

Act 876 of the 1989 Regular Session.

Act 876

HB1764

By: Joint Budget Committee

"AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES OF THE DEPARTMENT OF HUMAN SERVICES - DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1991; AND FOR OTHER PURPOSES."

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

SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established for the Department of Human Services - Division of Developmental Disabilities Services for the 1989-91 biennium, the following maximum number of regular employees whose salaries shall be governed by the provisions of the Uniform Classification and Compensation Act, 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, or its successor.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Years	
				1989-90	1990-91
(1)	9972	DDS COMMISSIONER	1	\$53,703	\$55,046
(2)	6601	DENTIST	3	\$66,247	\$67,903
(3)	6603	GENERAL PHYSICIAN	6	\$66,247	\$67,903
(4)	496Z	DDS DEP CMSNR COMMUNITY SVC	1		GRADE 25
	497Z	DDS DEP CMSNR FOR INSTITUTIONAL SVC	1		
(5)	951Z	DDS SUPT HUMAN DEVELOP CNTR-CONWAY	1		GRADE 24
	L124	PSYCHOLOGIST	7		
(6)	518Z	DDS SUPT HUMAN DEVELOPMENT CENTER	5		GRADE 23
	L096	SENIOR PHARMACIST	3		
	950Z	DDS DIR EVAL, PLAN & MGMT SYSTEMS	1		
(7)	L094	PHARMACIST	3		GRADE 22
(8)	M178	DDS ASST SUPERINTENDENT - CONWAY	1		GRADE 21
	508Z	DDS NURSING SERVICES ADMR	6		
	522Z	DDS COORD PROG PLNG & EVAL	1		
	R001	PROGRAM SPEC FOR DUALY DIAGNOSED	1		
(9)	R326	QUALITY ASSURANCE COORDINATOR	6		GRADE 20
	E038	NURSE INSTRUCTOR	2		
	E104	DDS EDUCATION & TRAINING CONSULTANT	1		
	L030	DIETARY SERVICES DIRECTOR	1		
	L122	PSYCHOLOGICAL EXAMINER II	21		
	L078	NURSE SUPERVISOR	14		
	R146	NUTRITIONIST CONSULTANT	1		
	137Z	DDS TEAM LEADER - CONWAY	5		
	487Z	DDS BUSINESS MANAGER	6		
	491Z	DDS COTTAGE LIFE DIRECTOR	4		
	501Z	DDS DIR OF EDUCATION AND TRAINING	3		
	505Z	DDS MEDICAL SERVICES MANAGER	1		

	503Z	DDS LANGUAGE DEVELOPMENT SUPV	1	
(10)	M128	DDS PROGRAM COORDINATOR	26	GRADE 19
	M140	DDS TEAM LEADER	6	
	E026	INSTITUTIONAL INSTRUCTOR SUPERVISOR	3	
	E114	STAFF DEVELOPMENT COORDINATOR	1	
	G120	PLANT MAINTENANCE COORDINATOR	1	
	L090	OCCUPATIONAL THERAPY SUPERVISOR	1	
	R024	ASST DIRECTOR PERSONNEL	1	
	L142	SPEECH PATHOLOGIST SUPV	5	
	M019	CHAPLAIN	1	
	M088	SOCIAL WORKER III/SOCIAL WORKER II	6	
	M126	DDS FIELD COUNSELOR SUPERVISOR	1	
	M132	COMMUNITY SVCS REGIONAL REP SUPV	1	
	R068	EEO/GRIEVANCE OFFICER	1	
	R266	MANAGEMENT PROJECT ANALYST II	3	
	Y116	MAINTENANCE SYSTEMS SUPV	1	
	516Z	M R FACILITY PROGRAM EVALUATOR SUPV	1	
	521Z	DDS FOSTER GRANDPARENT ADMR	1	
(11)	L120	PSYCHOLOGICAL EXAMINER I	7	GRADE 18
	M082	SOCIAL SERVICE WORKER III	14	
	L008	AUDIOLOGIST	3	
	L028	DIETICIAN	4	
	R264	MANAGEMENT PROJECT ANALYST I	1	
	L070	NURSE II	11	
	L088	OCCUPATIONAL THERAPIST II	1	
	L140	SPEECH PATHOLOGIST II	10	
	M086	SOCIAL WORKER II/SOCIAL WORKER I	3	
	M162	DDS ANCILLARY SVCS & DORM SUPV	1	
	493Z	DDS COTTAGE LIFE PROGRAM SUPV	5	
	V040	PURCHASE AGENT II/PURCHASE AGENT	1	
	504Z	M R FACILITY PROGRAM EVALUATOR	2	
	E024	INSTITUTIONAL INSTRUCTOR II	10	
(12)	M050	RECREATIONAL ACTIVITY LEADER SUPV	6	GRADE 17
	E086	HABILITATION/REHAB INSTRUCTOR II	17	
	B060	MEDICAL TECHNOLOGIST SUPERVISOR	1	
	R112	COMMUNITY SVCS REGIONAL REP	5	
	E050	STAFF DEVELOPMENT SPECIALIST II	7	
	E072	TRAINING INSTRUCTOR II	1	
	G028	BUILDING PLANT MAINTENANCE SUPV II	5	
	M080	SOCIAL SERVICE WORKER II/SOC SVC WK	7	
	M111	VOLUNTEER PROGRAM DEVELOPER	1	
	M124	DDS COUNSELOR	16	
	W012	MEDICAL RECORDS ADMINISTRATOR	1	
	Y027	ELECTRICIAN SUPERVISOR	1	
	R030	ASST PERSONNEL MANAGER	1	
(13)	B052	MEDICAL TECHNOLOGIST	3	GRADE 16
	M110	VOLUNTEER SERVICES COORDINATOR	2	
	R010	ADMINISTRATIVE ASSISTANT II	9	
	L068	NURSE I	3	
	L026	DENTAL HYGIENIST	1	
	Y065	JOURNEYMAN LOCKSMITH	1	
	L086	OCCUPATIONAL THERAPIST I	3	
	M102	VOCATIONAL PLAC & EVAL PROG COORD	1	
	Y003	AUTO/DIESEL MECHANIC	3	
	Y039	HEATING & A/C MECHANIC	5	
	Y053	JOURNEYMAN CARPENTER	7	
	Y055	JOURNEYMAN ELECTRICIAN	6	

