

**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 1284 of the Regular Session**

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007  
4

# A Bill

HOUSE BILL 1355

5 By: Joint Budget Committee  
6  
7

## **For An Act To Be Entitled**

9 AN ACT TO MAKE AN APPROPRIATION FOR THE MEDICAID  
10 EXPANSION PROGRAM FOR THE DEPARTMENT OF HEALTH  
11 AND HUMAN SERVICES FOR THE BIENNIAL PERIOD ENDING  
12 JUNE 30, 2009; AND FOR OTHER PURPOSES.  
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## **Subtitle**

15 AN ACT FOR THE DEPARTMENT OF HEALTH AND  
16 HUMAN SERVICES - MEDICAID EXPANSION  
17 PROGRAM APPROPRIATION FOR THE 2007-2009  
18 BIENNIUM.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. REGULAR SALARIES - COUNTY OPERATIONS - MEDICAID EXPANSION  
25 PROGRAM. There is hereby established for the Department of Health and Human  
26 Services - Division of County Operations - Medicaid Expansion Program for the  
27 2007-2009 biennium, the following maximum number of regular employees whose  
28 salaries shall be governed by the provisions of the Uniform Classification  
29 and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor,  
30 and all laws amendatory thereto. Provided, however, that any position to  
31 which a specific maximum annual salary is set out herein in dollars, shall be  
32 exempt from the provisions of said Uniform Classification and Compensation  
33 Act. All persons occupying positions authorized herein are hereby governed  
34 by the provisions of the Regular Salaries Procedures and Restrictions Act  
35 (Arkansas Code §21-5-101), or its successor.



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Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate	
				2007-2008	2008-2009
(1)	909Z	PROGRAM SUPPORT MANAGER	1	GRADE 22	
(2)	M024	FAMILY SUPPORT SPECIALIST SUPV	7	GRADE 18	
(3)	M023	FAMILY SUPPORT SPECIALIST III	44	GRADE 17	
(4)	K039	DOCUMENT EXAMINER II	<u>9</u>	GRADE 12	
MAX. NO. OF EMPLOYEES			61		

12 SECTION 2. REGULAR SALARIES - MEDICAL SERVICES - MEDICAID EXPANSION  
 13 PROGRAM. There is hereby established for the Department of Health and Human  
 14 Services - Division of Medical Services - Medicaid Expansion Program for the  
 15 2007-2009 biennium, the following maximum number of regular employees whose  
 16 salaries shall be governed by the provisions of the Uniform Classification  
 17 and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor,  
 18 and all laws amendatory thereto. Provided, however, that any position to  
 19 which a specific maximum annual salary is set out herein in dollars, shall be  
 20 exempt from the provisions of said Uniform Classification and Compensation  
 21 Act. All persons occupying positions authorized herein are hereby governed  
 22 by the provisions of the Regular Salaries Procedures and Restrictions Act  
 23 (Arkansas Code §21-5-101), or its successor.

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Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate	
				2007-2008	2008-2009
(1)	697Z	DHS PRGM MANAGER	1	GRADE 21	
(2)	M154	DHS FIELD REPRESENTATIVE	<u>1</u>	GRADE 19	
MAX. NO. OF EMPLOYEES			2		

33 SECTION 3. APPROPRIATION - COUNTY OPERATIONS - MEDICAID EXPANSION PROGRAM.  
 34 There is hereby appropriated, to the Department of Health and Human Services  
 35 - Division of County Operations, to be payable from the Medicaid Expansion  
 36 Program Account, for personal services and operating expenses of the

1 Department of Health and Human Services - Division of County Operations -  
 2 Medicaid Expansion Program for the biennial period ending June 30, 2009, the  
 3 following:

