

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 1236 of the Regular Session

1 State of Arkansas *As Enrolled: S3/23/07 S3/27/07 S3/28/07 S3/29/07*

2 86th General Assembly

A Bill

3 Regular Session, 2007

SENATE BILL 223

4

5 By: Joint Budget Committee

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For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE
11 DEPARTMENT OF HEALTH AND HUMAN SERVICES -
12 DIVISION OF MEDICAL SERVICES FOR THE BIENNIAL
13 PERIOD ENDING JUNE 30, 2009; AND FOR OTHER
14 PURPOSES.

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Subtitle

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

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SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established for the Department of Health and Human Services - Division of Medical Services for the 2007-2009 biennium, 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



1 Restrictions Act (Arkansas Code §21-5-101), or its successor.

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		Maximum Annual			
		Maximum	Salary Rate		
Item	Class	No. of	Fiscal Years		
No.	Code	Title	Employees	2007-2008	2008-2009
(1)		DIRECTOR OF PHARMACY	2	\$128,249	\$130,804
(2)		REGISTERED PHARMACIST II	4	\$107,234	\$109,378
(3)	9985	DHS DEP DIR MEDICAL SERVICES	1	\$102,712	\$104,766
(4)	9411	DHS/DMS ASSISTANT DIRECTOR - FISCAL	1	\$95,750	\$97,665
(5)	8965	DHS/DMS ADD - MEDICAL SERVICES	2	\$85,642	\$87,354
(6)	8938	DHS/DMS ASST DEP DIR LONG TRM CARE	1	\$85,642	\$87,354
(7)	004Z	HLTH POLICY ADMINISTRATOR	1	GRADE 26	
(8)	022Z	DHS/DCO CHIEF PROGRAM ADMR	6	GRADE 26	
(9)	023Z	DHS/DCO ASST CHIEF PROGRAM ADMR	8	GRADE 25	
(10)	118Z	DHS NURSING SERVICES ADMINISTRATOR	2	GRADE 25	
(11)	923Z	DHS PRGM ADMINISTRATOR	11	GRADE 23	
(12)	R184	NURSING SERVICES UNIT MANAGER	1	GRADE 23	
(13)	X338	ENGINEER, PE	2	GRADE 22	
(14)	D066	SYSTEMS COORDINATION ANALYST II	1	GRADE 22	
(15)	D124	LEAD PROGRAMMER/ANALYST	1	GRADE 22	
(16)	L078	NURSE SUPERVISOR	1	GRADE 22	
(17)	L082	NURSING SERVICES SPECIALIST	13	GRADE 21	
(18)	L106	PHYSICAL THERAPY SUPV	1	GRADE 21	
(19)	L030	DIETARY SERVICES DIRECTOR	1	GRADE 21	
(20)	697Z	DHS PRGM MANAGER	11	GRADE 21	
(21)	A251	SR AUDITOR	10	GRADE 21	
(22)	D036	SR PROGRAMMER/ANALYST	1	GRADE 21	
(23)	Q046	MEDICARE/MEDICAID SURVEY SPECIALIST	20	GRADE 20	
(24)	R145	DHS PROGRAM COORDINATOR	5	GRADE 20	
(25)	R266	MANAGEMENT PROJECT ANALYST II	10	GRADE 20	
(26)	A250	JR AUDITOR	1	GRADE 20	
(27)	L070	NURSE II	10	GRADE 20	
(28)	M088	SOCIAL WORKER II	3	GRADE 20	
(29)	M116	UTILIZATION REVIEW NURSE	60	GRADE 20	
(30)	M027	DHS/DCO COUNTY SUPV II	1	GRADE 20	

