

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: S3/11/99 S3/26/99

A Bill

Act 1421 of 1999
SENATE BILL 860

5 By: Senator Bradford
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For An Act To Be Entitled

9 "AN ACT TO PROVIDE ADEQUATE SAFEGUARDS AND ESTABLISH
10 REIMBURSEMENT FOR THE CARE OF RESIDENTS IN RESIDENTIAL
11 CARE FACILITIES; AND FOR OTHER PURPOSES. "

Subtitle

14 "AN ACT TO PROVIDE ADEQUATE SAFEGUARDS
15 AND ESTABLISH REIMBURSEMENT FOR THE CARE
16 OF RESIDENTS IN RESIDENTIAL CARE
17 FACILITIES. "

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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Legislative findings and intent.

23 The General Assembly recognizes that the state encouraged the placement
24 of mentally ill residents into residential care facilities over a decade ago
25 and has taken various approaches to funding since then. The General Assembly
26 also recognizes that there are inherent problems with the current system that
27 create disincentives for proper care and physical environments. The purpose
28 of this act is to provide short and long-term solutions to the problem of
29 caring for mentally ill persons, elderly persons and other residents in
30 residential care facilities.

31 32 SECTION 2. Task force.

33 Residential care facilities and the State of Arkansas face special
34 problems when caring for the mentally ill. The Chairs of the Senate and House
35 Committees on Public Health, Welfare and Labor shall establish a task force
36 with equal representation from residential care facilities, community mental

1 health centers, advocates for the mentally ill, Divisions of Mental Health and
2 Medical Services of the Department of Human Services. The task force shall
3 also include at least one (1) member each from the Senate and House Public
4 Health, Welfare and Labor Committees. The task force shall present a proposal
5 at the 2001 legislative session for establishment and maintenance of a
6 residential program designed to address the unique needs of the mentally ill.
7 The task force recommendations shall include adequate safeguards for
8 residents, reimbursement for residential care facilities, and financing
9 opportunities that will encourage and enable residential care facilities to
10 build smaller, more home-like settings for the care of the mentally ill.

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12 SECTION 3. Per diem reimbursement.

13 The department shall reimburse residential care facilities on a per diem
14 basis, subject to approval by HCFA (Health Care Financing Administration), and
15 shall develop Medicaid provider regulations appropriate for a congregate
16 setting and per diem reimbursement. The department shall make best efforts to
17 obtain approval from HCFA (Health Care Financing Administration). The
18 department shall provide copies to the Rules and Regulations Subcommittee of
19 the Legislative Council, providers and the public of all State Plan
20 Amendments, documentation and correspondence submitted to or received from
21 HCFA in regard to this section and shall work jointly with provider
22 representatives in seeking HCFA approval.

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24 SECTION 4. All provisions of this act of a general and permanent nature
25 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
26 Revision Commission shall incorporate the same in the Code.

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28 SECTION 5. If any provision of this act or the application thereof to
29 any person or circumstance is held invalid, such invalidity shall not affect
30 other provisions or applications of the act which can be given effect without
31 the invalid provision or application, and to this end the provisions of this
32 act are declared to be severable.

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34 SECTION 6. All laws and parts of laws in conflict with this act are
35 hereby repealed.

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