

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas *As Engrossed: S3/8/01 S3/29/01 S4/3/01 S4/9/01 S4/10/01 S4/11/01*

2 83rd General Assembly

A Bill

Act 1638 of 2001

3 Regular Session, 2001

SENATE BILL 672

4

5 By: Joint Budget Committee

6

7

8

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
10 AND OPERATING EXPENSES FOR THE DEPARTMENT OF HUMAN
11 SERVICES - DIVISION OF MEDICAL SERVICES FOR THE
12 BIENNIAL PERIOD ENDING JUNE 30, 2003; AND FOR OTHER
13 PURPOSES.

14

15

16

17

Subtitle

18

19

20

21

22

23

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

24

25

26

27

28

29

30

31

32

33

34

35

36

SECTION 1. REGULAR SALARIES. There is hereby established for the Department of Human Services - Division of Medical Services for the 2001-2003 biennium, the following maximum number of regular employees 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. Provided, however, that any position to which a specific maximum annual salary is set out herein in dollars, shall be exempt from the provisions of said Uniform Classification and Compensation Act. All persons occupying positions authorized herein are hereby governed by the provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its successor.

1				Maximum	Annual	
2				Maximum	Salary Rate	
3	Item	Class		No. of	Fiscal Years	
4	No.	Code	Title	Employees	2001-2002	2002-2003
5	(1)	9985	DHS DEP DIR MEDICAL SERVICES	1	\$89,347	\$91,670
6	(2)	8965	DHS/DMS ADD - MEDICAL SERVICES	1	\$74,140	\$76,067
7	(3)	8936	DHS/DMS ADD PROG & ADMIN SUPPORT	1	\$74,140	\$76,067
8	(4)	8938	DHS/DMS ASST DEP DIR LONG TRM CARE	1	\$72,691	\$74,580
9	(5)	8035	ASSISTANT DIRECTR CMS	1	\$62,734	\$64,365
10	(6)	6603	GENERAL PHYSICIAN	1	\$109,493	\$112,339
11	(7)	022Z	DHS/DCO CHIEF PROGRAM ADMR	4	GRADE 26	
12	(8)	L014	DIRECTOR OF PHARMACY SERVICES	1	GRADE 26	
13	(9)	023Z	DHS/DCO ASST CHIEF PROGRAM ADMR	4	GRADE 25	
14	(10)	118Z	DHS NURSING SERVICES ADMIN STRATOR	1	GRADE 25	
15	(11)	L012	PHARMACIST II	3	GRADE 25	
16	(12)	L096	SR PHARMACIST	1	GRADE 24	
17	(13)	923Z	DHS PRGM ADMIN STRATOR	9	GRADE 23	
18	(14)	X338	ENGINEER, PE	2	GRADE 22	
19	(15)	L078	NURSE SUPERVISOR	2	GRADE 22	
20	(16)	D124	LEAD PROGRAMMER/ANALYST	1	GRADE 22	
21	(17)	L082	NURSING SERVICES SPECIALIST	14	GRADE 21	
22	(18)	697Z	DHS PRGM MANAGER	11	GRADE 21	
23	(19)	A251	SR AUDITOR	7	GRADE 21	
24	(20)	A008	ACCOUNTING SUPERVISOR II	1	GRADE 21	
25	(21)	L030	DIETARY SERVICES DIRECTOR	1	GRADE 21	
26	(22)	D036	SR PROGRAMMER/ANALYST	1	GRADE 21	
27	(23)	R266	MANAGEMENT PROJECT ANALYST II	10	GRADE 20	
28	(24)	M116	UTILIZATION REVIEW NURSE	55	GRADE 20	
29	(25)	R145	DHS PROGRAM COORDINATOR	6	GRADE 20	
30	(26)	L070	NURSE II	30	GRADE 20	
31	(27)	Q046	MEDICARE/MEDICAID SURVEY SPECIALIST	20	GRADE 20	
32	(28)	M088	SOCIAL WORKER II	4	GRADE 20	
33	(29)	M027	DHS/DCO COUNTY SUPV II	1	GRADE 20	
34	(30)	A250	JUNIOR AUDITOR	1	GRADE 20	
35	(31)	M154	DHS FIELD REPRESENTATIVE	10	GRADE 19	
36	(32)	R332	DHS POLICY DEVELOPMENT COORD	5	GRADE 19	