	Y057 JOURNEYMAN PAINTER	6	
	Y061 JOURNEYMAN PLUMBER	3	
	Y107 WELDER	1	
	E022 INSTITUTIONAL INSTRUCTOR I	20	
(14)	R057 COTTAGE LIFE PROGRAM SUPV	16	GRADE 15
	E084 HABILITATION/REHAB INSTRUCTOR I	113	
	M141 DDS TEAM SHIFT COORDINATOR	21	
	R190 PERSONNEL OFFICER II	5	
	H034 FOOD PRODUCTION MANAGER II	5	
	Q091 STATIONARY ENGINEER	10	
	L138 SPEECH PATHOLOGIST I	7	
	L153 X-RAY TECH SUPV/X-RAY TECH II	1	
	M079 SOCIAL SERVICE WORKER I	1	
	R252 LIBRARIAN I	3	
(15)	E048 STAFF DEVELOPMENT SPECIALIST I	3	GRADE 14
	L115 LPTN II	3	
	L184 DIETETIC TECHNICIAN	2	
	M036 FOSTER GRANDPARENT SUPERVISOR	2	
	R009 ADMINISTRATIVE ASSISTANT I	6	
	E035 MULTI-MEDIA TECHNICAL CONTROLLER II	1	
	M048 RECREATIONAL ACTIVITY LEADER II	10	
	V039 PURCHASE AGENT I/ASST PURCHASE AGEN	2	
(16)	L183 OCCUPATIONAL THERAPY ASSISTANT	1	GRADE 13
	H033 FOOD PRODUCTION MANAGER I	1	
	K041 EXECUTIVE SECY/ADMINISTRATIVE SECY	1	
	K133 MANAGEMENT SUPPORT TECHNICIAN	6	
	L049 LPN II	108	
	L061 M R AIDE SUPERVISOR	64	
	L179 PHYSICAL THERAPY ASSISTANT	2	
	V051 STOREROOM SUPV/STORE SUPV	6	
	W015 MEDICAL RECORDS TECHNICIAN	2	
(17)	M047 RECREATIONAL ACTIVITY LEADER I	34	GRADE 12
	K179 SECRETARY/WORD PROCESS SPECIALIST	1	
	K117 MEDICAL OR LEGAL SECRETARY	3	
	A063 PAYROLL OFFICER	1	
	A155 ICF COORDINATOR	6	
	G139 WATER FILTER/WASTE DISPOSAL PLNT OP	2	
	H049 SUPERVISOR OF COOKING	2	
	G092 LAUNDRY OPERATIONS MANAGER	1	
	L113 LPTN I	1	
(18)	L059 M R AIDE II	92	GRADE 11
	E027 INSTITUTIONAL TEACHER ASSISTANT	85	
	L047 LPN I	23	
	K153 SECRETARY II	22	
	A013 BOOKKEEPER II/ACCOUNTING ASST II	6	
	G115 NURSERY ASST & GROUNDSKEEPER SUPV	1	
	L093 ORTHOTIST AIDE	5	
(19)	Y001 APPRENTICE TRADESMAN	6	GRADE 10
	C013 SWITCHBOARD OPERATOR SUPERVISOR	1	
	G061 FURNITURE REPAIRMAN	1	
	H005 BAKER II	1	
	H027 COOK II	15	
	K059 LIBRARY TECHNICAL ASST II	2	
	K089 PERSONNEL ASSISTANT	4	
	W023 RECORDS CENTER OPERATOR II	11	
(20)	L057 M R AIDE I	745	GRADE 09
	A011 BOOKKEEPER I/ACCOUNTING ASST I	2	

