

**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 576 of the Regular Session**

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

# A Bill

HOUSE BILL 1185

5 By: Joint Budget Committee  
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## For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR THE MEDICAID  
10 EXPANSION PROGRAM FOR THE DEPARTMENT OF HUMAN  
11 SERVICES FOR THE FISCAL YEAR ENDING JUNE 30,  
12 2010; AND FOR OTHER PURPOSES.  
13  
14

## Subtitle

15 AN ACT FOR THE DEPARTMENT OF HUMAN  
16 SERVICES - MEDICAID EXPANSION PROGRAM  
17 APPROPRIATION FOR THE 2009-2010 FISCAL  
18 YEAR.  
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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 Human Services -  
26 Division of County Operations - Medicaid Expansion Program for the 2009-2010  
27 fiscal year, the following maximum number of regular employees whose salaries  
28 shall be governed by the provisions of the Uniform Classification and  
29 Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and  
30 all laws amendatory thereto. Provided, however, that any position to which a  
31 specific maximum annual salary is set out herein in dollars, shall be exempt  
32 from the provisions of said Uniform Classification and Compensation Act. All  
33 persons occupying positions authorized herein are hereby governed by the  
34 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas  
35 Code §21-5-101), or its successor.



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Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2009-2010
(1)	G129C	DHS/DCO PROGRAM MANAGER	1	GRADE C120
(2)	M037C	PROGRAM ELIGIBILITY SUPERVISOR	7	GRADE C117
(3)	M066C	PROGRAM ELIGIBILITY SPECIALIST	44	GRADE C114
(4)	C062C	LOCAL OFFICE ADMIN ASSISTANT	9	GRADE C110
MAX. NO. OF EMPLOYEES			61	

SECTION 2. REGULAR SALARIES - MEDICAL SERVICES - MEDICAID EXPANSION PROGRAM. There is hereby established for the Department of Human Services - Division of Medical Services - Medicaid Expansion Program for the 2009-2010 fiscal year, 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.

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Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2009-2010
(1)	G152C	DHS PROGRAM MANAGER	1	GRADE C119
(2)	G178C	POLICY DEVELOPMENT COORDINATOR	1	GRADE C117
MAX. NO. OF EMPLOYEES			2	

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

1 Human Services - Division of County Operations - Medicaid Expansion Program  
 2 for the fiscal year ending June 30, 2010, the following:

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4 ITEM	FISCAL YEAR
5 <u>NO.</u>	<u>2009-2010</u>
6 (01) REGULAR SALARIES	\$ 1,747,611
7 (02) PERSONAL SERVICES MATCHING	648,921
8 (03) MAINT. & GEN. OPERATION	
9 (A) OPER. EXPENSE	195,795
10 (B) CONF. & TRAVEL	0
11 (C) PROF. FEES	100,000
12 (D) CAP. OUTLAY	0
13 (E) DATA PROC.	0
14 (04) DATA PROCESSING SERVICES	<u>50,000</u>
15 TOTAL AMOUNT APPROPRIATED	<u>\$ 2,742,327</u>

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17 SECTION 4. APPROPRIATION - MEDICAL SERVICES - MEDICAID EXPANSION PROGRAM.  
 18 There is hereby appropriated, to the Department of Human Services - Division  
 19 of Medical Services, to be payable from the Medicaid Expansion Program  
 20 Account, for personal services and operating expenses of the Department of  
 21 Human Services - Division of Medical Services - Medicaid Expansion Program  
 22 for the fiscal year ending June 30, 2010, the following:

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24 ITEM	FISCAL YEAR
25 <u>NO.</u>	<u>2009-2010</u>
26 (01) REGULAR SALARIES	\$ 79,293
27 (02) PERSONAL SERVICES MATCHING	25,527
28 (03) MAINT. & GEN. OPERATION	
29 (A) OPER. EXPENSE	15,973
30 (B) CONF. & TRAVEL	2,000
31 (C) PROF. FEES	0
32 (D) CAP. OUTLAY	0
33 (E) DATA PROC.	<u>0</u>
34 TOTAL AMOUNT APPROPRIATED	<u>\$ 122,793</u>