1	(31)	L028	DIETICIAN	3	GRADE 19
2	(32)	R332	DHS POLICY DEVELOPMENT COORD	5	GRADE 19
3	(33)	X358	HLTH FACILITY SURVEYOR	2	GRADE 19
4	(34)	R048	BUDGET SPECIALIST	1	GRADE 19
5	(35)	R084	DHS STAFF SUPERVISOR	4	GRADE 19
6	(36)	M154	DHS FIELD REPRESENTATIVE	8	GRADE 19
7	(37)	D129	DP COORDINATOR	1	GRADE 18
8	(38)	M078	DHS/DEMS SUPERVISOR	2	GRADE 18
9	(39)	R010	ADMINISTRATIVE ASSISTANT II	16	GRADE 17
10	(40)	R110	MEDICAL PROGRAM REPRESENTATIVE	3	GRADE 17
11	(41)	R162	STATISTICIAN/STATISTICIAN II	1	GRADE 17
12	(42)	X352	HLTH CARE ANALYST II	20	GRADE 17
13	(43)	M149	YOUTH SERVICES WORKER I	1	GRADE 15
14	(44)	K011	ADMINISTRATIVE OFFICE SUPERVISOR	1	GRADE 15
15	(45)	D005	COMPUTER OPERATOR II	1	GRADE 15
16	(46)	A108	ACCOUNTING TECHNICIAN II	3	GRADE 15
17	(47)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	7	GRADE 14
18	(48)	K117	MEDICAL OR LEGAL SECRETARY	6	GRADE 14
19	(49)	K153	SECRETARY II	11	GRADE 13
20	(50)	K039	DOCUMENT EXAMINER II	<u>15</u>	GRADE 12
21			MAX. NO. OF EMPLOYEES	303	

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23 SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for the
 24 Department of Health and Human Services - Division of Medical Services for
 25 the 2007-2009 biennium, the following maximum number of part-time or
 26 temporary employees, to be known as "Extra Help", payable from funds
 27 appropriated herein for such purposes: seven (7) temporary or part-time
 28 employees, when needed, at rates of pay not to exceed those provided in the
 29 Uniform Classification and Compensation Act, or its successor, or this act
 30 for the appropriate classification.

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32 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated, to
 33 the Department of Health and Human Services - Division of Medical Services,
 34 to be payable from the paying account as determined by the Chief Fiscal
 35 Officer of the State, for personal services and operating expenses of the
 36 Department of Health and Human Services - Division of Medical Services -

1 Operations for the biennial period ending June 30, 2009, the following:

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3	ITEM	FISCAL YEARS	
4	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
5	(01) REGULAR SALARIES	\$ 13,077,624	\$ 13,341,592
6	(02) EXTRA HELP	126,892	126,892
7	(03) PERSONAL SERVICES MATCHING	3,990,060	4,044,462
8	(04) OVERTIME	5,000	5,000
9	(05) MAINT. & GEN. OPERATION		
10	(A) OPER. EXPENSE	3,152,863	3,152,863
11	(B) CONF. & TRAVEL	235,840	235,840
12	(C) PROF. FEES	355,132	355,132
13	(D) CAP. OUTLAY	195,000	195,000
14	(E) DATA PROC.	0	0
15	(06) DATA PROCESSING SERVICES	<u>119,800</u>	<u>119,800</u>
16	TOTAL AMOUNT APPROPRIATED	<u>\$ 21,258,211</u>	<u>\$ 21,576,581</u>

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18 *SECTION 4. APPROPRIATION - GRANTS. There is hereby appropriated, to the*
 19 *Department of Health and Human Services - Division of Medical Services, to be*
 20 *payable from the paying account as determined by the Chief Fiscal Officer of*
 21 *the State, for grant payments of the Department of Health and Human Services*
 22 *- Division of Medical Services - Grants for the biennial period ending June*
 23 *30, 2009, the following:*

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25	ITEM	FISCAL YEARS	
26	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
27	(01) PRIVATE NURSING HOME CARE	\$ 584,223,887	\$ 627,094,449
28	(02) INFANT INFIRMARY	20,625,291	21,338,175
29	(03) PUBLIC NURSING HOME CARE	163,716,511	170,497,211
30	(04) PRESCRIPTION DRUGS	400,917,328	440,746,167
31	(05) HOSPITAL AND MEDICAL SERVICES	2,681,042,388	2,897,206,587
32	(06) CHILD AND FAMILY LIFE INSTITUTE	2,100,000	2,100,000
33	(07) ARKIDS B PROGRAM	<u>101,926,951</u>	<u>116,703,139</u>
34	TOTAL AMOUNT APPROPRIATED	<u>\$3,954,552,356</u>	<u>\$4,275,685,728</u>

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36 SECTION 5. APPROPRIATION - NURSING HOME CLOSURE COSTS. There is hereby