1	(33)	X358	HLTH FACI LITY SURVEYOR	2	GRADE 19
2	(34)	R084	DHS STAFF SUPERVI SOR	4	GRADE 19
3	(35)	L028	DI ETI CI AN	3	GRADE 19
4	(36)	W012	MEDI CAL RECORDS ADMI NI STRATOR	1	GRADE 19
5	(37)	M086	SOCI AL WORKER I	6	GRADE 19
6	(38)	M078	DHS/DEMS SUPERVI SOR	4	GRADE 18
7	(39)	D129	DP COORDI NATOR	1	GRADE 18
8	(40)	X352	HLTH CARE ANALYST II	24	GRADE 17
9	(41)	R010	ADMI NI STRATIVE ASSI STANT II	18	GRADE 17
10	(42)	R110	MEDI CAL PROGRAM REPRESENTATIVE	4	GRADE 17
11	(43)	M095	VOLUNTEER PROGRAM DEVELOPER I	1	GRADE 17
12	(44)	R162	STATI STI CI AN/STATI STI CI AN II	1	GRADE 17
13	(45)	X350	HLTH CARE ANALYST I	1	GRADE 15
14	(46)	A108	ACCOUNTI NG TECHNI CI AN II	3	GRADE 15
15	(47)	K011	ADMI NI STRATIVE OFFI CE SUPERVI SOR	6	GRADE 15
16	(48)	D005	COMPUTER OPERATOR II	1	GRADE 15
17	(49)	K117	MEDI CAL OR LEGAL SECRETARY	36	GRADE 14
18	(50)	K041	EXECUTIVE SECY/ADMI NI STRATIVE SECY	7	GRADE 14
19	(51)	K061	LI BRARY TECHNI CAL ASST III	1	GRADE 14
20	(52)	K153	SECRETARY II	10	GRADE 13
21	(53)	M067	SOCI AL SERVI CE AI DE II	4	GRADE 13
22	(54)	A051	I NSURANCE SPECI ALI ST I	1	GRADE 13
23	(55)	K039	DOCUMENT EXAMI NER II	24	GRADE 12
24	(56)	K155	SECRETARY I	2	GRADE 11
25	(57)	K037	DOCUMENT EXAMI NER I	<u>1</u>	GRADE 10
26			MAX. NO. OF EMPLOYEES	377	

27

28 SECTION 2. EXTRA HELP. There is hereby authorized, for the Department of
 29 Human Services - Division of Medical Services for the 2001-2003 biennium, the
 30 following maximum number of part-time or temporary employees, to be known as
 31 "Extra Help", payable from funds appropriated herein for such purposes: seven
 32 (7) temporary or part-time employees, when needed, at rates of pay not to
 33 exceed those provided in the Uniform Classification and Compensation Act, or
 34 its successor, or this act for the appropriate classification.

35

36 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated, to the

1 Department of Human Services - Division of Medical Services, to be payable
 2 from the paying account as determined by the Chief Fiscal Officer of the
 3 State, for personal services and operating expenses of the Department of Human
 4 Services - Division of Medical Services for the biennial period ending June
 5 30, 2003, the following:

ITEM NO.	FISCAL YEARS	
	2001-2002	2002-2003
(01) REGULAR SALARIES	\$ 13,045,613	\$ 13,383,194
(02) EXTRA HELP	126,892	126,892
(03) PERSONAL SERV MATCHING	3,448,794	3,509,131
(04) OVERTIME	5,000	5,000
(05) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	3,132,266	3,132,266
(B) CONF. & TRAVEL	265,287	265,287
(C) PROF. FEES	355,132	355,132
(D) CAP. OUTLAY	267,000	267,000
(E) DATA PROC.	0	0
(06) DATA PROCESSING SERVICES	<u>353,800</u>	<u>353,800</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 20,999,784</u>	<u>\$ 21,397,702</u>

21
 22 SECTION 4. APPROPRIATION - GRANTS - STATE. There is hereby appropriated, to
 23 the Department of Human Services - Division of Medical Services, to be payable
 24 from the Department of Human Services Grants Fund Account, for grant payments
 25 of the Department of Human Services - Division of Medical Services for the
 26 biennial period ending June 30, 2003, the following:

