

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

# A Bill

HOUSE BILL 1265

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, 2012;  
11 AND FOR OTHER PURPOSES.  
12  
13

## Subtitle

14 AN ACT FOR THE DEPARTMENT OF HUMAN SERVICES  
15 - MEDICAID EXPANSION PROGRAM APPROPRIATION  
16 FOR THE 2011-2012 FISCAL YEAR.  
17  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 SECTION 1. REGULAR SALARIES - COUNTY OPERATIONS - MEDICAID EXPANSION  
23 PROGRAM. There is hereby established for the Department of Human Services -  
24 Division of County Operations - Medicaid Expansion Program for the 2011-2012  
25 fiscal year, the following maximum number of regular employees.  
26

Item	Class	Title	Maximum No. of Employees	Maximum Annual	
				Salary Rate Fiscal Year	
No.	Code			2011-2012	
31	(1)	G129C	DHS/DCO PROGRAM MANAGER	1	GRADE C120
32	(2)	M037C	PROGRAM ELIGIBILITY SUPERVISOR	7	GRADE C117
33	(3)	M066C	PROGRAM ELIGIBILITY SPECIALIST	44	GRADE C114
34	(4)	C062C	LOCAL OFFICE ADMINISTRATIVE ASSIST	<u>8</u>	GRADE C110
35			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 2011-2012 fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2011-2012
(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, 2012, the following:

ITEM NO.		FISCAL YEAR 2011-2012
(01)	REGULAR SALARIES	\$1,765,975
(02)	PERSONAL SERVICES MATCHING	653,702
(03)	MAINT. & GEN. OPERATION	
	(A) OPER. EXPENSE	195,795
	(B) CONF. & TRAVEL	0
	(C) PROF. FEES	100,000
	(D) CAP. OUTLAY	0
	(E) DATA PROC.	0
(04)	DATA PROCESSING SERVICES	<u>50,000</u>
	TOTAL AMOUNT APPROPRIATED	<u><u>\$2,765,472</u></u>

SECTION 4. APPROPRIATION - MEDICAL SERVICES - MEDICAID EXPANSION PROGRAM. There is hereby appropriated, to the Department of Human Services - Division of Medical Services, to be payable from the Medicaid Expansion

1 Program Account, for personal services and operating expenses of the  
 2 Department of Human Services - Division of Medical Services - Medicaid  
 3 Expansion Program for the fiscal year ending June 30, 2012, the following:  
 4

5 ITEM	FISCAL YEAR
6 <u>NO.</u>	<u>2011-2012</u>
7 (01) REGULAR SALARIES	\$75,203
8 (02) PERSONAL SERVICES MATCHING	24,956
9 (03) MAINT. & GEN. OPERATION	
10 (A) OPER. EXPENSE	15,973
11 (B) CONF. & TRAVEL	2,000
12 (C) PROF. FEES	0
13 (D) CAP. OUTLAY	0
14 (E) DATA PROC.	<u>0</u>
15 TOTAL AMOUNT APPROPRIATED	<u><u>\$118,132</u></u>

16  
 17 SECTION 5. APPROPRIATION - MEDICAL SERVICES - MEDICAID EXPANSION  
 18 PROGRAM GRANTS. There is hereby appropriated, to the Department of Human  
 19 Services - Division of Medical Services, to be payable from the Medicaid  
 20 Expansion Program Account, for grant payments by the Department of Human  
 21 Services - Division of Medical Services - Medicaid Expansion Program Grants  
 22 for the fiscal year ending June 30, 2012, the following:  
 23

24 ITEM	FISCAL YEAR
25 <u>NO.</u>	<u>2011-2012</u>
26 (01) HOSPITAL AND MEDICAL SERVICES	\$74,770,861
27 (02) PRESCRIPTION DRUGS	<u>4,230,636</u>
28 TOTAL AMOUNT APPROPRIATED	<u><u>\$79,001,497</u></u>