1 appropriated, to the Department of Health and Human Services - Division of
 2 Medical Services, to be payable from the Long-Term Care Trust Fund, for the
 3 payment of relocation costs of residents in long-term care facilities,
 4 maintenance and operation of a facility pending correction of deficiencies or
 5 closure, and reimbursement of residents for personal funds lost for the
 6 biennial period ending June 30, 2009, the following:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(01) EXPENSES	\$ 50,000	\$ 50,000

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 12 SECTION 6. APPROPRIATION - LONG-TERM CARE FACILITY RECEIVERSHIP. There is
 13 hereby appropriated, to the Department of Health and Human Services -
 14 Division of Medical Services, to be payable from the Long Term Care Facility
 15 Receivership Fund Account, for the payment of expenses of long-term care
 16 facility receivers as authorized by law of the Department of Health and Human
 17 Services - Division of Medical Services - Long-Term Care Facility
 18 Receivership for the biennial period ending June 30, 2009, the following:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(01) EXPENSES	\$ 100,000	\$ 100,000

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 22 SECTION 7. APPROPRIATION - NURSING HOME QUALITY GRANTS. There is hereby
 23 appropriated, to the Department of Health and Human Services - Division of
 24 Medical Services, to be payable from the Long-Term Care Trust Fund, for
 25 Nursing Home Quality Grants of the Department of Health and Human Services -
 26 Division of Medical Services - Nursing Home Quality Grants for the biennial
 27 period ending June 30, 2009, the following:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(01) NURSING HOME QUALITY GRANTS AND AID	\$ 1,500,000	\$ 1,500,000

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 35 SECTION 8. APPROPRIATIONS - ALCOHOL AND DRUG ABUSE PREVENTION. There is
 36 hereby appropriated to the Department of Health and Human Services - Division

1 of Medical Services, to be payable from the paying account as determined by
2 the Chief Fiscal Officer of the State, to be used in the event that any
3 future State of Arkansas Medicaid plan, federal or state legislation, or
4 Medicaid waiver allows for substance abuse services to be billed to Medicaid,
5 for the biennial period ending June 30, 2009, the following:

ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
(01) FUTURE MEDICAID WAIVERS FOR SUBSTANCE		
ABUSE SERVICES	<u>\$ 1,250,000</u>	<u>\$ 1,250,000</u>

12 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

14 DEPARTMENT OF HUMAN SERVICES GRANTS FUND ACCOUNT. The Department of Human
15 Services Grants Fund Account shall be used for the following grant programs
16 to consist of general revenues and any other nonfederal funds, as may be
17 appropriated by the General Assembly:

- 18 (i) Children’s Medical Services;
- 19 (ii) Food Stamp Employment and Training Program;
- 20 (iii) Aid to the Aged, Blind, and Disabled;
- 21 (iv) Transitional Employment Assistance Program;
- 22 (v) Private nursing home care;
- 23 (vi) Infant Infirmary - nursing home care;
- 24 (vii) Public Nursing Home Care;
- 25 (viii) Prescription Drugs;
- 26 (ix) Hospital and Medical Services;
- 27 (x) Child and Family Life Institute;
- 28 (xi) Community Services Block Grant;
- 29 (xii) ARKIDSFIRST;
- 30 (xiii) Child Health Management Services;
- 31 (xiv) Child Care Grant; and
- 32 (xv) Prescription Drug Elderly

34 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL
36 SERVICES - CARRY FORWARD. The unexpended balances in appropriations made

1 from federal funds, for Medical Services, as provided for in this Act on June
2 30, ~~2006~~ 2008 shall be carried forward and made available for expenditures
3 for the same purpose for the fiscal year ending June 30, ~~2007~~ 2009.

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

6
7 (1) Prior to June 30, 2008 the Agency shall by written statement set forth
8 its reason(s) for the need to carry forward said appropriation and/or funding
9 to the Department of Finance and Administration Office of Budget;

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11 (2) The Department of Finance and Administration Office of Budget shall
12 report to the Arkansas Legislative Council all amounts carried forward from
13 the first fiscal year of the biennium to the second fiscal year of the
14 biennium by the September Arkansas Legislative Council or Joint Budget
15 Committee meeting in the second fiscal year of the biennial period which
16 report shall include the name of the Agency, Board, Commission or Institution
17 and the amount of the appropriation and/or funding carried forward from the
18 first fiscal year to the second fiscal year, the program name or line item,
19 the funding source of that appropriation and a copy of the written request
20 set forth in (1) above;

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

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

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36 The provisions of this section shall be in effect only from July 1, 2005

1 2007 through June 30, ~~2007~~ 2009.