	K155 SECRETARY I	63	
	K103 REPRO EQUIP OPR II/REPRO EQUIP OPR	1	
	L025 DENTAL ASSISTANT	2	
	L097 PHARMACY ASST	2	
	V041 PURCHASING ASSISTANT	3	
	Y045 INSTITUTIONAL BEAUTICIAN	3	
(21)	G039 CUSTODIAL SUPV II	1	GRADE 08
	G143 EQUIPMENT OPERATOR II	2	
	H003 BAKER I	7	
	H025 COOK I	27	
	H045 MEAT CUTTER I/BUTCHER I	1	
	H053 FOOD SERVICE WORKER III	3	
	P307 FACILITY MANAGER I	2	
(22)	L105 PHYSICAL THERAPY AIDE	9	GRADE 07
	L063 M R AIDE TRAINEE	291	
	A157 BOOKKEEPER ASSISTANT	1	
	C011 SWITCHBOARD OPERATOR II	2	
	G045 EQUIPMENT OPERATOR I	16	
	G109 BLDG/EQUIP MAINT REPAIRMAN II	17	
	K023 CLERK TYPIST II	28	
	K123 WARD CLERK	1	
	L089 OCCUPATIONAL THERAPY AIDE	7	
(23)	G169 CUSTODIAL SUPV I	4	GRADE 06
	G091 LAUNDRY SUPERVISOR I	5	
	G177 MAINTENANCE WORKER SUPERVISOR	1	
(24)	C009 SWITCHBOARD OPERATOR I	13	GRADE 05
	G107 BLDG/EQUIP MAINT REPAIRMAN I	5	
	H043 FOOD SERVICE WORKER II	3	
	K015 CLERK II	5	
	V049 STOCK CLERK II	8	
	Y095 SEAMSTRESS II	1	
	K021 CLERK TYPIST I	1	
(25)	G175 MAINTENANCE WORKER II	11	GRADE 03
	G035 CUSTODIAL WRKR II	42	
	G097 LAUNDRY WRKR II	8	
	V047 STOCK CLERK I	1	
(26)	G171 CUSTODIAL WRKR I	45	GRADE 02
	G095 LAUNDRY WORKER I	23	
	H015 CANTEEN OPERATOR I	3	
	H039 FOOD SERVICE WORKER I	53	
	K013 CLERK I	1	
(27)	E087 VOCATIONAL TRAINEE	18	GRADE 01
	MAX NO. OF EMPLOYEES	2598	

SECTION 2. EXTRA HELP. There is hereby authorized, for the Department of Human Services - Division of Developmental Disabilities Services for the 1989-91 biennium, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: One hundred forty-nine (149) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, for the appropriate classification.

SECTION 3. APPROPRIATIONS - OPERATIONS - STATE. There is hereby appropriated, to the Department of Human Services - Division of Developmental Disabilities Services, to be payable from the Developmental Disabilities Services Fund Account, for personal services and operating expenses of the

Department of Human Services - Division of Developmental Disabilities Services for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) REGULAR SALARIES	\$ 35,268,471	\$ 36,150,183
(02) EXTRA HELP	772,913	772,913
(03) PERSONAL SERV MATCHING	10,010,468	10,640,976
(04) OVERTIME	3,621	3,621
(05) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSES	\$ 7,498,752	\$ 7,499,752
(B) CONF. & TRAVEL	37,179	37,376
(C) PROF. FEES	23,894	23,894
(D) CAPITAL OUTLAY	637,380	637,380
(E) DATA PROCESSING	0	0
TOTAL MAINT. & GEN. OPER.	8,197,205	8,198,402
(06) GRANTS/PATIENT SERVICES	1,813,719	2,209,106
(07) VOCATIONAL TRAINEES	28,106	28,106
(08) PURCHASE OF SERVICES	1,343,841	1,343,841
TOTAL AMOUNT APPROPRIATED	\$ 57,438,344	\$ 59,347,148