29  
 30 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAID  
 32 EXPANSION PROGRAM - PAYING ACCOUNTS. The Medicaid Expansion Program as  
 33 established by Initiated Act 1 of 2000 shall be a separate and distinct  
 34 component embracing (1) expanded Medicaid coverage and benefits to pregnant  
 35 women; (2) expanded inpatient and outpatient hospital reimbursements and  
 36 benefits to adults aged nineteen (19) to sixty-four (64); (3) expanded non-

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

10 The provisions of this section shall be in effect only from July 1, ~~2010~~  
11 2011 through June 30, ~~2011~~ 2012.

12  
13 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ACCOUNTS.  
15 Such appropriations and fund accounts as may be necessary to administer the  
16 provisions of this act shall be established on the books of the Chief Fiscal  
17 Officer of the State, State Treasurer, and the Auditor of the State.

18 The provisions of this section shall be in effect only from July 1, ~~2010~~  
19 2011 through June 30, ~~2011~~ 2012.

20  
21 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

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

30 (c) A disclosure of the language contained in (a) and (b) of this  
31 Section shall be made available to all new hire and current positions paid  
32 from the proceeds of the Tobacco Settlement by the Tobacco Settlement  
33 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  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

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

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

Upon determination by the Director of the Department of Human Services that a Reallocation of Resources is necessary for the effective operation of the Medicaid Expansion Program Grants, the director, with the approval of the Governor, shall have the authority to request from the Chief Fiscal Officer of the State a transfer of Appropriation. This transfer authority applies only to Section 5 Medicaid Expansion Program Grants of this Act between

1 Hospital and Medical Services Item (01) and Prescription Drugs Item (02). The  
2 limitation restrictions applicable to the Department Reallocation of  
3 Resources authority applies to this section.

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

16  
17 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
19 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act  
20 shall be limited to the appropriation for such agency and funds made  
21 available by law for the support of such appropriations; and the restrictions  
22 of the State Purchasing Law, the General Accounting and Budgetary Procedures  
23 Law, the Regular Salary Procedures and Restrictions Act, or their successors,  
24 and other fiscal control laws of this State, where applicable, and  
25 regulations promulgated by the Department of Finance and Administration, as  
26 authorized by law, shall be strictly complied with in disbursement of said  
27 funds.

28 The provisions of this section shall be in effect only from July 1, ~~2010~~  
29 2011 through June 30, ~~2011~~ 2012.

30  
31 SECTION 12. SPECIAL LANGUAGE. LEGISLATIVE INTENT. It is the intent of  
32 the General Assembly that any funds disbursed under the authority of the  
33 appropriations contained in this act shall be in compliance with the stated  
34 reasons for which this act was adopted, as evidenced by Initiated Act 1 of  
35 2000, the Agency Requests, Executive Recommendations and Legislative  
36 Recommendations contained in the budget manuals prepared by the Department of

1 Finance and Administration, letters, or summarized oral testimony in the  
2 official minutes of the Arkansas Legislative Council or Joint Budget  
3 Committee which relate to its passage and adoption.  
4

5 SECTION 13. EMERGENCY CLAUSE. It is found and determined by the  
6 General Assembly, that the Constitution of the State of Arkansas prohibits  
7 the appropriation of funds for more than a one (1) year period; that the  
8 effectiveness of this Act on July 1, 2011 is essential to the operation of  
9 the agency for which the appropriations in this Act are provided, and that in  
10 the event of an extension of the legislative session, the delay in the  
11 effective date of this Act beyond July 1, 2011 could work irreparable harm  
12 upon the proper administration and provision of essential governmental  
13 programs. Therefore, an emergency is hereby declared to exist and this Act  
14 being necessary for the immediate preservation of the public peace, health  
15 and safety shall be in full force and effect from and after July 1, 2011.  
16

17  
18 **APPROVED: 04/01/2011**  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36