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3 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL
5 SERVICES - CHILD AND FAMILY LIFE INSTITUTE. The Child Health and Family Life
6 Institute shall be administered under the direction of Arkansas Children's
7 Hospital. Arkansas Children's Hospital shall enter into a cooperative
8 agreement and/or contract with the University of Arkansas for Medical
9 Sciences - Department of Pediatrics for services required in delivering the
10 programs of the Child Health and Family Life Institute. Utilizing a
11 multidisciplinary collaboration of professionals, the Child Health and Family
12 Life Institute shall provide a statewide effort to explore, develop and
13 evaluate new and better ways to address medically, socially and economically
14 interrelated health and developmental needs of children with special health
15 care needs and their families. The Child Health and Family Life Institute's
16 priorities shall include, but are not limited to, wellness and prevention,
17 screen and diagnosis, treatment and intervention, training and education and
18 research and evaluation.

19 Arkansas Children's Hospital and the University of Arkansas for Medical
20 Sciences-Department of Pediatrics shall make annual reports to the Arkansas
21 Legislative Council on all matters of funding, existing programs and services
22 offered through the Child Health and Family Life Institute.

23 The provisions of this section shall be in effect only from July 1, ~~2005~~
24 2007 through June 30, ~~2007~~ 2009.

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26 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL
28 SERVICES - PHARMACEUTICAL DISPENSING FEE SURVEY. No more than two years prior
29 to making any changes to the current pharmaceutical dispensing fee, the State
30 shall conduct an independent survey utilizing generally accepted accounting
31 principles, to determine the cost of dispensing a prescription by pharmacists
32 in Arkansas. Only factors relative to the cost of dispensing shall be
33 surveyed. These factors shall not include actual acquisition costs or average
34 profit or any combination of actual acquisition costs or average profit. The
35 survey results shall be the basis for establishing the dispensing fee paid to
36 participating pharmacies in the Medicaid prescription drug program in

1 accordance with Federal requirements. The dispensing fee shall be no lower
2 than the cost of dispensing as determined by the survey. Nothing in this
3 section shall be construed to prohibit the State from increasing the
4 dispensing fee at any time.

5 The provisions of this section shall be in effect only from July 1,
6 ~~2005~~2007 through June 30, ~~2007~~2009.

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8 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL
10 SERVICES GENERAL MEDICAID RATE METHODOLOGY PROVISIONS. (a) Rates established
11 by the Division of Medical Services for the services or programs covered by
12 this Act shall be calculated by the methodologies approved by the Centers for
13 Medicare and Medicaid Services (CMS). The Division of Medical Services shall
14 have the authority to reduce or increase rates based on the approved
15 methodology. Further, the Division of Medical Services shall have the
16 authority to increase or decrease rates for good cause including, but not
17 limited to: (1) identification of provider(s) who can render needed services
18 of equal quality at rates less than traditionally charged and who meet the
19 applicable federal and state laws, rules and regulations pertaining to the
20 provision of a particular service, (2) identification that a provider or
21 group of providers has consistently charged rates to the Arkansas Medicaid
22 Program greater than to other purchasers of medical services of similar size,
23 (3) the Division determines that there has been significant changes in the
24 technology or process by which services are provided by a provider or group
25 of providers which has affected the costs of providing services, or (4) a
26 severe economic downturn in the Arkansas economy which has affected the
27 overall state budget of the Division of Medical Services.

28 The Division of Medical Services shall make available to requesting
29 providers, the CMS's inflationary forecasts (CMS Market Basket Index). Rates
30 established with cost of living increases based on the CMS Market Basket
31 Index or other indices will be adjusted annually except when the state budget
32 does not provide sufficient appropriation and funding to affect the change or
33 portion thereof.

34 (b) Any rate methodology changes proposed by the Division of Medical Services
35 both of a general and specific nature, shall be subject to prior review by
36 the Legislative Council or Joint Budget Committee.