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36 SECTION 5. APPROPRIATION - MEDICAL SERVICES - MEDICAID EXPANSION PROGRAM

1 GRANTS. There is hereby appropriated, to the Department of Human Services -  
2 Division of Medical Services, to be payable from the Medicaid Expansion  
3 Program Account, for grant payments by the Department of Human Services -  
4 Division of Medical Services - Medicaid Expansion Program Grants for the  
5 fiscal year ending June 30, 2010, the following:

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7	ITEM	FISCAL YEAR
8	<u>NO.</u>	<u>2009-2010</u>
9	(01) HOSPITAL AND MEDICAL SERVICES	\$ 74,479,346
10	(02) PRESCRIPTION DRUGS	<u>6,541,937</u>
11	TOTAL AMOUNT APPROPRIATED	<u>\$ 81,021,283</u>

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13 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAID  
15 EXPANSION PROGRAM - PAYING ACCOUNTS. The Medicaid Expansion Program as  
16 established by Initiated Act 1 of 2000 shall be a separate and distinct  
17 component embracing (1) expanded Medicaid coverage and benefits to pregnant  
18 women; (2) expanded inpatient and outpatient hospital reimbursements and  
19 benefits to adults aged nineteen (19) to sixty-four (64); (3) expanded non-  
20 institutional coverage and benefits to adults aged 65 and over; and (4)  
21 creation and provision of a limited benefit package to adults aged nineteen  
22 (19) to sixty-four (64), to be administered by the Department of ~~Health and~~  
23 Human Services. Separate Paying Accounts shall be established for the  
24 Medicaid Expansion Program as designated by the Chief Fiscal Officer of the  
25 State, to be used exclusively for the purpose of drawing down federal funds  
26 associated with the federal share of expenditures and for the state share of  
27 expenditures transferred from the Medicaid Expansion Program Account or for  
28 any other appropriate state match funds.

29 The provisions of this section shall be in effect only from July 1, ~~2007~~  
30 2009 through June 30, ~~2009~~ 2010.

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

1 The provisions of this section shall be in effect only from July 1, 2007  
 2 2009 through June 30, ~~2009~~ 2010.

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 4 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

6 POSITIONS. (a) Nothing in this act shall be construed as a commitment of the  
 7 State of Arkansas or any of its agencies or institutions to continue funding  
 8 any position paid from the proceeds of the Tobacco Settlement in the event  
 9 that Tobacco Settlement funds are not sufficient to finance the position.

10 (b) State funds will not be used to replace Tobacco Settlement funds when  
 11 such funds expire, unless appropriated by the General Assembly and authorized  
 12 by the Governor.

13 (c) A disclosure of the language contained in (a) and (b) of this Section  
 14 shall be made available to all new hire and current positions paid from the  
 15 proceeds of the Tobacco Settlement by the Tobacco Settlement Commission.

16 (d) Whenever applicable the information contained in (a) and (b) of this  
 17 Section shall be included in the employee handbook and/or Professional  
 18 Services Contract paid from the proceeds of the Tobacco Settlement.

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 20 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
 22 RESTRICTIONS. The appropriations provided in this act shall not be  
 23 transferred under the provisions of Arkansas Code 19-4-522 ~~or the provisions~~  
 24 ~~of Arkansas code 6-62-104~~, but only as provided by this act.

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 26 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFERS  
 28 OF APPROPRIATIONS. In the event the amount of any of the budget  
 29 classifications of maintenance and general operation in this act are found by  
 30 the administrative head of the agency to be inadequate, then the agency head  
 31 may request, upon forms provided for such purpose by the Chief Fiscal Officer  
 32 of the State, a modification of the amounts of the budget classification. In  
 33 that event, he shall set out on the forms the particular classifications for  
 34 which he is requesting an increase or decrease, the amounts thereof, and his  
 35 reasons therefor. In no event shall the total amount of the budget exceed  
 36 either the amount of the appropriation or the amount of the funds available,

1 nor shall any transfer be made from the capital outlay or data processing  
 2 subclassifications unless specific authority for such transfers is provided  
 3 by law, except for transfers from capital outlay to data processing when  
 4 determined by the Department of Information Systems that data processing  
 5 services for a state agency can be performed on a more cost-efficient basis  
 6 by the Department of Information Systems than through the purchase of data  
 7 processing equipment by that state agency. In considering the proposed  
 8 modification as prepared and submitted by each state agency, the Chief Fiscal  
 9 Officer of the State shall make such studies as he deems necessary. The Chief  
 10 Fiscal Officer of the State shall, after obtaining the approval of the  
 11 Legislative Council, approve the requested transfer if in his opinion it is  
 12 in the best interest of the state.