SECTION 4. APPROPRIATIONS - OPERATIONS - FEDERAL. There is hereby appropriated, to the Department of Human Services - Division of Developmental Disabilities Services, to be payable from the Department of Human Services Federal Funds as designated by the Chief Fiscal Officer of the State, for personal services and operating expenses of the Department of Human Services - Division of Developmental Disabilities Services for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) REGULAR SALARIES	\$ 200,010	\$ 204,718
(02) PERSONAL SERV MATCHING	54,506	56,962
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSES	\$ 19,950	\$ 19,950
(B) CONF. & TRAVEL	3,520	3,520
(C) PROF. FEES	0	0
(D) CAPITAL OUTLAY	13,000	13,000
(E) DATA PROCESSING	0	0
TOTAL MAINT. & GEN. OPER.	36,470	36,470
(04) PURCHASE SERVICES	482,239	482,239
TOTAL AMOUNT APPROPRIATED	\$ 773,225	\$ 780,389

SECTION 5. APPROPRIATIONS - FEDERAL GRANTS PROGRAM. There is hereby appropriated, to the Department of Human Services - Division of Developmental Disabilities Services, to be payable from the Department of Human Services Federal Funds as designated by the Chief Fiscal Officer of the State, for personal services and operating expenses of the Department of Human Services - Division of Developmental Disabilities Services for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) REGULAR SALARIES	\$ 43,619	\$ 44,309
(02) PERSONAL SERV MATCHING	10,939	11,436
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSES	\$ 8,960	\$ 8,960
(B) CONF. & TRAVEL	2,856	2,856
(C) PROF. FEES	2,665	2,665

	(D) CAPITAL OUTLAY	0	0		
	(E) DATA PROCESSING	0	0		
	TOTAL MAINT. & GEN. OPER.			14,481	14,481
(04)	FOSTER PARENT STIPEND			265,766	265,766
	TOTAL AMOUNT APPROPRIATED			\$ 334,805	\$ 335,992

SECTION 6. APPROPRIATIONS - SCHOOL LUNCH PROGRAM - CASH. There is hereby appropriated, to the Department of Human Services - Division of Developmental Disabilities Services, to be payable from cash funds of the Department of Human Services - Division of Developmental Disabilities Services, for operating expenses of the Department of Human Services - Division of Developmental Disabilities Services for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSES	\$ 234,266	\$ 234,266
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	0	0
(D) CAPITAL OUTLAY	0	0
(E) DATA PROCESSING	0	0
TOTAL MAINT. & GEN. OPER.	234,266	234,266
TOTAL AMOUNT APPROPRIATED	\$ 234,266	\$ 234,266

SECTION 7. APPROPRIATIONS - COMMUNITY PROGRAMS. There is hereby appropriated, to the Department of Human Services - Division of Developmental Disabilities Services, to be payable from the Developmental Disabilities Services Fund Account from the special revenues provided by Arkansas Code 23-111-502--23-111-505 for expenses of Department of Human Services - Division of Developmental Disabilities Services private non-profit community based programs licensed by Department of Human Services - Division of Developmental Disabilities Services for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) COMMUNITY PROGRAMS	\$ 375,000	\$ 375,000

SECTION 8. APPROPRIATIONS - SPECIAL OLYMPICS. There is hereby appropriated, to the Department of Human Services - Division of Developmental Disabilities Services, to be payable from the Developmental Disabilities Services Fund Account, for grants to the Arkansas Special Olympics for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) GRANTS	\$ 100,000	\$ 100,000

SECTION 9. APPROPRIATIONS - GRANTS-IN-AID. There is hereby appropriated, to the Department of Human Services - Division of Developmental Disabilities Services, to be payable from the Developmental Disabilities Services Fund Account, for grants-in-aid to community providers of services to the developmentally disabled of Department of Human Services - Division of Developmental Disabilities Services for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) GRANTS-IN-AID	\$ 11,800,000	\$ 12,300,000

SECTION 10. APPROPRIATIONS - EARLY INTERVENTION PROGRAM - FEDERAL.

