

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1147

5 By: Joint Budget Committee
6

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR THE MEDICAID
9 EXPANSION PROGRAM FOR THE DEPARTMENT OF HUMAN
10 SERVICES FOR THE FISCAL YEAR ENDING JUNE 30, 2016;
11 AND FOR OTHER PURPOSES.
12
13

Subtitle

14 AN ACT FOR THE DEPARTMENT OF HUMAN
15 SERVICES - MEDICAID EXPANSION PROGRAM
16 APPROPRIATION FOR THE 2015-2016 FISCAL
17 YEAR.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. REGULAR SALARIES - COUNTY OPERATIONS - MEDICAID EXPANSION
24 PROGRAM. There is hereby established for the Department of Human Services -
25 Division of County Operations - Medicaid Expansion Program for the 2015-2016
26 fiscal year, the following maximum number of regular employees.
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| Item No. | Class Code | Title | Maximum No. of Employees | Maximum Annual Salary Rate Fiscal Year 2015-2016 |
|----------|------------|----------------------------------|--------------------------|--|
| 32 | (1) G129C | DHS/DCO PROGRAM MANAGER | 1 | GRADE C120 |
| 33 | (2) M037C | PROGRAM ELIGIBILITY SUPERVISOR | 7 | GRADE C117 |
| 34 | (3) M066C | PROGRAM ELIGIBILITY SPECIALIST | 44 | GRADE C114 |
| 35 | (4) C062C | LOCAL OFFICE ADMINISTRATIVE ASST | 8 | GRADE C110 |
| 36 | | MAX. NO. OF EMPLOYEES | 60 | |



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 2015-2016 fiscal year, the following maximum number of regular employees.

| Item No. | Class Code | Title | Maximum No. of Employees | Maximum Annual Salary Rate Fiscal Year 2015-2016 |
|----------|------------|--------------------------------|--------------------------|--|
| (1) | G152C | DHS PROGRAM MANAGER | 1 | GRADE C119 |
| (2) | G178C | POLICY DEVELOPMENT COORDINATOR | <u>1</u> | 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 Human Services - Division of County Operations - Medicaid Expansion Program for the fiscal year ending June 30, 2016, the following:

| ITEM NO. | FISCAL YEAR 2015-2016 |
|---------------------------------|-----------------------|
| (01) REGULAR SALARIES | \$1,814,589 |
| (02) PERSONAL SERVICES MATCHING | 724,117 |
| (03) MAINT. & GEN. OPERATION | |
| (A) OPER. EXPENSE | 295,795 |
| (B) CONF. & TRAVEL | 0 |
| (C) PROF. FEES | 0 |
| (D) CAP. OUTLAY | 0 |
| (E) DATA PROC. | 0 |
| (04) DATA PROCESSING SERVICES | <u>50,000</u> |
| TOTAL AMOUNT APPROPRIATED | <u>\$2,884,501</u> |

SECTION 4. APPROPRIATION - MEDICAL SERVICES - MEDICAID EXPANSION PROGRAM. There is hereby appropriated, to the Department of Human Services -

1 Division of Medical Services, to be payable from the Medicaid Expansion
 2 Program Account, for personal services and operating expenses of the
 3 Department of Human Services - Division of Medical Services - Medicaid
 4 Expansion Program for the fiscal year ending June 30, 2016, the following:

| 6 ITEM | FISCAL YEAR |
|-----------------------------------|-------------------------|
| 7 <u>NO.</u> | <u>2015-2016</u> |
| 8 (01) REGULAR SALARIES | \$69,476 |
| 9 (02) PERSONAL SERVICES MATCHING | 26,227 |
| 10 (03) MAINT. & GEN. OPERATION | |
| 11 (A) OPER. EXPENSE | 15,818 |
| 12 (B) CONF. & TRAVEL | 2,000 |
| 13 (C) PROF. FEES | 0 |
| 14 (D) CAP. OUTLAY | 0 |
| 15 (E) DATA PROC. | <u>0</u> |
| 16 TOTAL AMOUNT APPROPRIATED | <u><u>\$113,521</u></u> |

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 18 SECTION 5. APPROPRIATION - MEDICAL SERVICES - MEDICAID EXPANSION
 19 PROGRAM GRANTS. There is hereby appropriated, to the Department of Human
 20 Services - Division of Medical Services, to be payable from the Medicaid
 21 Expansion Program Account, for grant payments by the Department of Human
 22 Services - Division of Medical Services - Medicaid Expansion Program Grants
 23 for the fiscal year ending June 30, 2016, the following:

| 25 ITEM | FISCAL YEAR |
|---------------------------------------|----------------------------|
| 26 <u>NO.</u> | <u>2015-2016</u> |
| 27 (01) HOSPITAL AND MEDICAL SERVICES | \$62,510,440 |
| 28 (02) PRESCRIPTION DRUGS | <u>4,197,034</u> |
| 29 TOTAL AMOUNT APPROPRIATED | <u><u>\$66,707,474</u></u> |

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 31 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAID
 33 EXPANSION PROGRAM - PAYING ACCOUNTS. The Medicaid Expansion Program as
 34 established by Initiated Act 1 of 2000 shall be a separate and distinct
 35 component embracing (1) expanded Medicaid coverage and benefits to pregnant
 36 women; (2) expanded inpatient and outpatient hospital reimbursements and

1 benefits to adults aged nineteen (19) to sixty-four (64); (3) expanded non-
2 institutional coverage and benefits to adults aged 65 and over; and (4)
3 creation and provision of a limited benefit package to adults aged nineteen
4 (19) to sixty-four (64), to be administered by the Department of Human
5 Services. Separate Paying Accounts shall be established for the Medicaid
6 Expansion Program as designated by the Chief Fiscal Officer of the State, to
7 be used exclusively for the purpose of drawing down federal funds associated
8 with the federal share of expenditures and for the state share of
9 expenditures transferred from the Medicaid Expansion Program Account or for
10 any other appropriate state match funds.