ITEM NO.	FISCAL YEARS	
	2001-2002	2002-2003
(01) CHILDREN'S MEDICAL SERVICES	<u>\$ 1,729,279</u>	<u>\$ 1,729,279</u>

31
 32 SECTION 5. APPROPRIATION - GRANTS. There is hereby appropriated, to the
 33 Department of Human Services - Division of Medical Services, to be payable
 34 from the paying account as determined by the Chief Fiscal Officer of the
 35 State, for grant payments of the Department of Human Services - Division of
 36 Medical Services for the biennial period ending June 30, 2003, the following:

ITEM NO.	FISCAL YEARS	
	2001-2002	2002-2003
(01) PRIVATE NURSING HOME CARE	\$ 437, 125, 464	\$ 448, 291, 161
(02) INFANT INFIRMARY	16, 675, 617	16, 962, 608
(03) PUBLIC NURSING HOME CARE	140, 108, 639	142, 652, 116
(04) PRESCRIPTION DRUGS	304, 266, 810	346, 795, 210
(05) HOSPITAL AND MEDICAL SERVICES	1, 445, 992, 025	1, 478, 170, 599
(06) CHILD AND FAMILY LIFE INSTITUTE	2, 100, 000	2, 100, 000
(07) PRESCRIPTION DRUG WAIVER FOR THE ELDERLY	<u>18, 274, 854</u>	<u>18, 274, 854</u>
TOTAL AMOUNT APPROPRIATED	<u>\$2, 364, 543, 409</u>	<u>\$2, 453, 246, 548</u>

SECTION 6. APPROPRIATION – ARKIDS B PROGRAM. There is hereby appropriated, to be payable from the funds and fund accounts as set out herein, to the Department of Human Services - Division of Medical Services for the biennial period ending June 30, 2003, the following:

(a) For the ARKIDS B PROGRAM, the sum of \$52,256,107 for the 2001-2002 fiscal year and \$56,844,295 for the 2002-2003 fiscal year.

(1) Program Description. The ARKIDS B Program provides health insurance through a primary care coverage system for children living in households where total income is less than 200 percent of the poverty level.

(2) Appropriation payable from:

	FISCAL YEARS	
	<u>2001-2002</u>	<u>2002-2003</u>

(A) General Revenue:		
Department of Human Services		
Grants Fund Account	\$ 14, 245, 015	\$ 15, 552, 600

(B) Federal Funds as designated by the Chief Fiscal Officer of the State	\$ 38, 011, 092	\$ 41, 291, 695
--	-----------------	-----------------

(3) Performance Targets:

(A) New enrollees in the ARKIDS B Program	10, 000	12, 000
---	---------	---------

(B) Utilization rate for well child

1	services by enrollees	35%	38%
2	(C) Utilization rate for medical		
3	services by enrollees	55%	58%

4
 5 SECTION 7. APPROPRIATION - GRANTS - FEDERAL. There is hereby appropriated,
 6 to the Department of Human Services - Division of Medical Services, to be
 7 payable from the federal funds as designated by the Chief Fiscal Officer of
 8 the State, for federally funded grants of the Department of Human Services -
 9 Division of Medical Services for the biennial period ending June 30, 2003, the
 10 following:

12	ITEM	FISCAL YEARS	
13	<u>NO.</u>	<u>2001-2002</u>	<u>2002-2003</u>
14	(01) CHILDREN'S MEDICAL SERVICES	\$ <u>1,377,338</u>	\$ <u>1,377,338</u>

15
 16 SECTION 8. APPROPRIATION - NURSING HOME CLOSURE COSTS. There is hereby
 17 appropriated, to the Department of Human Services - Division of Medical
 18 Services, to be payable from the Long-Term Care Trust Fund, for the payment of
 19 relocation costs of residents in long-term care facilities, maintenance and
 20 operation of a facility pending correction of deficiencies or closure, and
 21 reimbursement of residents for personal funds lost for the biennial period
 22 ending June 30, 2003, the following:

24	ITEM	FISCAL YEARS	
25	<u>NO.</u>	<u>2001-2002</u>	<u>2002-2003</u>
26	(01) EXPENSES	\$ <u>50,000</u>	\$ <u>50,000</u>

27
 28 SECTION 9. APPROPRIATION - LONG TERM CARE FACILITY RECEIVERSHIP. There is
 29 hereby appropriated, to the Department of Human Services - Division of Medical
 30 Services, to be payable from the Long Term Care Facility Receivership Fund
 31 Account, for the payment of expenses of long-term care facility receivers as
 32 authorized by law of the Department of Human Services - Division of Medical
 33 Services for the biennial period ending June 30, 2003, the following:

35	ITEM	FISCAL YEARS	
36	<u>NO.</u>	<u>2001-2002</u>	<u>2002-2003</u>

1 (01) EXPENSES \$ 100,000 \$ 100,000

2

3 SECTION 10. APPROPRIATION - SUPPLEMENTAL - PRIVATE NURSING HOME CARE.

4 There is hereby appropriated, to the Department of Human Services - Division
5 of Medical Services, to be payable from the paying account as determined by
6 the Chief Fiscal Officer of the State, for grant payments of the Department of
7 Human Services - Division of Medical Services for the fiscal year ending June
8 30, 2001, the sum of \$3,500,000.

9

10 SECTION 11. APPROPRIATION - SUPPLEMENTAL - HOSPITAL AND MEDICAL SERVICES.

11 There is hereby appropriated, to the Department of Human Services - Division
12 of Medical Services, to be payable from the paying account as determined by
13 the Chief Fiscal Officer of the State, for grant payments of the Department of
14 Human Services - Division of Medical Services for the fiscal year ending June
15 30, 2001, the sum of \$94,000,000.

16

17 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL
19 SERVICES - BIENNIAL GOALS. The Director of the Department of Human Services
20 is hereby directed to adopt the following goals in the Health Delivery and
21 Medical Programs which he administers for the upcoming biennial period:

- 22 1. Develop statewide alternatives to Nursing Home Placement for the
- 23 financially dependent elderly and disabled citizens of our State; and
- 24 2. Implement preventive Home Health and Social Maintenance Programs designed
- 25 to avoid the unnecessary deterioration of the mental and physical health of
- 26 our State's elderly and disabled citizens which ultimately results in Nursing
- 27 Home Placement.

28

29 The provisions of this section shall be in effect only from July 1, 2001
30 through June 30, 2003.

31

32 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL
34 SERVICES AND COUNTY OPERATIONS - USE OF LOCAL FUNDS. To the extent allowed by
35 Federal requirements, including waiver, demonstration and pilot project
36 options, the Division of Medical Services and the Division of County

1 Operations shall use local and donated funds to obtain federal matching funds
2 to enhance federal agency programs.

3

4 The provisions of this section shall be in effect only from July 1, 2001
5 through June 30, 2003.

6

7 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ~~Arkansas~~
9 ~~Code 19-5-306(10)(A) is hereby amended to read as follows:~~

10

11 "(10)(A) Department of Human Services Grants Fund Account. The Department
12 of Human Services Grants Fund Account shall be used for the following grant
13 programs to consist of general revenues and any other nonfederal funds, as may
14 be appropriated by the General Assembly:

- 15 (i) Children's Medical Services;
- 16 (ii) Food Stamp Employment and Training Program;
- 17 (iii) Aid to the Aged, Blind, and Disabled;
- 18 (iv) Transitional Employment Assistance Program;
- 19 (v) Private nursing home care;
- 20 (vi) Infant Infirmary - nursing home care;
- 21 (vii) Public Nursing Home Care;
- 22 (viii) Prescription Drugs;
- 23 (ix) Hospital and Medical Services;
- 24 (x) Child and Family Life Institute;
- 25 (xi) Community Services Block Grant;
- 26 (xii) ARKIDSFIRST; and
- 27 (xiii) Child Health Management Services
- 28 (xiv) Child Care Grant"

29

30 The provisions of this section shall be in effect only from July 1, 2001
31 through June 30, 2003.

32

33 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL
35 SERVICES AND COUNTY OPERATIONS - CARRY FORWARD. The unexpended balances in
36 appropriations made from federal funds, for Medical Services and County

1 Operations, as provided for in this Act on June 30, ~~2000~~ 2002 shall be
2 carried forward and made available for expenditures for the same purpose for
3 the fiscal year ending June 30, ~~2001~~ 2003.

4
5 The provisions of this section shall be in effect only from July 1, 2001
6 through June 30, 2003.