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

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4 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
6 USAGE AUTHORIZED. The Arkansas Children's Hospital may request the
7 Department of Health and Human Services - Division of Medical Services to
8 retain in the Department of Human Services Grant Fund account an amount not
9 to exceed \$2,100,000 each fiscal year from funds made available by this Act
10 for the Child and Family Life Institute, Section 4, item number 06 to be used
11 to match federal funds used for supplemental Medicaid payments to Arkansas
12 Children's Hospital. These retained funds shall not be recovered for transfer
13 to the General Revenue Allotment Reserve Fund.

14
15 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STATE
17 PLAN. The State Plan must include the provision of EPSDT services as those
18 services are defined in §1396d(r). See §§ 1396a(a)(10)(A), 1396d(a)(4)(B);
19 see also 1396a(a)(43). Section 1396d(r) lists in detail the screening
20 services, vision services, dental services, and hearing services that the
21 State Plan must expressly include, but with regard to treatment services, it
22 states that EPSDT means "[s]uch other necessary health care, diagnostic
23 services, treatment, and other measures described in subsection (a) of this
24 section to correct or ameliorate defects and physical and mental illnesses
25 and conditions discovered by the screening services, whether or not such
26 services are covered under the State plan." 42 U.S.C. § 1396d(r)(5) (emphasis
27 added). Reading §1396a, § 1396d(a), and § 1396d(r) together, we believe that
28 the State Plan need not specifically list every treatment service conceivably
29 available under the EPSDT mandate.

30 The State Plan, however, must pay part or all of the cost of treatments to
31 ameliorate conditions discovered by the screening process when those
32 treatments meet. The definitions set forth in § 1396a. See § 1396d(r)(5);
33 see also §§ 1396a(a)(10), 1396a (a)(43), and 1396d(a)(4)(B). The Arkansas
34 State Plan states that the "State will provide other health care described in
35 [42 U.S.C. 1396d(a)] that is found to be medically necessary to correct or
36 ameliorate defects and physical and mental illnesses and conditions

1 discovered by the screening services, even when such health care is not
2 otherwise covered under the State Plan." See State Plan Under Title XIX of
3 the Social Security Act Medical Assistance Program, State Of Arkansas at §
4 4.b. This provision Meets the EPSDT mandate of the Medicaid Act.
5 We affirm the district court's decision to the extent that it holds that a
6 Medicaid-Eligible individual has a federal right to early intervention day
7 treatment when a physician recommends such treatment. Section 1396d(r)(5)
8 states that EPSDT includes any treatments or measures outlined in § 1396d(a).
9 There are twenty-seven sub-parts to § 1396d(a), and we find that sub-part
10 (a)(13), in particular, when read with the other sections of the Medicaid Act
11 listed above, mandates that early intervention day treatment be provided when
12 it is prescribed by a physician. See 42 U.S.C. § 1396d(a)(13) (defining
13 medical assistance reimbursable by Medicaid as "other diagnostic, screening,
14 preventive, and rehabilitative services, including any medical or remedial
15 services recommended by a physician...for the maximum reduction of physical
16 and mental disability and restoration of an individual to the best possible
17 functional level"). Therefore, after CHMS clinic staff perform a diagnostic
18 evaluation of an eligible child, if the CHMS physician prescribes early
19 intervention day treatment as a service that would lead to the maximum
20 reduction of medical and physical disabilities and restoration of the child
21 to his or her best possible functional level, the Arkansas State Plan must
22 reimburse the treatment. Because CHMS clinics are the only providers of
23 early intervention day treatment, Arkansas must reimburse those clinics.

24

25 *SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
26 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING*
27 *TRANSFERS. (1) Effective July 1, 2007, the Chief Fiscal Officer of the State*
28 *shall transfer on his or her books and those of the State Treasurer and*
29 *Auditor of the State the balance in the Department of Human Services Grants*
30 *Fund Account solely from monies generated by the additional tax imposed by*
31 *Arkansas Code 26-57-1102 to the University of Arkansas Medical Center Fund.*
32 *(2) Effective July 1, 2007, the Chief Fiscal Officer of the State shall*
33 *transfer on his or her books and those of the State Treasurer and Auditor of*
34 *the State the sum of one million and fifty thousand dollars (\$1,050,000) from*
35 *the Arkansas Rx Program Fund to the Mental Health Services Fund Account of*
36 *the Department of Health and Human Services-Division of Behavioral Health*

1 Services, for the express purpose of funding Children's Behavioral Health
2 Services and transfer the remaining fund balance to the University of
3 Arkansas Medical Center Fund.

