

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 435 of the Regular Session

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

A Bill

HOUSE BILL 1700

4
5 By: Representatives Moore, T. Baker, Allen, Betts, Blount, T. Bradford, Breedlove, J. Brown, M. Burris,
6 Carnine, Carroll, Cash, Cheatham, Cook, Cooper, Davenport, Davis, Dunn, J. Edwards, Hall, Hardy,
7 Harrelson, Hawkins, House, Hoyt, Lindsey, Lovell, Maxwell, McCrary, Pennartz, Perry, Pierce, Powers,
8 Rainey, Reep, J. Roebuck, Saunders, G. Smith, Stewart, Tyler, Wagner, Webb, Williams
9 By: Senators Elliott, Bryles, Glover, J. Jeffress, D. Johnson, P. Malone, Salmon, H. Wilkins

For An Act To Be Entitled

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11
12 AN ACT TO CREATE THE ARKIDS FIRST IMPROVEMENT
13 ACT; TO EXPAND COVERAGE UNDER THE ARKIDS FIRST
14 PROGRAM; AND FOR OTHER PURPOSES.
15

Subtitle

16
17
18 THE ARKIDS FIRST IMPROVEMENT ACT.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22
23 SECTION 1. Arkansas Code § 20-77-1104 is amended to read as follows:
24 20-77-1104. Waiver – Rules.

25 ~~(a)(1) The Department of Human Services has obtained a waiver from the~~
26 ~~Centers for Medicare & Medicaid Services to create and administer the ARKIDS~~
27 ~~First Program as set forth in subdivision (b)(1)(A)(i) of this section.~~

28 ~~(2)(A) The Department of Human Services shall use its best efforts to~~
29 ~~obtain any necessary waivers from the Centers for Medicare & Medicaid~~
30 ~~Services to create and administer the ARKIDS First Program as set forth in~~
31 ~~subdivisions (b)(1)(A)(ii) and (iii) of this section.~~

32 ~~(B) To the extent the Department of Human Services is~~
33 ~~unable to obtain a Medicaid waiver or waivers from the Centers for Medicare &~~
34 ~~Medicaid Services necessary to allow the use of matching federal funds, the~~
35 ~~Department of Human Services shall have no obligation to allow enrollment as~~



1 ~~required by either subdivision (b)(1)(A)(ii) or (iii) of this section.~~

2 (a) As used in this section:

3 (1)(A) "Health care coverage" means health care insurance
4 regulated by the State Insurance Department, including without limitation
5 group and employer-sponsored health insurance plans.

6 (B) The Department of Human Services may by rule exclude
7 other plans or coverage from the definition of health care coverage;

8 (2) "Parity for mental health care" means coverage for the
9 diagnosis and mental health treatment of mental illnesses and the mental
10 health treatment of individuals with developmental disabilities under the
11 same terms and conditions as provided for covered benefits offered under the
12 program for the treatment of other medical illnesses or conditions and with
13 no differences in the program in regard to any of the following:

14 (A) The duration or frequency of coverage;

15 (B) The dollar amount of coverage; or

16 (C) Financial requirements.

17 (3) "Program" means the ARKids First Program.

18 (b) The Department of Human Services shall administer the program.

19 (c)(1) The Department of Human Services shall not enroll any
20 population defined in this section until the Department of Human Services has
21 sought and obtained approval from the Centers for Medicare & Medicaid
22 Services necessary to allow the use of matching federal funds to provide
23 program services to that population.

24 (2) The Department of Human Services shall apply to the Centers
25 for Medicare and Medicaid Services for approval to enroll the populations
26 defined in subdivisions (d)(4)(B) and (C) of this section.

27 ~~(b)(d)~~ The Department of Human Services shall administer and
28 promulgate rules for the program in conformity with a Medicaid waiver or
29 waivers and in a manner that:

30 (1) Provides for the automatic assignment of medical payments
31 due under §§ 20-77-302 and 20-77-307 as a condition of eligibility for
32 benefits under the uninsured children's program;

33 (2) Defines the services to be covered under the program,
34 including without limitation parity for outpatient mental health care;

35 (3) Establishes a copayment for services received in the program
36 as determined through rules adopted by the Department of Human Services;

1 ~~(1)(A)(4)~~ Defines the population which may receive services
 2 provided or reimbursed through this ~~program by limiting the program to~~
 3 program within the following limitations:

4 ~~(i)(A)~~ Children eighteen (18) years of age or younger
 5 without health care coverage who are members of a family with a gross family
 6 income not exceeding ~~two hundred percent (200%)~~ two hundred fifty percent
 7 (250%) of the federal poverty guidelines;

