

**Stricken language will be deleted and underlined language will be added.
Act 240 of the Fiscal Session**

1 State of Arkansas
2 87th General Assembly
3 Fiscal Session, 2010

A Bill

HOUSE BILL 1037

4
5 By: Joint Budget Committee

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR THE MEDI CAID
10 EXPANSION PROGRAM FOR THE DEPARTMENT OF HUMAN
11 SERVICES FOR THE FISCAL YEAR ENDING JUNE 30,
12 2011; AND FOR OTHER PURPOSES.

Subtitle

16 AN ACT FOR THE DEPARTMENT OF HUMAN
17 SERVICES - MEDI CAID EXPANSION PROGRAM
18 APPROPRIATION FOR THE 2010-2011 FISCAL
19 YEAR.

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

24 SECTION 1. REGULAR SALARIES - COUNTY OPERATIONS - MEDI CAID EXPANSION
25 PROGRAM. There is hereby established for the Department of Human Services -
26 Division of County Operations - Medicaid Expansion Program for the 2010-2011
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.

Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of	Salary Rate
			Employees	Fiscal Year
				2010-2011
(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	<u>9</u>	GRADE C110
MAX. NO. OF EMPLOYEES			61	

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11 SECTION 2. REGULAR SALARIES - MEDICAL SERVICES - MEDICAID EXPANSION
 12 PROGRAM. There is hereby established for the Department of Human Services -
 13 Division of Medical Services - Medicaid Expansion Program for the 2010-2011
 14 fiscal year, the following maximum number of regular employees whose salaries
 15 shall be governed by the provisions of the Uniform Classification and
 16 Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and
 17 all laws amendatory thereto. Provided, however, that any position to which a
 18 specific maximum annual salary is set out herein in dollars, shall be exempt
 19 from the provisions of said Uniform Classification and Compensation Act. All
 20 persons occupying positions authorized herein are hereby governed by the
 21 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas
 22 Code §21-5-101), or its successor.

23

Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of	Salary Rate
			Employees	Fiscal Year
				2010-2011
(1)	G152C	DHS PROGRAM MANAGER	1	GRADE C119
(2)	G178C	POLICY DEVELOPMENT COORDINATOR	<u>1</u>	GRADE C117
MAX. NO. OF EMPLOYEES			2	

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

1 for the fiscal year ending June 30, 2011, the following:

2

3 ITEM	FISCAL YEAR
4 <u>NO.</u>	<u>2010-2011</u>
5 (01) REGULAR SALARIES	\$ 1,760,847
6 (02) PERSONAL SERVICES MATCHING	651,479
7 (03) MAINT. & GEN. OPERATION	
8 (A) OPER. EXPENSE	195,795
9 (B) CONF. & TRAVEL	0
10 (C) PROF. FEES	100,000
11 (D) CAP. OUTLAY	0
12 (E) DATA PROC.	0
13 (04) DATA PROCESSING SERVICES	<u>50,000</u>
14 TOTAL AMOUNT APPROPRIATED	<u>\$ 2,758,121</u>

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16 SECTION 4. APPROPRIATION - MEDICAL SERVICES - MEDICAID EXPANSION PROGRAM.

17 There is hereby appropriated, to the Department of Human Services - Division
 18 of Medical Services, to be payable from the Medicaid Expansion Program
 19 Account, for personal services and operating expenses of the Department of
 20 Human Services - Division of Medical Services - Medicaid Expansion Program
 21 for the fiscal year ending June 30, 2011, the following:

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23 ITEM	FISCAL YEAR
24 <u>NO.</u>	<u>2010-2011</u>
25 (01) REGULAR SALARIES	\$ 81,200
26 (02) PERSONAL SERVICES MATCHING	25,896
27 (03) MAINT. & GEN. OPERATION	
28 (A) OPER. EXPENSE	15,973
29 (B) CONF. & TRAVEL	2,000
30 (C) PROF. FEES	0
31 (D) CAP. OUTLAY	0
32 (E) DATA PROC.	<u>0</u>
33 TOTAL AMOUNT APPROPRIATED	<u>\$ 125,069</u>

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

36 GRANTS. 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 grant payments by the Department of Human Services -
3 Division of Medical Services - Medicaid Expansion Program Grants for the
4 fiscal year ending June 30, 2011, the following:

6 ITEM	FISCAL YEAR
7 NO.	<u>2010-2011</u>
8 (01) HOSPITAL AND MEDICAL SERVICES	\$ 131,164,332
9 (02) PRESCRIPTION DRUGS	<u>12,845,491</u>
10 TOTAL AMOUNT APPROPRIATED	<u>\$ 144,009,823</u>

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

28 The provisions of this section shall be in effect only from July 1, ~~2007~~
29 2010 through June 30, ~~2009~~ 2011.

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

36 The provisions of this section shall be in effect only from July 1, ~~2007~~

1 2010 through June 30, ~~2009~~ 2011.

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

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

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

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

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

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

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

1 subclassifications unless specific authority for such transfers is provided
 2 by law, except for transfers from capital outlay to data processing when
 3 determined by the Department of Information Systems that data processing
 4 services for a state agency can be performed on a more cost-efficient basis
 5 by the Department of Information Systems than through the purchase of data
 6 processing equipment by that state agency. In considering the proposed
 7 modification as prepared and submitted by each state agency, the Chief Fiscal
 8 Officer of the State shall make such studies as he deems necessary. The Chief
 9 Fiscal Officer of the State shall, after obtaining the approval of the
 10 Legislative Council, approve the requested transfer if in his opinion it is
 11 in the best interest of the state.

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

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

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34 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 36 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act

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

9 The provisions of this section shall be in effect only from July 1, ~~2007~~
10 2010 through June 30, ~~2009~~ 2011.

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

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22 SECTION 13. EMERGENCY CLAUSE. It is found and determined by the General
23 Assembly, that the Constitution of the State of Arkansas prohibits the
24 appropriation of funds for more than a one (1) year period; that the
25 effectiveness of this Act on July 1, 2010 is essential to the operation of
26 the agency for which the appropriations in this Act are provided, and that in
27 the event of an extension of the legislative session, the delay in the
28 effective date of this Act beyond July 1, 2010 could work irreparable harm
29 upon the proper administration and provision of essential governmental
30 programs. Therefore, an emergency is hereby declared to exist and this Act
31 being necessary for the immediate preservation of the public peace, health
32 and safety shall be in full force and effect from and after July 1, 2010.

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35 **APPROVED: 2/26/2010**