7
8 *SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
9 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL*
10 *SERVICES - CHILD AND FAMILY LIFE INSTITUTE. The Child Health and Family Life*
11 *Institute shall be administered under the direction of Arkansas Children's*
12 *Hospital. Arkansas Children's Hospital shall enter into a cooperative*
13 *agreement and/or contract with the University of Arkansas for Medical Sciences*
14 *- Department of Pediatrics for services required in delivering the programs of*
15 *the Child Health and Family Life Institute. The KIDS FIRST Program, a*
16 *component of the Child Health and Family Life Institute, shall receive*
17 *priority consideration above all other programs of the Institute when funding*
18 *decisions are made by Arkansas Children's Hospital. Arkansas Children's*
19 *Hospital shall make quarterly reports to the Arkansas Legislative Council on*
20 *matters of funding, existing programs and any new programs and/or services*
21 *offered through the Child Health and Family Life Institute.*

22
23 The Chancellor of the University of Arkansas for Medical Sciences shall
24 designate an individual from the Department of Pediatrics who shall provide
25 administrative oversight of the cooperative agreements and/or contracts with
26 Arkansas Children's Hospital in delivering the programs of the Child Health
27 and Family Life Institute. The designated administrator from the University
28 of Arkansas for Medical Sciences-Department of Pediatrics shall make quarterly
29 reports to the Chancellor of the University of Arkansas for Medical Sciences
30 and the Arkansas Legislative Council on all matters of funding, existing
31 programs and services offered through the Child Health and Family Life
32 Institute. Further, the Department of Pediatrics shall make every effort to
33 advance the KIDS FIRST Program statewide.

34
35 The provisions of this section shall be in effect only from July 1, 2001
36 through June 30, 2003.

1
2 *SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
3 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL*
4 *SERVICES - PHARMACEUTICAL DISPENSING FEE SURVEY. No more than two years prior*
5 *to making any changes to the current pharmaceutical dispensing fee, the State*
6 *shall conduct an independent survey utilizing generally accepted accounting*
7 *principles, to determine the cost of dispensing a prescription by pharmacists*
8 *in Arkansas. Only factors relative to the cost of dispensing shall be*
9 *surveyed. These factors shall not include actual acquisition costs or average*
10 *profit or any combination of actual acquisition costs or average profit. The*
11 *survey results shall be the basis for establishing the dispensing fee paid to*
12 *participating pharmacies in the Medicaid prescription drug program in*
13 *accordance with Federal requirements. The dispensing fee shall be no lower*
14 *than the cost of dispensing as determined by the survey. Nothing in this*
15 *section shall be construed to prohibit the State from increasing the*
16 *dispensing fee at any time.*

17
18 The provisions of this section shall be in effect only from July 1, 2001
19 through June 30, 2003.

20
21 *SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
22 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL*
23 *SERVICES GENERAL MEDICAID RATE METHODOLOGY PROVISIONS. (a) Rates established*
24 *by the Division of Medical Services for the services or programs covered by*
25 *this Act shall be calculated by the methodologies approved by the Health Care*
26 *Financing Administration. The Division of Medical Services shall have the*
27 *authority to reduce or increase rates based on the approved methodology.*
28 *Further, the Division of Medical Services shall have the authority to increase*
29 *or decrease rates for good cause including, but not limited to: (1)*
30 *identification of provider(s) who can render needed services of equal quality*
31 *at rates less than traditionally charged and who meet the applicable federal*
32 *and state laws, rules and regulations pertaining to the provision of a*
33 *particular service, (2) identification that a provider or group of providers*
34 *has consistently charged rates to the Arkansas Medicaid Program greater than*
35 *to other purchasers of medical services of similar size, (3) the Division*
36 *determines that there has been significant changes in the technology or*

1 process by which services are provided by a provider or group of providers
2 which has affected the costs of providing services, or (4) a severe economic
3 downturn in the Arkansas economy which has affected the overall state budget
4 of the Division of Medical Services.

5
6 The Division of Medical Services shall make available to requesting providers,
7 the Health Care Financing Administration's inflationary forecasts (HCFA Market
8 Basket Index). Rates established with cost of living increases based on the
9 HCFA Market Basket Index or other indices will be adjusted annually except
10 when the state budget does not provide sufficient appropriation and funding to
11 affect the change or portion thereof.

