

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4

As Engrossed: H3/3/97

# A Bill

ACT 407 OF 1997  
SENATE BILL 348

5 By: Senators Beebe, Harriman, Dowd, Brown, Boozman, Hunter, Webb, Wyrick, Walters, Bell, Hoofman, Gordon, Gwatney, Fitch, J.  
6 Hill, Bradford, Bearden, Ross, Roebuck, Russ, Kennedy, Mahony, Hopkins, Malone, Edwards, Lewellen, Argue, Todd, Walker, K. Smith  
7 and Wilson  
8 By: Representatives Thomas, Pollan, Northcutt, Schexnayder, Jones, Brown, Madison, Shoffner, Judy Smith, Bond, Roberts, Ammons,  
9 D. Hudson, Wilkins, Walker, Ferrell, Horn, Hale, Rodgers, Ingram, Bennett, Bush, Lynn, Curran, Bryant, Milum, Mullenix, Magnus,  
10 Wooldridge, Vess, Bisbee, Hausam, DeLay, Faris, and Ferguson

## For An Act To Be Entitled

11  
12 "AN ACT TO ESTABLISH THE ARKIDS FIRST PROGRAM TO PROVIDE  
13 HEALTH CARE FOR CHILDREN UP TO TWO HUNDRED PERCENT OF THE  
14 FEDERAL POVERTY GUIDELINE; AND FOR OTHER PURPOSES."

## Subtitle

15  
16  
17 "AN ACT TO ESTABLISH THE ARKIDS FIRST  
18 PROGRAM."

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

21

22 SECTION 1. ARKids First Program.

23 This act shall be known and may be cited as the "ARKids First Program  
24 Act."

25

26 SECTION 2. Purpose.

27 The purpose and intent of this program is to establish a two year pilot  
28 program beginning in the 1997-1998 biennium to provide access to appropriate  
29 health care services for eligible children in Arkansas.

30

31 SECTION 3. Administration - Regulations.

32 The Department of Human Services shall be responsible for preparing and  
33 submitting a waiver request to the Health Care Financing Administration to  
34 create and administer the ARKids First program. The department shall  
35 administer and promulgate rules for the ARKids First program in conformity  
36 with a Medicaid waiver and in a manner that:

1 (1) Defines the population which may receive services provided or  
2 reimbursed through this program by limiting the program to children eighteen  
3 (18) years of age or less who are members of a family with a gross family  
4 income not exceeding two hundred percent (200%) of the federal poverty  
5 guideline who are not otherwise Medicaid eligible and for whom health care  
6 coverage is unavailable.

7 (2) Provides for the automatic assignment of medical payments due as  
8 set out in Arkansas Code 20-77-302 and 20-77-308 as a condition of eligibility  
9 for benefits under the uninsured childrens program.

10 (3) Defines the services to be covered under the ARKids First program.  
11 Providers of covered services shall be those providers enrolled as Medicaid  
12 providers, and reimbursement shall be at the rates established by ARKids  
13 First.

14 (4) Establishes a copayment for services received in the ARKids First  
15 program as permitted by Medicaid waiver and determined through promulgated  
16 rules.

17

18 SECTION 4. Funding.

19 (a) Funding for the uninsured childrens program shall be derived from  
20 funds as may be provided by the General Assembly, copayments, and any federal  
21 matching funds available to the program.

22 (b) It is further the intent of this act that funds appropriated by the  
23 General Assembly for the purpose of funding the uninsured childrens program  
24 be used where appropriate and practical to match federal funding sources to  
25 enhance the total available funding for the operation of the uninsured  
26 childrens program.

27 (c) The ARKids First program shall operate only if funds are available  
28 for its operation.