ITEM		FISCAL YEARS	
NO.		2007-2008	2008-2009
(01)	REGULAR SALARIES	\$ 1,542,378	\$ 1,573,201
(02)	PERSONAL SERVICES MATCHING	571,778	578,085
(03)	MAINT. & GEN. OPERATION		
(A)	OPER. EXPENSE	195,795	195,795
(B)	CONF. & TRAVEL	0	0
(C)	PROF. FEES	500,000	500,000
(D)	CAP. OUTLAY	0	0
(E)	DATA PROC.	0	0
(04)	DATA PROCESSING SERVICES	<u>50,000</u>	<u>50,000</u>
	TOTAL AMOUNT APPROPRIATED	<u>\$ 2,859,951</u>	<u>\$ 2,897,081</u>

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 18 SECTION 4. APPROPRIATION - MEDICAL SERVICES - MEDICAID EXPANSION PROGRAM.  
 19 There is hereby appropriated, to the Department of Health and Human Services  
 20 - Division of Medical Services, to be payable from the Medicaid Expansion  
 21 Program Account, for personal services and operating expenses of the  
 22 Department of Health and Human Services - Division of Medical Services -  
 23 Medicaid Expansion Program for the biennial period ending June 30, 2009, the  
 24 following:

ITEM		FISCAL YEARS	
NO.		2007-2008	2008-2009
(01)	REGULAR SALARIES	\$ 62,644	\$ 63,896
(02)	PERSONAL SERVICES MATCHING	21,217	21,473
(03)	MAINT. & GEN. OPERATION		
(A)	OPER. EXPENSE	15,973	15,973
(B)	CONF. & TRAVEL	2,000	2,000
(C)	PROF. FEES	0	0
(D)	CAP. OUTLAY	0	0
(E)	DATA PROC.	<u>0</u>	<u>0</u>
	TOTAL AMOUNT APPROPRIATED	<u>\$ 101,834</u>	<u>\$ 103,342</u>

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SECTION 5. APPROPRIATION - MEDICAL SERVICES - MEDICAID EXPANSION PROGRAM GRANTS. There is hereby appropriated, to the Department of Health and Human Services - Division of Medical Services, to be payable from the Medicaid Expansion Program Account, for grant payments by the Department of Health and Human Services - Division of Medical Services - Medicaid Expansion Program Grants for the biennial period ending June 30, 2009, the following:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(01) HOSPITAL AND MEDICAL SERVICES	\$ 48,291,335	\$ 60,556,174
(02) PRESCRIPTION DRUGS	<u>6,000,000</u>	<u>6,080,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 54,291,335</u>	<u>\$ 66,636,174</u>

SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAID EXPANSION PROGRAM - CARRY FORWARD. Such appropriation as is authorized in this Act for the Arkansas Tobacco Settlement - Medicaid Expansion Program which remains at the end of the first fiscal year of the biennium may be carried forward into the second fiscal year of the biennium there to be used for the same purposes.

Any carry forward of unexpended balance of appropriation and/or funding as authorized herein, may be carried forward under the following conditions:

(1) Prior to June 30, 2008 the Agency shall by written statement set forth its reason(s) for the need to carry forward said appropriation and/or funding to the Department of Finance and Administration Office of Budget;

(2) The Department of Finance and Administration Office of Budget shall report to the Arkansas Legislative Council all amounts carried forward from the first fiscal year of the biennium to the second fiscal year of the biennium by the September Arkansas Legislative Council or Joint Budget Committee meeting in the second fiscal year of the biennial period which report shall include the name of the Agency, Board, Commission or Institution and the amount of the appropriation and/or funding carried forward from the

1 first fiscal year to the second fiscal year, the program name or line item,  
2 the funding source of that appropriation and a copy of the written request  
3 set forth in (1) above;

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5 (3) Each Agency, Board, Commission or Institution shall provide a written  
6 report to the Arkansas Legislative Council or Joint Budget Committee  
7 containing all information set forth in item (2) above, along with a written  
8 statement as to the current status of the project, contract, purpose etc. for  
9 which the carry forward was originally requested no later than thirty (30)  
10 days prior to the time the Agency, Board, Commission or Institution presents  
11 its budget request to the Arkansas Legislative Council/Joint Budget  
12 Committee; and

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14 (4) Thereupon, the Department of Finance and Administration shall include all  
15 information obtained in item (3) above in the biennial budget manuals and/or  
16 a statement of non-compliance by the Agency, Board, Commission or  
17 Institution.