12
13 (b) Any rate methodology changes proposed by the Division of Medical Services
14 both of a general and specific nature, shall be subject to prior review by the
15 Legislative Council or Joint Budget Committee.

16
17 The provisions of this section shall be in effect only from July 1, 2001
18 through June 30, 2003.

19
20 *SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
21 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL*
22 *SERVICES - STATE MEDICAID PROGRAM/PERSONAL CARE PROGRAM. It is the*
23 *Legislative intent that the Department of Human Services in its administration*
24 *of the Arkansas Medicaid Program set forth Medicaid provider participation*
25 *requirements for "personal care providers" that will insure sufficient*
26 *available providers to meet the required needs of all eligible recipients, to*
27 *include insuring available in-home services twenty-four hours a day and seven*
28 *days a week for personal care. For the purposes of this section, "private*
29 *care agencies" are defined as those providers licensed by the Department of*
30 *Labor as of January 1, 1999, certified as ElderChoices Providers as of January*
31 *1, 1999 and who furnish in-home staffing services for respite, chore services,*
32 *and homemaker services, and carrying liability insurance of not less than one*
33 *million dollars (\$1,000,000.00) covering their employees and independent*
34 *contractors while they are engaged in providing services, such as personal*
35 *care, respite, chore services, and homemaker services. The purpose of this*
36 *section is to allow the private care agencies defined herein to be eligible to*

1 provide Medicaid reimbursed personal care services on Saturdays and Sundays
2 only, and does not supercede Department of Human Services rules establishing
3 monthly benefit limits and prior authorization requirements. The availability
4 of providers shall not require the Department of Human Services to reimburse
5 for 24 hours per day of personal care services. The Arkansas Department of
6 Human Services, Medical Services Division shall take such action as required
7 by the Health Care Financing Administration to amend the Arkansas Medicaid
8 manual to include, private care agencies defined herein, as qualified entities
9 to provide Medicaid reimbursed personal care services. The private care
10 agencies defined herein shall comply with rules and regulations promulgated by
11 the Arkansas Department of Health which shall establish a separate licensure
12 category for the private care agencies defined herein for the provision of
13 Medicaid reimbursable personal care services on weekends. The Arkansas
14 Department of Health shall supervise the conduct of the private care agencies
15 defined herein. The purpose of this section is to insure the care provided by
16 the private care agencies defined herein, is consistent with the rules and
17 regulations of the Arkansas Department of Health.

18
19 The provisions of this section shall be in effect only from July 1, 2001
20 through June 30, 2003.

21
22 *SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
23 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL*
24 *SERVICES - BORDER CITY DDTCS PROVIDERS. Approved Arkansas Medicaid providers*
25 *of Developmental Day Treatment Clinic Services (DDTCS), or its successor*
26 *program, who have out-of-state border city facilities may be reimbursed for*
27 *Medicaid eligible services delivered to Arkansas residents who are Medicaid*
28 *eligible.*

29
30 The provisions of this section shall be in effect only from July 1, 2001
31 through June 30, 2003.

32
33 *SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
34 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CRITICAL*
35 *ACCESS HOSPITAL PROGRAM. Subject to the Health Care Financing Administration*
36 *approval, the Arkansas Department of Human Services shall fund the optional*

1 "Critical Access Hospital" Program as defined at 42 U.S.C. §1395i - 4(e) as it
2 existed January 1, 2001 effective July 1, 2001 or at the earliest date
3 thereafter.

4
5 SECTION 22. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
6 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND USAGE AUTHORIZED FOR
7 MATCHING. The Arkansas Children's Hospital may request the Department of
8 Human Services - Division of Medical Services to retain in the Department of
9 Human Services Grant Fund account an amount not to exceed \$2,100,000 for the
10 fiscal year ending June 30, 2001 from funds made available by Act 1537 of 1999
11 for the Child and Family Life Institute, Section 57, item number 06 to be used
12 to match federal funds used for supplemental Medicaid payments to Arkansas
13 Children's Hospital. These retained funds shall not be recovered for transfer
14 to the General Revenue Allotment Reserve Fund.