There is hereby appropriated, to the Department of Human Services - Division of Developmental Disabilities Services, to be payable from the Department of Human Services Federal Funds as designated by the Chief Fiscal Officer of the State, for the development and support of an Early Intervention Program for Infants and Toddlers, as administered by Department of Human Services - Division of Developmental Disabilities Services for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) REGULAR SALARIES	\$ 24,993	\$ 25,636
(02) PERSONAL SERV MATCHING	6,204	6,531
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSES	\$ 29,340	\$ 27,390
(B) CONF. & TRAVEL	4,500	4,500
(C) PROF. FEES	0	0
(D) CAPITAL OUTLAY	2,500	0
(E) DATA PROCESSING	0	0
TOTAL MAINT. & GEN. OPER.	36,340	31,890
(04) PURCH SERVICES GRANTS	941,227	722,334
(05) PURCHASE OF SERVICE	21,000	0
TOTAL AMOUNT APPROPRIATED	\$ 1,029,764	\$ 786,391

SECTION 11. SPECIAL AUTHORIZATION - CASH FUNDS. All funds received by the Division of Developmental Disabilities Services of the Department of Human Services shall be placed in the State Treasury and expended via appropriation. Those funds held in trust by the agency for the residents of the Human Development Centers, including Gifts and Bequests, shall be considered agency funds to be expended from bank accounts without legislative appropriation. The Chief Fiscal Officer of the State shall have the final authority to determine those funds which may be exempted from being placed in the State Treasury unless otherwise provided by law. Provided, however, no agency funds deposited in bank accounts shall be expended for purposes other than those allowed for the expenditures of State Treasury funds under the provisions of the General Accounting and Budgetary Procedures Law of Arkansas.

SECTION 12. VOCATIONAL TRAINEES. The Division of Developmental Disabilities Services of the Department of Human Services is hereby authorized for the 1989-91 biennium to provide employment opportunities for some of the less productive, working residents, separate from the currently authorized regular Vocational Trainee positions. The positions authorized herein shall not be incorporated into the present classification system but shall be provided for by each Human Development Center on a Cash Account basis. It is the intent of the General Assembly that the authorization of these positions shall facilitate the agency's ability to provide for residents with lower work productivity.

SECTION 13. TRANSFER OF FUNDS. Where it has been found that because of recruiting difficulties within scarce professions in Institutions/Facilities of the Department of Human Services - Developmental Disabilities Services Division, it is necessary to acquire professional services to meet federal

staffing standards through contracting with individuals or institutions, the Director of the Department of Human Services and the Chief Fiscal Officer of the State; and after seeking a prior review by the Arkansas Legislative Council, is hereby authorized to transfer funds and appropriations from Regular Salaries to Maintenance and General Operations and Purchase of Service appropriations in the amount necessary to acquire the services.

SECTION 14. The Director of the Department of Human Services is hereby authorized, with the approval of the Chief Fiscal Officer of the State, and after having sought a prior review by the Arkansas Legislative Council, to transfer any line item appropriation to any other line item appropriation authorized herein with one exception: Item (01) of Section 9 herein, the same being Grant-in-Aid may not be decreased.

SECTION 15. Nothing in this Act shall prevent use of funds allocated under the Grants-in-Aid Appropriation to match Title XIX or Social Services Block Grant (Title XX) funds to be used by private non-profit community based services. Developmental Disabilities Services (DDS) shall continue to allocate to private non-profit community based services a total percentage of Social Services Block Grant (Title XX) funds received that is equal to or greater than the percentage of Social Services Block Grant (Title XX) funds received by DDS and allocated to community based programs for Fiscal Year 1982-83.

SECTION 16. It is the specific recommendation of the Legislature that Developmental Disabilities Services utilize Title XIX, Social Services Block Grant, and State Grants-in-Aid funds available to community programs to seek to achieve the following goals:

1. Providing for operation of community based residential programs which the State agency encouraged the community programs to build with non-State funds;
2. Determination by Developmental Disabilities Services of reasonable costs for the services provided by community based programs with consideration of regional expense variations and funding so that the State shall provide a minimum of ninety percent of the reasonable costs, with the community based program responsible for no more than ten percent of such costs;
3. That the State not reduce reasonable cost funding of community based programs; or require reimbursement from community based programs if the program matches at a rate of at least ten percent of the funding provided by Developmental Disabilities Services.