8 (ii)(B) Persons nineteen (19) years of age or older but
 9 less than twenty-one (21) years of age who:

10 ~~(a)(i)~~ Are without health care coverage;

11 ~~(b)(ii)~~ Are members of a family with a gross family
 12 income not exceeding ~~two hundred percent (200%)~~ two hundred fifty percent
 13 (250%) of the federal poverty guidelines;

14 ~~(e)(iii)~~ Are enrolled as full-time students in a
 15 public or private college, university, technical institute, technical
 16 college, or other institution of higher education located in the state; and

17 ~~(d)(iv)~~ Are covered under the ~~ARKids First Program~~
 18 program as set forth in under subdivision ~~(b)(1)(A)(i)(d)(4)(A)~~ on the day
 19 ~~prior to before~~ becoming age nineteen (19); or

20 ~~(iii)(C)~~ Persons twenty-one (21) years of age or older but
 21 less than twenty-five (25) years of age who:

22 ~~(a)(i)~~ Are without health care coverage;

23 ~~(b)(ii)~~ Are members of a family with a gross family
 24 income not exceeding ~~two hundred percent (200%)~~ two hundred fifty percent
 25 (250%) of the federal poverty guidelines;

26 ~~(e)(iii)~~ Are enrolled as full-time students in a
 27 public or private college, university, technical institute, technical
 28 college, or other institution of higher education located in the state; and

29 (d)(iv) Are covered under the ~~ARKids First Program~~
 30 program as set forth in under subdivision ~~(b)(1)(A)(i)(d)(4)(A)~~ of this
 31 section on the day ~~prior to before~~ becoming age twenty-one (21).

32 ~~(B)(e)~~ No A person enrolled in the full Medicaid program ~~may~~ shall not
 33 be concurrently enrolled in the ~~ARKids First Program~~ program except as
 34 required by federal law~~;~~.

35 ~~(C)(i)(f)(1)~~ Subdivisions ~~(b)(1)(A)(ii) and (iii)~~ of this section
 36 ~~shall~~ Subdivisions (d)(4)(B) and (C) of this section apply only to students

1 who enroll as students in a public or private college, university, technical
2 institute, technical college, or other institution of higher education no
3 less than six (6) months after graduation from high school and who maintain a
4 continuous enrollment each consecutive semester thereafter with no periods of
5 time in which the person is not enrolled as a student, excluding regularly
6 scheduled summer breaks.

7 ~~(ii)(2)~~ If a person who has enrolled in the program under
8 subsection (d)(4)(B) or (C) is not enrolled as a student as set forth in
9 ~~subdivision (b)(1)(C)(i)~~ subdivision (f)(1) of this section, the person shall
10 not be entitled to health care coverage under the ~~ARKids First Program~~
11 program and shall not be entitled to later resume coverage following a break
12 in eligibility~~;~~.

13 ~~(2) Defines health care coverage as health care insurance~~
14 ~~regulated by the State Insurance Department, specifically including group and~~
15 ~~employer sponsored health insurance plans. The Department of Human Services~~
16 ~~may by rule exclude other plans or coverage from the definition of health~~
17 ~~care coverage;~~

18 ~~(3) Provides for the automatic assignment of medical payments~~
19 ~~due as set out in §§ 20-77-302 and 20-77-307 as a condition of eligibility~~
20 ~~for benefits under the uninsured children's program;~~

21 ~~(4)(A) Defines the services to be covered under the program,~~
22 ~~which shall include parity for outpatient mental health care.~~

23 ~~(B) As used in subdivision (4)(A) of this section, "parity~~
24 ~~for mental health care" means coverage for the diagnosis and mental health~~
25 ~~treatment of mental illnesses and the mental health treatment of those with~~
26 ~~developmental disorders under the same terms and conditions as provided for~~
27 ~~covered benefits offered under the program for the treatment of other medical~~
28 ~~illnesses or conditions and with no differences in the program in regard to~~
29 ~~any of the following;~~

- 30 ~~(i) The duration or frequency of coverage;~~
- 31 ~~(ii) The dollar amount of coverage; or~~
- 32 ~~(iii) Financial requirements.~~

33 ~~(C)(g) Providers of covered services shall be those providers shall be~~
34 ~~enrolled as Medicaid providers, and reimbursement shall be at the rates~~
35 ~~established by the program; and.~~

36 ~~(5) Establishes a copayment for services received in the program~~

1 ~~as permitted by Medicaid waiver and as determined through promulgated rules.~~

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3 **APPROVED: 3/18/2009**
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