15
16 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL
18 SERVICES - PERSONAL CARE AND ELDERCHOICES REIMBURSEMENT. The Medicaid
19 reimbursement rate for personal care and Elderchoices homemaker, respite, and
20 chore services shall be increased from the current rate of \$12.35 per hour to
21 \$13.86 per hour if funds are available, or increased for such portion thereof
22 as funds are available.

23
24 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
26 USAGE AUTHORIZED. The Arkansas Children's Hospital may request the
27 Department of Human Services - Division of Medical Services to retain in the
28 Department of Human Services Grant Fund account an amount not to exceed
29 \$2,100,000 each fiscal year from funds made available by this Act for the
30 Child and Family Life Institute, Section 5, item number 06 to be used to match
31 federal funds used for supplemental Medicaid payments to Arkansas Children's
32 Hospital. These retained funds shall not be recovered for transfer to the
33 General Revenue Allotment Reserve Fund.

34
35 SECTION 25. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
36 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES. (A) For all

1 appropriations as provided in this Act, the agency disbursing officer shall
2 monitor the level of fund balances in relation to expenditures on a monthly
3 basis. If any proposed expenditures would cause a fund balance to decline to
4 less than fifty percent (50%) of the balance available on July 1, 2001, the
5 disbursing officer shall immediately notify the executive head of the agency.
6 Prior to any obligations being made under these circumstances, the agency head
7 shall file written documentation with the Chief Fiscal Officer of the State
8 requesting approval of the expenditures. Such documentation shall provide
9 sufficient financial data to justify the expenditures and shall include the
10 following:

- 11 1) a plan that clearly indicates the specific fiscal impact of such
12 expenditures on the fund balance.
- 13 2) information clearly indicating and explaining what programs would be cut or
14 any other measures to be taken by the agency to restore the fund balance.
- 15 3) the extent to which any of the planned expenditures are for one-time costs
16 or one-time purchase of capitalized items.
- 17 4) a statement certifying that the expenditure of fund balances will not
18 jeopardize the financial health of the agency, nor result in a permanent
19 depletion of the fund balance.

20 (B) The Chief Fiscal Officer of the State shall review the request and
21 approve or disapprove all or any part of the request, after having sought
22 prior review by the Legislative Council.

23
24 *SECTION 26. COMPLIANCE WITH OTHER LAWS.* Disbursement of funds authorized
25 by this act shall be limited to the appropriation for such agency and funds
26 made available by law for the support of such appropriations; and the
27 restrictions of the State Purchasing Law, the General Accounting and Budgetary
28 Procedures Law, the Revenue Stabilization Law, the Regular Salary Procedures
29 and Restrictions Act, or their successors, and other fiscal control laws of
30 this State, where applicable, and regulations promulgated by the Department of
31 Finance and Administration, as authorized by law, shall be strictly complied
32 with in disbursement of said funds.

33
34 *SECTION 27. LEGISLATIVE INTENT.* It is the intent of the General Assembly
35 that any funds disbursed under the authority of the appropriations contained
36 in this act shall be in compliance with the stated reasons for which this act

1 was adopted, as evidenced by the Agency Requests, Executive Recommendations
2 and Legislative Recommendations contained in the budget manuals prepared by
3 the Department of Finance and Administration, letters, or summarized oral
4 testimony in the official minutes of the Arkansas Legislative Council or Joint
5 Budget Committee which relate to its passage and adoption.

6
7 SECTION 28. EMERGENCY CLAUSE. It is found and determined by the General
8 Assembly, that the Constitution of the State of Arkansas prohibits the
9 appropriation of funds for more than a two (2) year period; that the
10 effectiveness of this Act on July 1, 2001 is essential to the operation of the
11 agency for which the appropriations in this Act are provided, and that in the
12 event of an extension of the Regular Session, the delay in the effective date
13 of this Act beyond July 1, 2001 could work irreparable harm upon the proper
14 administration and provision of essential governmental programs. Therefore, an
15 emergency is hereby declared to exist and this Act being necessary for the
16 immediate preservation of the public peace, health and safety shall be in full
17 force and effect from and after July 1, 2001, except for Section 10, Section
18 11, and Section 22 which shall be in full force and effect from and after the
19 date of passage and approval of this Act.

20 */s/ Joint Budget Committee*

21
22
23 APPROVED: 4/16/2001
24
25
26
27
28
29
30
31
32
33
34
35
36