4
5 SECTION 17. Arkansas Code § 26-57-1103, concerning the Deposit of general
6 revenues, is amended to read as follows:

7 26-57-1103. Deposit of general revenues.

8 (a) Notwithstanding Acts 2001 (1st Ex. Sess.), No. 2, § 11, beginning July
9 1, 2005, twenty-nine percent (29%) of all moneys collected from the
10 additional tax levied in §§ 26-57-1101 and 26-57-1102 shall be deposited in
11 the State Treasury as special revenue and distributed as follows:

12 (1) ~~Except as provided in subsection (b) of this section, twenty~~ Twenty-
13 five percent (25%) shall be credited to the Arkansas Rx Program Fund
14 University of Arkansas Medical Center Fund;

15 (2) Eight and one-third percent (81/3%) shall be credited to the Breast
16 Cancer Control Fund;

17 (3) Eight and one-third percent (81/3%) shall be credited to the Breast
18 Cancer Research Fund;

19 (4) Eight and one-third percent (81/3%) shall be credited to the
20 Miscellaneous Agencies Fund Account for the Arkansas Prostate Cancer
21 Foundation; and

22 (5) Fifty percent (50%) shall be credited to the Aging and Adult
23 Services Fund Account of the Department of Human Services Fund to be used to
24 assist the Meals-on-Wheels Program.

25 ~~(b) If the Director of the Department of Health and Human Services and the~~
26 ~~Director of the Department of Finance and Administration certify that the~~
27 ~~amount of fees estimated to be paid by qualified residents during a fiscal~~
28 ~~year pursuant to § 20-76-515 and credited to the Arkansas Rx Program Fund is~~
29 ~~sufficient to fully support the costs and expenses of the Arkansas Rx Program~~
30 ~~for that fiscal year, the additional tax distributed under subdivision (a)(1)~~
31 ~~of this section shall instead be distributed for that fiscal year as follows:~~

32 ~~(1) Twelve and one half percent (12.5%) shall be credited to the Breast~~
33 ~~Cancer Control Fund; and~~

34 ~~(2) Twelve and one half percent (12.5%) shall be credited to the Breast~~
35 ~~Cancer Research Fund.~~

36

1 SECTION 18. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
2 by this act shall be limited to the appropriation for such agency and funds
3 made available by law for the support of such appropriations; and the
4 restrictions of the State Procurement Law, the General Accounting and
5 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
6 Procedures and Restrictions Act, or their successors, and other fiscal
7 control laws of this State, where applicable, and regulations promulgated by
8 the Department of Finance and Administration, as authorized by law, shall be
9 strictly complied with in disbursement of said funds.

10
11 SECTION 19. LEGISLATIVE INTENT. It is the intent of the General Assembly
12 that any funds disbursed under the authority of the appropriations contained
13 in this act shall be in compliance with the stated reasons for which this act
14 was adopted, as evidenced by the Agency Requests, Executive Recommendations
15 and Legislative Recommendations contained in the budget manuals prepared by
16 the Department of Finance and Administration, letters, or summarized oral
17 testimony in the official minutes of the Arkansas Legislative Council or
18 Joint Budget Committee which relate to its passage and adoption.

19
20 SECTION 20. EMERGENCY CLAUSE. It is found and determined by the General
21 Assembly, that the Constitution of the State of Arkansas prohibits the
22 appropriation of funds for more than a two (2) year period; that the
23 effectiveness of this Act on July 1, 2007 is essential to the operation of
24 the agency for which the appropriations in this Act are provided, and that in
25 the event of an extension of the Regular Session, the delay in the effective
26 date of this Act beyond July 1, 2007 could work irreparable harm upon the
27 proper administration and provision of essential governmental programs.
28 Therefore, an emergency is hereby declared to exist and this Act being
29 necessary for the immediate preservation of the public peace, health and
30 safety shall be in full force and effect from and after July 1, 2007.

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32 /s/ Joint Budget Committee

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34 APPROVED: 4/5/2007