13 Upon determination by the Director of the Department of ~~Health and Human~~  
 14 Services that a Reallocation of Resources is necessary for the effective  
 15 operation of the Medicaid Expansion Program Grants, the director, with the  
 16 approval of the Governor, shall have the authority to request from the Chief  
 17 Fiscal Officer of the State a transfer of Appropriation. This transfer  
 18 authority applies only to Section 5 Medicaid Expansion Program Grants of this  
 19 Act between Hospital and Medical Services Item (01) and Prescription Drugs  
 20 Item (02). The limitation restrictions applicable to the Department  
 21 Reallocation of Resources authority applies to this section.

22 The General Assembly has determined that the agency in this act could be  
 23 operated more efficiently if some flexibility is given to that agency and  
 24 that flexibility is being accomplished by providing authority to transfer  
 25 between certain items of appropriation made by this act. Since the General  
 26 Assembly has granted the agency broad powers under the transfer of  
 27 appropriations, it is both necessary and appropriate that the General  
 28 Assembly maintain oversight of the utilization of the transfers by requiring  
 29 prior approval of the Legislative Council in the utilization of the transfer  
 30 authority. Therefore, the requirement of approval by the Legislative Council  
 31 is not a severable part of this section. If the requirement of approval by  
 32 the Legislative Council is ruled unconstitutional by a court jurisdiction,  
 33 this entire section is void.

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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.

1 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act  
 2 shall be limited to the appropriation for such agency and funds made  
 3 available by law for the support of such appropriations; and the restrictions  
 4 of the State Purchasing Law, the General Accounting and Budgetary Procedures  
 5 Law, the Regular Salary Procedures and Restrictions Act, or their successors,  
 6 and other fiscal control laws of this State, where applicable, and  
 7 regulations promulgated by the Department of Finance and Administration, as  
 8 authorized by law, shall be strictly complied with in disbursement of said  
 9 funds.

10 The provisions of this section shall be in effect only from July 1, 2007  
 11 2009 through June 30, ~~2009~~ 2010.

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 13 SECTION 12. SPECIAL LANGUAGE. LEGISLATIVE INTENT. It is the intent of  
 14 the General Assembly that any funds disbursed under the authority of the  
 15 appropriations contained in this act shall be in compliance with the stated  
 16 reasons for which this act was adopted, as evidenced by Initiated Act 1 of  
 17 2000, the Agency Requests, Executive Recommendations and Legislative  
 18 Recommendations contained in the budget manuals prepared by the Department of  
 19 Finance and Administration, letters, or summarized oral testimony in the  
 20 official minutes of the Arkansas Legislative Council or Joint Budget  
 21 Committee which relate to its passage and adoption.

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 23 SECTION 13. EMERGENCY CLAUSE. It is found and determined by the General  
 24 Assembly, that the Constitution of the State of Arkansas prohibits the  
 25 appropriation of funds for more than a one (1) year period; that the  
 26 effectiveness of this Act on July 1, 2009 is essential to the operation of  
 27 the agency for which the appropriations in this Act are provided, and that in  
 28 the event of an extension of the Regular Session, the delay in the effective  
 29 date of this Act beyond July 1, 2009 could work irreparable harm upon the  
 30 proper administration and provision of essential governmental programs.  
 31 Therefore, an emergency is hereby declared to exist and this Act being  
 32 necessary for the immediate preservation of the public peace, health and  
 33 safety shall be in full force and effect from and after July 1, 2009.

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 36 APPROVED: 3/25/2009