29

30 SECTION 5. Arkansas Code 20-77-601 through 20-77-607, the "Uninsured  
31 Childrens Program Act" is repealed.

32 ~~\_\_\_\_\_ § 20-77-601. Title.~~

33 ~~\_\_\_\_\_ This subchapter shall be known and may be cited as the "Uninsured~~  
34 ~~Children's Program Act".~~

35 ~~\_\_\_\_\_ § 20-77-602. Purpose.~~

36 ~~\_\_\_\_\_ The purpose and intent of this program is to provide access to~~

1 ~~appropriate primary health care services for eligible children in Arkansas.~~

2 ~~<sup>A</sup> 20-77-603. Administration - Regulations.~~

3 ~~(a) The Department of Human Services shall be responsible for~~  
4 ~~administering the uninsured children's program and the department shall~~  
5 ~~administer and promulgate regulations for the uninsured children's program in~~  
6 ~~a manner that:~~

7 ~~(1) Establishes a specific definition of the population who shall be~~  
8 ~~eligible for services provided or reimbursed through this program with the~~  
9 ~~specific guideline that the program is limited to children who have gross~~  
10 ~~family income equal to or less than one hundred eighty-five percent (185%) of~~  
11 ~~the federal poverty guideline who are not covered by medicaid or any other~~  
12 ~~health insurance program for the services offered by this program; and~~

13 ~~(2) Provides for the automatic assignment of medical payments due as set~~  
14 ~~out in <sup>AA</sup> 20-77-302, 20-77-304 - 20-77-308 as a condition of eligibility for~~  
15 ~~benefits under the uninsured children's program.~~

16 ~~(b) The Department of Human Services shall have discretion to set age~~  
17 ~~limits for participation in this program.~~

18 ~~<sup>A</sup> 20-77-604. Covered services and providers.~~

19 ~~Covered and noncovered services under the uninsured children's program~~  
20 ~~shall be in accordance with regulations established by the Department of Human~~  
21 ~~Services. Providers of covered services shall be the same as those providers~~  
22 ~~enrolled as medicaid providers, and reimbursement shall be at the same rate~~  
23 ~~and under the same conditions established for medicaid providers.~~

24 ~~<sup>A</sup> 20-77-605. Enrollment fee.~~

25 ~~The Department of Human Services may at its discretion establish an~~  
26 ~~annual enrollment fee for participation in the uninsured children's program.~~  
27 ~~The enrollment fee shall be established through promulgated regulations.~~

28 ~~<sup>A</sup> 20-77-606. Funding.~~

29 ~~(a) Funding for the uninsured children's program shall be derived from~~  
30 ~~funds as may be provided by the General Assembly and any federal matching~~  
31 ~~funds generated by the program.~~

32 ~~(b) It is further the intent of this subchapter that funds appropriated~~  
33 ~~by the General Assembly for the purpose of funding the uninsured children's~~  
34 ~~program be used where appropriate and practical to match federal funding~~  
35 ~~sources to enhance the total available funding for the operation of the~~  
36 ~~uninsured children's program.~~

1 ~~\_\_\_\_\_ (c) The uninsured children's program shall operate only if funds are~~  
2 ~~available for its operation.~~

3 ~~\_\_\_\_\_ § 20-77-607. Disposition of funds.~~

4 ~~\_\_\_\_\_ (a) All funds derived from fees collected under § 20-77-605 are~~  
5 ~~declared to be special revenues and shall be deposited in the State Treasury,~~  
6 ~~there to be credited to the Department of Human Services Uninsured Children's~~  
7 ~~Fund to be used for administration of the uninsured children's program.~~

8 ~~\_\_\_\_\_ (b) Subject to such rules and regulations as may be implemented by the~~  
9 ~~Chief Fiscal Officer of the State, the disbursing officer for the Department~~  
10 ~~of Human Services is authorized to transfer all unexpended funds relative to~~  
11 ~~the fees collected in § 20-77-605, as certified by the Chief Fiscal Officer of~~  
12 ~~the State, to be carried forward and made available for expenditure for the~~  
13 ~~same purpose for any following fiscal year.~~

14

15 SECTION 6. All provisions of this act of a general and permanent nature  
16 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
17 Revision Commission shall incorporate the same in the Code.

18

19 SECTION 7. If any provision of this act or the application thereof to  
20 any person or circumstance is held invalid, such invalidity shall not affect  
21 other provisions or applications of the act which can be given effect without  
22 the invalid provision or application, and to this end the provisions of this  
23 act are declared to be severable.

24

25 SECTION 8. All laws and parts of laws in conflict with this act are  
26 hereby repealed.

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28

29 */s/Senator Beebe, et al*

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31 APPROVED:3-10-97

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