

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.

Act 1958 of the Regular Session

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005  
4

As Engrossed: H3/16/05 H3/28/05

A Bill

HOUSE BILL 2095

5 By: Representative Roebuck  
6  
7

8 **For An Act To Be Entitled**

9 AN ACT TO AMEND REPORTING ON EMOTIONALLY  
10 DISTURBED YOUTH; AND FOR OTHER PURPOSES.  
11

12 **Subtitle**

13 TO AMEND REPORTING ON EMOTIONALLY  
14 DISTURBED YOUTH.  
15  
16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
18

19 SECTION 1. Arkansas Code § 20-46-105 is amended to read as follows:  
20 20-46-105. Report concerning emotionally disturbed youth.

21 (a) The Department of Human Services shall report ~~semiannually~~ monthly  
22 ~~to the Legislative Council and the House Interim Committee on Public Health,~~  
23 ~~Welfare, and Labor and the Senate Interim Committee on Public Health,~~  
24 ~~Welfare, and Labor~~ the House Interim Committee on Aging, Children and Youth,  
25 Legislative and Military Affairs and the Senate Interim Committee on Children  
26 and Youth or appropriate subcommittees thereof ~~the utilization of residential~~  
27 ~~treatment facilities in the Residential Treatment Program for Emotionally~~  
28 ~~Disturbed Youth,~~ on the number of children placed in residential and  
29 inpatient treatment programs, including sexual offender treatment, when  
30 Medicaid is the payment source. The monthly report shall include the  
31 following information:

32 (1) The total number of males and the total number of females  
33 placed into in-state residential programs and the total number of males and  
34 total number of females placed into inpatient acute psychiatric programs,  
35 excluding sexual offender treatment programs, that were paid for by Medicaid



1 during the previous month;

2 (2) The total number of males and total number of females placed  
3 into out-of-state residential programs and the total number of males and  
4 total number of females placed into inpatient acute psychiatric programs,  
5 excluding sexual offender treatment programs, that were paid for by Medicaid  
6 during the previous month;

7 (3) The total number of males and total number of females placed  
8 into in-state residential and inpatient sexual offender treatment programs  
9 that were paid for by Medicaid during the previous month;

10 (4) The total number of males and total number of females placed  
11 into out-of-state residential and inpatient sexual offender treatment  
12 programs that were paid for by Medicaid during the previous month;

13 (5) The total amount of money paid by Medicaid for the previous  
14 month for in-state residential and inpatient psychiatric programs with sexual  
15 offender treatment programs, residential and acute separately identified;

16 (6) The total amount of money paid by Medicaid for the previous  
17 month for out-of-state residential and inpatient psychiatric programs with  
18 sexual offender treatment programs, residential and acute separately  
19 identified;

20 (7) The total number of juveniles in residential and inpatient  
21 programs, including sexual offender treatment programs, that was paid for by  
22 Medicaid during the previous month;

23 (8) The total number of juveniles in residential and inpatient  
24 programs, including sexual offender treatment programs, that was paid for by  
25 Medicaid during the previous month who are within fifty (50) miles of an  
26 Arkansas border; and

27 (9) The total number of juveniles in residential and inpatient  
28 programs, including sexual offender treatment programs, that was paid for by  
29 Medicaid during the previous month who are more than fifty (50) miles from an  
30 Arkansas border.

31 (b) The report under this section shall include the number of  
32 placements for the previous month and the cumulative total number of  
33 placements for each fiscal year as of the date of the latest monthly report.

34 ~~(b) This report shall include the number of youth treated, the~~  
35 ~~percentage of utilization of available facilities, and the number of beds~~  
36 ~~available but not used.~~

1       ~~(e) This information shall be provided both on a statewide basis and~~  
2 ~~on the basis of each treatment facility.~~

3       ~~(d)~~(c) The Legislative Council may request at any time that such  
4 additional information as it deems necessary be provided by the department.

5       ~~(e)~~(d) The deputy director of the appropriate division of the  
6 department as determined by the Director of the Department of Human Services  
7 shall certify by his or her signature that the information contained in these  
8 reports is correct to the best of his or her knowledge.

9  
10       SECTION 2. Arkansas Code § 20-46-106 is hereby amended as follows:

11       20-46-106. Emotionally disturbed youth treated out of state.

12       (a)(1) It is the intent of the General Assembly that treatment for  
13 emotionally disturbed youth within the State of Arkansas will result in  
14 higher quality care provided for less cost when compared with similar  
15 services delivered out of state.

16               (2) Prior to making an out-of-state placement, the Department of  
17 Human Services shall make and document the determinations established in  
18 subsection (b) of this section. If an out-of-state placement is made without  
19 documenting the determinations, payment for services shall not be authorized.

20               (3) The department shall provide a report monthly to the Senate  
21 Interim Committee on Children and Youth and the House Interim Committee on  
22 Aging, Children and Youth, Legislative and Military Affairs reflecting the  
23 number of youths in the custody of the department receiving services out of  
24 state, ~~including plans for their return to Arkansas. The monthly reports~~  
25 ~~shall also include the determinations made prior to each out-of-state~~  
26 ~~placement pursuant to subsection (b) of this section, as follows:~~

27                       (A) The total number of males and total number of females  
28 currently in inpatient psychiatric programs, excluding sexual offender  
29 treatment programs; and

30                       (B) The total number of males and total number of females  
31 currently in inpatient psychiatric programs, including sexual offender  
32 treatment programs.

33       (b) Before an emotionally disturbed youth is placed in an out-of-state  
34 treatment facility, the department shall make and document the following  
35 determinations:

36               (1) Whether the emotionally disturbed youth has been

1 appropriately and accurately diagnosed;

2 (2) Whether an appropriate treatment facility exists within the  
3 state;

4 (3) Whether there is an appropriate treatment facility in a  
5 border state;

6 (4) Whether the facility being considered has the most  
7 appropriate program;

8 (5) Whether the program requires payment of board, and if so,  
9 the amount;

10 (6) Whether the total cost for treatment in the out-of-state  
11 facility exceeds the cost for treatment in state;

12 (7) Where youth residing at the facility attend school, and  
13 whether the school is accredited;

14 (8) What type of professional staff is available at the  
15 facility;

16 (9) What mechanisms are in place to address problems that are  
17 not within the purview of the program;

18 (10) What other considerations exist in addition to the youth's  
19 emotional problems such as other medical conditions, travel expenses, wishes  
20 of the youth, best interests of the youth, effect of out-of-state placement  
21 on the youth, and proximity to the emotionally disturbed youth's family; and

22 (11) What alternatives exist to out-of-state placement, and the  
23 benefits and detriments of each alternative.

24 (c) The determinations made under subsection (b) of this section shall  
25 be included in the youth's case file and shall be reviewed and considered by  
26 *the juvenile judge.*

27 (d) The report shall also include the number of out-of-state  
28 placements by county including court-ordered placements or private  
29 placements.

30  
31 /s/ Roebuck  
32  
33

34 APPROVED: 04/11/2005  
35  
36

1