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19 The provisions of this section shall be in effect only from July 1, 2005  
20 2007 through June 30, ~~2007~~ 2009.

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22 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAID  
24 EXPANSION PROGRAM - PAYING ACCOUNTS. The Medicaid Expansion Program as  
25 established by Initiated Act 1 of 2000 shall be a separate and distinct  
26 component embracing (1) expanded Medicaid coverage and benefits to pregnant  
27 women; (2) expanded inpatient and outpatient hospital reimbursements and  
28 benefits to adults aged nineteen (19) to sixty-four (64); (3) expanded non-  
29 institutional coverage and benefits to adults aged 65 and over; and (4)  
30 creation and provision of a limited benefit package to adults aged nineteen  
31 (19) to sixty-four (64), to be administered by the Department of Health and  
32 Human Services. Separate Paying Accounts shall be established for the  
33 Medicaid Expansion Program as designated by the Chief Fiscal Officer of the  
34 State, to be used exclusively for the purpose of drawing down federal funds  
35 associated with the federal share of expenditures and for the state share of  
36 expenditures transferred from the Medicaid Expansion Program Account or for

1 any other appropriate state match funds.

2 The provisions of this section shall be in effect only from July 1, 2005  
3 2007 through June 30, ~~2007~~ 2009.

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5 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ACCOUNTS.  
7 Such appropriations and fund accounts as may be necessary to administer the  
8 provisions of this act shall be established on the books of the Chief Fiscal  
9 Officer of the State, State Treasurer, and the Auditor of the State.

10 The provisions of this section shall be in effect only from July 1, 2005  
11 2007 through June 30, ~~2007~~ 2009.

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13 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
15 POSITIONS. (a) Nothing in this act shall be construed as a commitment of the  
16 State of Arkansas or any of its agencies or institutions to continue funding  
17 any position paid from the proceeds of the Tobacco Settlement in the event  
18 that Tobacco Settlement funds are not sufficient to finance the position.  
19 (b) State funds will not be used to replace Tobacco Settlement funds when  
20 such funds expire, unless appropriated by the General Assembly and authorized  
21 by the Governor.  
22 (c) A disclosure of the language contained in (a) and (b) of this Section  
23 shall be made available to all new hire and current positions paid from the  
24 proceeds of the Tobacco Settlement by the Tobacco Settlement Commission.  
25 (d) Whenever applicable the information contained in (a) and (b) of this  
26 Section shall be included in the employee handbook and or Professional  
27 Services Contract paid from the proceeds of the Tobacco Settlement.

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29 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
31 RESTRICTIONS. The appropriations provided in this act shall not be  
32 transferred under the provisions of Arkansas Code 19-4-522 or the provisions  
33 of Arkansas code 6-62-104, but only as provided by this act.

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35 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFERS

1 OF APPROPRIATIONS. In the event the amount of any of the budget  
 2 classifications of maintenance and general operation in this act are found by  
 3 the administrative head of the agency to be inadequate, then the agency head  
 4 may request, upon forms provided for such purpose by the Chief Fiscal Officer  
 5 of the State, a modification of the amounts of the budget classification. In  
 6 that event, he shall set out on the forms the particular classifications for  
 7 which he is requesting an increase or decrease, the amounts thereof, and his  
 8 reasons therefor. In no event shall the total amount of the budget exceed  
 9 either the amount of the appropriation or the amount of the funds available,  
 10 nor shall any transfer be made from the capital outlay or data processing  
 11 subclassifications unless specific authority for such transfers is provided  
 12 by law, except for transfers from capital outlay to data processing when  
 13 determined by the Department of Information Systems that data processing  
 14 services for a state agency can be performed on a more cost-efficient basis  
 15 by the Department of Information Systems than through the purchase of data  
 16 processing equipment by that state agency. In considering the proposed  
 17 modification as prepared and submitted by each state agency, the Chief Fiscal  
 18 Officer of the State shall make such studies as he deems necessary. The Chief  
 19 Fiscal Officer of the State shall, after obtaining the approval of the  
 20 Legislative Council, approve the requested transfer if in his opinion it is  
 21 in the best interest of the state.