SECTION 17. The Board of Developmental Disabilities Services shall, when preparing their biennial budget request for submission to the Governor and the Arkansas Legislative Council, consult with the Arkansas Special Olympics, Inc. concerning the amount which is to be submitted as the request for each year of the forthcoming biennium for a grant to the Arkansas Special Olympics, Inc. Such amount as may be determined by the Arkansas Special Olympics, Inc. shall be submitted as the Agency Request to the Governor and to the Arkansas Legislative Council.

SECTION 18. SPECIAL RATES OF PAY. Due to the highly competitive job market conditions for health professionals and the necessity of recruiting and retaining qualified personnel, the Department of Human Services - Developmental Disabilities Services Division is authorized special rates of pay for current and new employees up to the levels listed under subsection (a) below:

- (a) Special rates may be authorized for the following classifications



only, as indicated herein:

CLASS			
CODE	TITLE	GRADE	STEP
L124	PSYCHOLOGIST	23	08
L061	M.R. AIDE SUPERVISOR	13	06
L059	M.R. AIDE II	11	06
L057	M.R. Aide I	09	06
L061	M.R. AIDE TRAINEE	07	06

SECTION 19. In the event that existing services now funded from the Grants-In-Aid Appropriation, being item (01) of Section 9 herein, are extended to unserved areas of the state, or in the event that new services are made available, to be funded from the Grants-In-Aid Appropriation, existing private community based service providers shall be granted an opportunity to make application to expand their service base to unserved areas or shall be granted an opportunity to make application to offer new services in their existing service area. In areas in which the Division of Developmental Disabilities Services determines that new or expanded services are to be offered, it shall provide notice of its intent to provide the services to existing providers in the area and to the general public. Before licensing new service providers in an area, the Division shall determine in writing that existing service providers are not qualified or are unable or unwilling to extend services to new areas or provide new services. Nothing in this Act shall restrict the Division's discretion to award new or expanded services to the existing community based service providers making application for the same pursuant to this section. The intent of this section is to avoid unnecessary duplication of costs and services in the extension or expansion of services.

SECTION 20. Medicaid matching funds for the 16 bed or less Intermediate Care Facility for the Mentally Retarded program shall not be paid from the Grants-in-Aid Appropriation, being item (01) of Section 9 herein.

SECTION 21. Funds allocated under the Grants-in-Aid Appropriation, being item (01) of Section 9 herein, shall be used only to provide services through private community based services licensed or certified by the Arkansas Division of Developmental Disabilities. When DDS licensed providers are involved in delivering services which are Medicaid reimbursable, they must enroll as a provider with the Arkansas Medicaid Program and must bill the Arkansas Medicaid Program for all covered services for eligible individuals.

Services which are covered by the Arkansas State Medicaid Program or under the Alternative Community Service Waiver Program (ASC) will be utilized to the maximum extent possible for any individual who is eligible for Medicaid coverage prior to any expenditure of general revenue, other than for Medicaid matching funds, or Title XX. It is the intent of this section that DDS, as a general policy, maximize the use of Medicaid funding available for services.

The State shall require each provider funded from the Grant-in-Aid Appropriation or from the Grant/Patient Service Line, being item (06) of Section 3 herein, to screen each individual to whom services are provided for a determination of eligibility or ineligibility for Medicaid coverage within thirty days of the first date that services are provided. It is the intent of this section to insure that whenever possible, Medicaid funds are utilized for covered or waived services to individuals who are eligible for coverage under the Arkansas Medicaid Program or the ASC Waiver.

Nothing in this Act shall prevent the Division or any provider from extending emergency services in a timely manner.

SECTION 22. The Division of Developmental Disabilities Services, in

coordination with the Division of Developmental Disabilities Funding Committee and representatives from parent/consumer organizations, will review the rates for services paid from the Grant-In-Aid Appropriation and will make recommendations concerning changes in those rates. This group will recommend uses for any increased state funds made available by increased utilization of Medicaid funds for existing services now paid for by state funds from the Grant-In-Aid Appropriation.

SECTION 23. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this Act shall be limited to the appropriation for such agency and funds made available by law for the support of such appropriations; and the restrictions of the State Purchasing Law, the General Accounting and Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary Procedures and Restrictions Act, or their successors, and other fiscal control laws of this State, where applicable, and regulations promulgated by the Department of Finance and Administration, as authorized by law, shall be strictly complied with in disbursement of said funds.

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

SECTION 25. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 26. EMERGENCY CLAUSE. It is hereby found and determined by the Seventy-Seventh General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1989 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1989 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1989.

APPROVED: March 22, 1989

---