Ombudsman Program described in ACA 16-87-216. Upon request by the Executive Director of the Arkansas Public Defender Commission, the Chief Fiscal Officer of the State shall transfer an amount not to exceed ~~\$240,000~~ \$120,000 for the fiscal year ending June 30, ~~2023~~ 2024 from an account designated by the Secretary of the Department of Human Services to the State Central Services Fund as a direct revenue to fund the Juvenile Ombudsman Program.

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.



**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Youth Services Division**

**ACT#: 214**

**SECTION#: 9**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFER OF FUNDS FOR LOCAL JUVENILE DETENTION FACILITIES. The Chief Fiscal Officer of the State shall transfer funds in an amount of \$400,000 for the fiscal year ending June 30, ~~2023~~ 2024 from the Department of Human Services - Youth Services Fund Account to the Juvenile Detention Facilities Operating Fund to fund the appropriation to the Department of Finance and Administration - Disbursing Officer for grants for operating expenses of local juvenile detention facilities.

The amount of the funds transferred in the fiscal year ending June 30, ~~2023~~ 2024 may be adjusted upon request of the Secretary of the Department of Human Services on a pro-rata basis with any reductions provided in the Revenue Stabilization Law from the July 1 Official Forecast of general revenue funding for the Division of Youth Services.

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Youth Services Division**

**ACT#: 214**

**SECTION#: 10**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 9-28-203, concerning the powers and duties of the Division of Youth Services, is amended to add an additional subsection to codify special language in appropriation acts to read as follows:

(e)(1) The Division of Youth Services may use the administrative operating account for capital improvements to the physical plant and the purchase of capital equipment by the Mansfield Juvenile Treatment Center operated by the Division of Youth Services.

(2) The harvesting of timber is specifically authorized to provide funds:

(A) To finance capital improvements to the physical plant; and

(B) For the purchase of major capital equipment by the center from which the timber is sold.

(3)(A) The Division of Youth Services shall hold funds from the proceeds of the sale of timber harvested from land owned by the Division of Youth Services separately from other Division of Youth Services funds.

(B) All funds deposited from timber sales and all expenses paid through timber sales shall be tracked separately from other Division of Youth Services deposits and payments.

(4) All expenditures of funds derived from the sale of timber shall be expended in accordance with relevant state purchasing laws.

(5)(A) The Division of Youth Services shall report all income derived from the sale of timber to the Chief Fiscal Officer of the State and

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Youth Services Division**

**ACT#: 214**

**SECTION#: 10**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee.

(B) A contract initiated for the harvesting and sale of timber shall be submitted to the Review Subcommittee of the Legislative Council or, if the General Assembly is in session, the Review/PEER Subcommittee of the Joint Budget Committee for prior review.

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Youth Services Division**

**ACT#: 214**

**SECTION#: 11**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

RESIDENTIAL SERVICES CONTINGENCY. If it has been determined that the Department of Human Services - Division of Youth Services cannot continue to contract with private provider(s) for residential juvenile services, educational services, therapeutic services, and/or medical services and deems it necessary to utilize Department staff to provide all or parts of the required services above, the Department is authorized to seek the approval of the Chief Fiscal Officer of the State, the Governor and the Arkansas Legislative Council or Joint Budget Committee to utilize the contingent residential services positions contained in this Act and to make the appropriate transfers from any line item authorized in the RESIDENTIAL SERVICES appropriation of this Act to any line item authorized in the OPERATIONS appropriation of this Act. If it has been determined that the Department of Human Services - Division of Youth Services cannot continue to operate one or more of the various service components of a Residential Facility for residential juvenile services, educational services, therapeutic services, and/or medical services and deems it necessary to utilize a contract with private provider(s), the Department is authorized to seek the approval of the Chief Fiscal Officer of the State, the Governor and the Arkansas Legislative Council or Joint Budget Committee to make the appropriate transfers from any line item authorized in the OPERATIONS appropriation of this Act to any line item authorized in the RESIDENTIAL SERVICES appropriation of this Act.

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Youth Services Division**

**ACT#: 214**

**SECTION#: 12**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

EXTRA HELP SALARIES - CONTINGENT RESIDENTIAL SERVICES POSITIONS.  
 There is hereby established for the Department of Human Services - Division of Youth Services - Contingent Residential Services Positions, the following maximum number of positions whose salaries shall be governed by the provisions of the Uniform Classification and Compensation Act (Arkansas Code § 21-5-201 et seq.), or its successor, and all laws amendatory thereto. Requests to use positions will be based upon the non-contracted services for residential juvenile services, educational services, therapeutic services, and/or medical services. If at such time a category(s) of services are contracted with private provider(s), identified positions associated with such service(s) shall be returned to the contingency pool. In order to ensure required staffing levels, Extra Help positions authorized herein are specifically exempt from limitation of hours, either by Act or regulation.

AGENCY REQUEST

CONTINGENT POSITIONS - RESIDENTIAL SERVICES

			MAXIMUM
ITEM	CLASS		NO. OF
NO.	CODE	TITLE	EMPLOYEES
(01)	9999	EXTRA HELP	<u>320</u>
GRAND TOTAL CONTINGENT POSITIONS			320

The provisions of this section shall be in effect through June 30, ~~2023~~  
2024.