11 The provisions of this section shall be in effect only from July 1, ~~2014~~
12 2015 through June 30, ~~2015~~ 2016.

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

19 The provisions of this section shall be in effect only from July 1, ~~2014~~
20 2015 through June 30, ~~2015~~ 2016.

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

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

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

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

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

1 The provisions of this section shall be in effect only from July 1,
2 2015 through June 30, 2016.

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4 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
6 RESTRICTIONS. The appropriations provided in this act shall not be
7 transferred under the provisions of Arkansas Code 19-4-522, but only as
8 provided by this act.

9 The provisions of this section shall be in effect only from July 1,
10 2015 through June 30, 2016.

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12 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFERS
14 OF APPROPRIATIONS. In the event the amount of any of the budget
15 classifications of maintenance and general operation in this act are found by
16 the administrative head of the agency to be inadequate, then the agency head
17 may request, upon forms provided for such purpose by the Chief Fiscal Officer
18 of the State, a modification of the amounts of the budget classification. In
19 that event, he shall set out on the forms the particular classifications for
20 which he is requesting an increase or decrease, the amounts thereof, and his
21 reasons therefor. In no event shall the total amount of the budget exceed
22 either the amount of the appropriation or the amount of the funds available,
23 nor shall any transfer be made from the capital outlay or data processing
24 subclassifications unless specific authority for such transfers is provided
25 by law, except for transfers from capital outlay to data processing when
26 determined by the Department of Information Systems that data processing
27 services for a state agency can be performed on a more cost-efficient basis
28 by the Department of Information Systems than through the purchase of data
29 processing equipment by that state agency. In considering the proposed
30 modification as prepared and submitted by each state agency, the Chief Fiscal
31 Officer of the State shall make such studies as he deems necessary. The Chief
32 Fiscal Officer of the State shall, after obtaining the approval of the
33 Legislative Council, approve the requested transfer if in his opinion it is
34 in the best interest of the state.

35 Upon determination by the Director of the Department of Human Services
36 that a Reallocation of Resources is necessary for the effective operation of

1 the Medicaid Expansion Program Grants, the director, with the approval of the
2 Governor, shall have the authority to request from the Chief Fiscal Officer
3 of the State a transfer of Appropriation. This transfer authority applies
4 only to Section 5 Medicaid Expansion Program Grants of this Act between
5 Hospital and Medical Services Item (01) and Prescription Drugs Item (02). The
6 limitation restrictions applicable to the Department Reallocation of
7 Resources authority applies to this section.

8 The General Assembly has determined that the agency in this act could be
9 operated more efficiently if some flexibility is given to that agency and
10 that flexibility is being accomplished by providing authority to transfer
11 between certain items of appropriation made by this act. Since the General
12 Assembly has granted the agency broad powers under the transfer of
13 appropriations, it is both necessary and appropriate that the General
14 Assembly maintain oversight of the utilization of the transfers by requiring
15 prior approval of the Legislative Council in the utilization of the transfer
16 authority. Therefore, the requirement of approval by the Legislative Council
17 is not a severable part of this section. If the requirement of approval by
18 the Legislative Council is ruled unconstitutional by a court of competent
19 jurisdiction, this entire section is void.

20 The provisions of this section shall be in effect only from July 1,
21 2015 through June 30, 2016.

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

25 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act
26 shall be limited to the appropriation for such agency and funds made
27 available by law for the support of such appropriations; and the restrictions
28 of the State Purchasing Law, the General Accounting and Budgetary Procedures
29 Law, the Regular Salary Procedures and Restrictions Act, or their successors,
30 and other fiscal control laws of this State, where applicable, and
31 regulations promulgated by the Department of Finance and Administration, as
32 authorized by law, shall be strictly complied with in disbursement of said
33 funds.

34 The provisions of this section shall be in effect only from July 1, ~~2014~~
35 2015 through June 30, ~~2015~~ 2016.

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1 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
3 LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds
4 disbursed under the authority of the appropriations contained in this act
5 shall be in compliance with the stated reasons for which this act was
6 adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests,
7 Executive Recommendations and Legislative Recommendations contained in the
8 budget manuals prepared by the Department of Finance and Administration,
9 letters, or summarized oral testimony in the official minutes of the Arkansas
10 Legislative Council or Joint Budget Committee which relate to its passage and
11 adoption.

12 The provisions of this section shall be in effect only from July 1,
13 2015 through June 30, 2016.

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15 SECTION 13. EMERGENCY CLAUSE. It is found and determined by the
16 General Assembly, that the Constitution of the State of Arkansas prohibits
17 the appropriation of funds for more than a one (1) year period; that the
18 effectiveness of this Act on July 1, 2015 is essential to the operation of
19 the agency for which the appropriations in this Act are provided, and that in
20 the event of an extension of the legislative session, the delay in the
21 effective date of this Act beyond July 1, 2015 could work irreparable harm
22 upon the proper administration and provision of essential governmental
23 programs. Therefore, an emergency is hereby declared to exist and this Act
24 being necessary for the immediate preservation of the public peace, health
25 and safety shall be in full force and effect from and after July 1, 2015.

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28 **APPROVED: 04/02/2015**
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