EXHIBIT E-5

1		INTERIM STUDY PROPOSAL 2013	3-084		
2	State of Arkansas	As Engrossed: H3/25/13 H4/.	1/13		
3	89th General Assembly	A Bill			
4	Regular Session, 2013		HOUSE BILL 1190		
5					
6	By: Representatives Hamme	er, Harris			
7	Filed with: Interim House Committee on Public Health, Welfare and Labo				
8			pursuant to A.C.A. §10-3-217.		
9	For An Act To Be Entitled				
LO	AN ACT TO CLARIFY THE LAW REGARDING MEDICAID				
11	REIMBURSEMENTS FOR NURSING PROFESSIONALS AS PRIMARY				
12	CARE MEDICAID PROVIDERS; TO REQUIRE THAT ADVANCED				
13	NURSE PRACTITIONERS BE RECOGNIZED AS PRIMARY CARE				
L4	PROVIDERS IN THE MEDICAID PROGRAM; TO ESTABLISH				
L5	MEDICAID REIMBURSEMENT RATES FOR ADVANCED NURSE				
L6	PRACTITI	ONERS; AND FOR OTHER PURPOSES.			
L7					
L8			•		
L9		Subtitle			
20	то	CLARIFY THE LAW REGARDING MEDIC	CAID		
21	REIMBURSEMENTS FOR NURSING PROFESSIONALS.				
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24	BE IT ENACTED BY THE	GENERAL ASSEMBLY OF THE STATE	OF ARKANSAS:		
25					
26	SECTION 1. Ar.	kansas Code Title 20, Chapter 7	77, Subchapter l, is		
27	amended to add an ad	ditional section to read as fol	llows:		
28	20-77-125. Ad	vanced nurse practitioners.			
29	(a) As used i	n this section, "charitable cli	inic" means a charitable		
30	nonprofit corporation or a facility organized as a not-for-profit corporation				
31	<u>under §§ 4-28-201 -</u>	4-28-206 and 4-28-209 — 4-28-22	24 that:		
32	<u>(1) Hol</u>	ds a valid exemption from feder	ral income taxation issued		
33	under § section 501(a) of the Internal Revenue Code	<u>:</u>		
34	<u>(2) Is</u>	listed as an exempt organizatio	on under § 501(c)(3) of the		
35	Internal Revenue Code; and				

1	(3) Provides advice, counseling, diagnosis, treatment, surgery,			
2	care, or services relating to the preservation or maintenance of health on an			
3	outpatient basis for a period of less than twenty-four (24) consecutive hours			
4	to persons not residing or confined at the facility.			
5	(b) The General Assembly intends that the savings to the Arkansas			
6	Medicaid Program achieved under subsection (c) of this section shall be used			
7	to assist hospitals in Arkansas in meeting the healthcare needs of the			
8	hosptials' communities and the overall Medicaid healthcare cost.			
9	(c)(1) The Arkansas Medicaid Program shall recognize a qualifying			
10	advanced nurse practitioner as a primary care provider for all purposes.			
11	(2) Purposes under subdivision (c)(1) of this section include			
12	without limitation:			
13	(A) Being recognized as the initial health care provider			
14	in the federal and state Comprehensive Primary Care initiative payment model;			
15	(B) Initially diagnosing;			
16	(C) Being included as the patient contact for a team of			
17	family practice professionals and the patient-centered medical home;			
18	(D) Maintaining patient's records;			
19	(E) Ordering laboratory tests and records management as			
20	needed for patient care;			
21	(F) Providing preventive and periodic examinations within			
22	primary care;			
23	(G) Referring a patient when necessary to a physician, a			
24	specialist or a hospital; and			
25	(H) Treating a patient to the extent of the advanced nurse			
26	practitioner's scope of practice.			
27	(d)(l) The Arkansas Medicaid Program shall reimburse an advanced nurse			
28	practitioner not less than ninety percent (90%) of the physician			
29	reimbursement rate for services performed within the scope and licensure of			
30	the advanced nurse practitioner.			
31	(2) However, the Arkansas Medicaid Program shall reimburse an			
32	advanced nurse practitioner who performs services at a charitable clinic for			
33	which the advanced nurse practitioner does not pay a fee for a collaborative			
34	agreement with a physician not less than eighty-five percent (85%) of the			
35	standard reimbursement rate.			

1	(3) The Arkansas Medicaid Program shall reimburse an advanced			
2	nurse practitioner one hundred percent (100%) of the physician reimbursement			
3	rate for all out-of-pocket costs such as laboratory tests, x-rays, and tests			
4	ordered and performed.			
5	(e)(l) The Arkansas Medicaid Program shall reimburse an advanced nurse			
6	practitioner for services and costs performed within the scope and licensure			
7	of the advanced nurse practitioner.			
8	(2) The scope and licensure of the advanced nurse practitioner			
9	shall be conclusively determined by the Arkansas State Board of Nursing			
10	according to rules reviewed by the Legislative Council.			
11	(f)(1)(A) For tax years beginning on and after January 1, 2013, there			
12	is allowed an income tax credit against the income tax imposed by the Income			
13	Tax Act of 1929, § 26-51-101 et seq., in the amount of one hundred dollars			
14	(\$100) for each hour that a physician provides medical services at no cost to			
15	a charitable clinic.			
16	(B) However, the amount of the credit allowed under			
17	subdivision (f)(1)(A) of this section shall not exceed five thousand dollars			
18	(\$5,000) for each taxpayer per tax year.			
19	(C) Under rules developed by the Department of Finance and			
20	Administration, a charitable clinic may certify not more than two hundred			
21	(200) hours per year per charitable clinic to physicians.			
22	(2) The amount of the income tax credit under this subsection			
23	that may be claimed by the taxpayer in a tax year shall not exceed the amount			
24	of income tax due by the taxpayer.			
25	(g) An insurance policy the premiums of which are paid directly or			
26	indirectly by the Arkansas Medicaid Program also shall recognize and			
27	reimburse an advanced practice nurse under subsections (c) and (d) of this			
28	section.			
29	(h) This section does not increase the scope of practice of an			
30	advanced practice nurse.			
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33	/s/Hammer			
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36	Referred by the Arkansas House of Representatives			

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