

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 1593 of the Regular Session

State of Arkansas

As Engrossed: H3/21/07 H3/26/07

86th General Assembly

A Bill

Regular Session, 2007

HOUSE BILL 2358

By: Representatives E. Brown, Pennartz, D. Creekmore, Reep, Bond, Pate, Webb, J. Johnson, Powers, Pierce, T. Baker, J. Roebuck, Cash, Hyde, Pickett, Stewart, Wagner, Cornwell, Reynolds, Rosenbaum, Walters, Harrelson, Harris, T. Bradford, Chesterfield, Blount, J. Brown, Cooper, Rainey, Garner, S. Prater, Wills, Gaskill, King, Everett, S. Dobbins, Maxwell, Allen, Cheatham, W. Lewellen, Shelby, Lowery, Glidewell, R. Green, Hoyt, Patterson, Cook, Medley, George, Dunn, L. Evans, Jeffrey, Sullivan, Moore, Wood, Pyle, Hall, Davenport, D. Hutchinson, Woods, Burkes
By: Senators Salmon, R. Thompson, Madison, Trusty

For An Act To Be Entitled

AN ACT TO ESTABLISH THE PRINCIPLES OF A SYSTEM OF CARE FOR BEHAVIORAL HEALTH CARE SERVICES FOR CHILDREN AND YOUTH AS THE PUBLIC POLICY OF THE STATE; FOR IMPROVING THE EFFECTIVENESS OF BEHAVIORAL HEALTH AND RELATED SERVICES TO CHILDREN, YOUTH AND THEIR FAMILIES; AND FOR OTHER PURPOSES.

Subtitle

AN ACT TO ENSURE BETTER UTILIZATION AND COORDINATION OF THE STATE'S BEHAVIORAL HEALTH CARE RESOURCES DEVOTED TO SERVING CHILDREN, YOUTH AND THEIR FAMILIES.

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

SECTION 1. Arkansas Code Title 20, Chapter 47 is amended to add an additional subchapter to read as follows:

20-47-601. Title.



1 This subchapter shall be known and may be cited as the "Arkansas System
2 of Care for Behavioral Health Care Services for Children and Youth Act.

3
4 20-47-602. Purpose.

5 The purpose of this Act is to help facilitate the establishment of an
6 improved system of behavioral health care for children and youth, especially
7 those with serious emotional disturbances.

8
9 20-47-603. Findings.

10 The General Assembly finds:

11 (a) The system for providing behavioral health care services to
12 children, youth and their families should ensure that those services are
13 appropriate, cost-effective, and provided in the least restrictive settings.

14 (b) Behavioral health and other services identified in Arkansas Code §
15 20-47-502 (10) are provided to children and youth by various departments,
16 agencies, and providers at both the state and local level, often without
17 appropriate or effective collaboration.

18 (c) Providing effective services for children with the most severe
19 needs requires many areas of expertise and shared responsibility among the
20 aforementioned departments, agencies and providers.

21 (d) The system of behavioral health care should be built upon the
22 foundation established by the Child and Adolescent Service System Program
23 principles identified in Arkansas Code § 20-47-503. The guiding principles
24 for establishing the system of care should be:

25 (1) The system should be family-driven, child-centered and
26 youth-guided, and should include family participation at all levels of the
27 services system;

28 (2) The system should be community-based with decision-making
29 responsibility and management at the regional and local levels: and

30 (3) The System should be culturally competent, with agencies,
31 programs and services responsive to the cultural and individual differences
32 of the populations they serve.

33
34 20-47-604. Children's Behavioral Health Care Commission.

35 The Governor shall establish a Children's Behavioral Health Care
36 Commission. The Commission shall:

1 (a) Consist of at least ten (10) but no more than twenty (20) members,
2 who shall:

3 (1) Include families and advocates for children receiving
4 behavioral health care services and representatives from a variety of
5 behavioral health care agencies, disciplines, and providers;

6 (2) Serve three (3) year terms, except that the initial term for
7 two-thirds (2/3) of the membership shall be equally divided by lot with one-
8 half of such persons serving an initial term of one (1) year and the other
9 half serving an initial term of two (2) years.

