

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  
2 84th General Assembly  
3 Regular Session, 2003  
4

*As Engrossed: H3/21/03*

# A Bill

Act 1402 of 2003  
HOUSE BILL 2820

5 By: Representatives Medley, Berry, Biggs, Bradford, Creekmore, Dees, D. Evans, Harris, J. Johnson,  
6 Key, Lendall, Martin, Pace, S. Prater, Roebuck, Scrimshire, Sumpter, Eason, Wood  
7 By: Senators Critcher, Faris, Womack  
8

## For An Act To Be Entitled

11 AN ACT TO IMPROVE *ACCESS TO ELDERCHOICES, A*  
12 *COMMUNITY-BASED CARE PROGRAM*; TO SEEK A MEDICAID  
13 WAIVER FOR ELIGIBILITY FOR COMMUNITY-BASED CARE;  
14 TO PROVIDE OVERSIGHT; AND FOR OTHER PURPOSES.

## Subtitle

16 AN ACT TO INCREASE ELIGIBILITY FOR  
17 *ELDERCHOICES, A COMMUNITY-BASED CARE*  
18 *PROGRAM*; AND TO PROVIDE OVERSIGHT.  
19  
20  
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

24 SECTION 1. Arkansas Code Title 20, Chapter 77, Subchapter 1 is amended  
25 to add an additional section to read as follows:

26 20-77-120. Medicaid waiver for home and community based care.

27 (a) In determining Medicaid eligibility for and providing Medicaid  
28 benefits to persons eligible for services through the Elderchoices care  
29 program, a home or community-based waiver pursuant to section 1915C of the  
30 federal Social Security Act, as in effect January 1, 2003, the Department of  
31 Human Services, subject to the availability of funds for the purpose, and to  
32 the extent not prohibited by federal law or regulation, shall use the same  
33 division of assets, and income allowances for Level 1 and Level 2  
34 ElderChoices applications that are used in determining Medicaid eligibility  
35 for and providing Medicaid benefits to persons requiring institutional care.

36 (b)(1) The department shall apply to the Centers for Medicare and



1 Medicaid Services for an amendment to the Elderchoices Medicaid waiver for  
2 home and community-based waivers if an amendment is necessary to implement  
3 the provisions of this section.

4 (2)(A)(i) The amended waiver shall be funded by  
5 savings to the Medicaid program as a result of Act 136 of 2003.

6 (ii) The department may set aside sufficient funds  
7 to pay administrative costs of implementing the program created by Act 136 of  
8 2003.

9 2003, and provide services according to funding  
10 availability. 136 of 2003 are approved by the Centers for Medicare and  
11 Medicaid Services, the department shall project the savings to the Medicaid  
12 program that will result from Act 136 of 2003.

13 (C) The department shall implement the amended waiver  
14 using the savings projected in subdivision (b)(3)(B) of this section to the  
15 extent allowed under subdivision (b)(2) of this section.

16 (c) The department shall promulgate rules to:

17 (1) Establish a mechanism to track separately from exiting  
18 services those clients served and costs incurred by the waiver program  
19 established by this section; and

20 (2) Report the progress of the program at least quarterly to the  
21 House and Senate Interim Committees on Public Health, Welfare, and Labor.

22  
23 */s/ Medley*

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26 **APPROVED: 4/15/2003**