22 Upon determination by the Director of the Department of Health and Human  
 23 Services that a Reallocation of Resources is necessary for the effective  
 24 operation of the Medicaid Expansion Program Grants, the director, with the  
 25 approval of the Governor, shall have the authority to request from the Chief  
 26 Fiscal Officer of the State a transfer of Appropriation. This transfer  
 27 authority applies only to Section 5 Medicaid Expansion Program Grants of this  
 28 Act between Hospital and Medical Services Item (01) and Prescription Drugs  
 29 Item (02). The limitation restrictions applicable to the Department  
 30 Reallocation of Resources authority applies to this section.

31 The General Assembly has determined that the agency in this act could be  
 32 operated more efficiently if some flexibility is given to that agency and  
 33 that flexibility is being accomplished by providing authority to transfer  
 34 between certain items of appropriation made by this act. Since the General  
 35 Assembly has granted the agency broad powers under the transfer of  
 36 appropriations, it is both necessary and appropriate that the General

1 Assembly maintain oversight of the utilization of the transfers by requiring  
2 prior approval of the Legislative Council in the utilization of the transfer  
3 authority. Therefore, the requirement of approval by the Legislative Council  
4 is not a severable part of this section. If the requirement of approval by  
5 the Legislative Council is ruled unconstitutional by a court jurisdiction,  
6 this entire section is void.

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8 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
10 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act  
11 shall be limited to the appropriation for such agency and funds made  
12 available by law for the support of such appropriations; and the restrictions  
13 of the State Purchasing Law, the General Accounting and Budgetary Procedures  
14 Law, the Regular Salary Procedures and Restrictions Act, or their successors,  
15 and other fiscal control laws of this State, where applicable, and  
16 regulations promulgated by the Department of Finance and Administration, as  
17 authorized by law, shall be strictly complied with in disbursement of said  
18 funds.

19 The provisions of this section shall be in effect only from July 1, 2005  
20 2007 through June 30, ~~2007~~ 2009.

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22 SECTION 13. SPECIAL LANGUAGE. LEGISLATIVE INTENT. It is the intent of  
23 the General Assembly that any funds disbursed under the authority of the  
24 appropriations contained in this act shall be in compliance with the stated  
25 reasons for which this act was adopted, as evidenced by Initiated Act 1 of  
26 2000, the Agency Requests, Executive Recommendations and Legislative  
27 Recommendations contained in the budget manuals prepared by the Department of  
28 Finance and Administration, letters, or summarized oral testimony in the  
29 official minutes of the Arkansas Legislative Council or Joint Budget  
30 Committee which relate to its passage and adoption.

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32 SECTION 14. EMERGENCY CLAUSE. It is found and determined by the General  
33 Assembly, that the Constitution of the State of Arkansas prohibits the  
34 appropriation of funds for more than a two (2) year period; that the  
35 effectiveness of this Act on July 1, 2007 is essential to the operation of  
36 the agency for which the appropriations in this Act are provided, and that in

1 the event of an extension of the Regular Session, the delay in the effective  
2 date of this Act beyond July 1, 2007 could work irreparable harm upon the  
3 proper administration and provision of essential governmental programs.  
4 Therefore, an emergency is hereby declared to exist and this Act being  
5 necessary for the immediate preservation of the public peace, health and  
6 safety shall be in full force and effect from and after July 1, 2007.

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9 **APPROVED: 4/5/2007**  
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