10 (b) Provide advice and guidance to the Department of Health and Human
11 Services and other state agencies providing behavioral health care services
12 to children, youth and their families on the most effective methods for
13 establishing a system of care approach.

14
15 20-47-605. Behavioral Health Care Initiatives.

16 The Department, with advice from the Children's Behavioral Health Care
17 Commission, shall:

18 (a) Identify and implement actions for ensuring that children, youth
19 and their families are full partners in design and implementation of all
20 aspects of the system of care as well as full partners' in decisions about
21 their care or their child's care.

22 (b) Identify up to \$2 million per year to apply to the following
23 purposes:

24 (1) Meeting extraordinary, non-Medicaid reimbursable needs of
25 children, youth and their families, as identified in multi-agency plans of
26 services;

27 (2) Supporting creation or strengthening of entities designed to
28 guide the development and operation of local, regional and state components
29 of the system of care;

30 (3) Strengthening family and advocate skills and capacity to
31 provide meaningful input on the system of care; and

32 (4) Supporting the development and enhancement of needed
33 behavioral health care services in underserved areas.

34 (c) Revise Medicaid rules and regulations to increase quality,
35 accountability and appropriateness of Medicaid reimbursed behavioral health
36 care services, including, but not limited to:

1 (1) Clarifying behavioral health care services definitions to
2 assure that the definitions are appropriate to the needs of children, youth
3 and their families;

4 (2) Revising the process for Medicaid to receive, review, and
5 act upon requests for behavioral health care for children and youth
6 classified as 'seriously emotionally disturbed;

7 (3) Clarifying Medicaid certification rules for providers
8 serving children, youth and their families to assure that the certification
9 rules correlate with the requirements for enrollment as a Medicaid provider
10 of behavioral health care services;

11 (4) Defining a standardized screening and assessment process
12 designed to provide early identification of conditions that require
13 behavioral health care services. The standardized process shall ensure:

14 (A) Assessments guide service decisions and outcomes and,
15 if appropriate, development of a multi-agency plan of services; and

16 (B) Services delivered are appropriate to meet the needs
17 of the child as identified by the assessment.

18 (d) Research, identify and implement innovative and promising local,
19 regional or statewide approaches for better managing the State's resources
20 devoted to children's behavioral health.

21 (e) Create additional capacity within the Department's Division of
22 Behavioral Health Services to develop, support and oversee the new system of
23 care for behavioral health services for children, including:

24 (1) Developing an outcomes-based data system to support an
25 improved system of tracking, accountability and decision-making; and

26 (2) Creating additional staff support to provide technical
27 assistance, utilize information, identify and encourage best practices,
28 monitor performance, and recommend system improvements.

29
30 20-47-606. Assessment Tool.

31 The standardized screening and assessment tool established by Medicaid
32 rules shall:

33 (a) Guide service decisions and outcomes;

34 (b) Establish guidelines to identify children who need a multi-agency
35 plan of services.

20-47-607. Multi-agency plan of services.

Each multi-agency plan of services shall:

(a) Be consistent with the results of the standardized screening and assessment established by Medicaid rules;

(b) Provide for collaboration among the child, the persons or entities responsible for the child's care and custody; and the providers of behavioral health care services for the child; and

(c) Be appropriate to meet the behavioral health care needs of the child as defined by the assessment.

20-47-608. Annual Report.

The department of Health and Human Services shall report annually on progress to the:

(a) Governor;

(b) House Interim Committee on Aging, Children and Youth, Legislative and Military Affairs and the Senate Interim Committee on Children and Youth; and

(c) The House Interim Committee on Public Health, Welfare and Labor; the Senate Interim Committee on Public Health, Welfare and Labor.

20-47-609. Rules.

The Department of Health and Human Services shall promulgate rules in accordance with the Administrative Procedure Act as necessary to carry out this subchapter.

/s/ E. Brown, et al

APPROVED: 4/9/2007