

1 State of Arkansas As Engrossed: H3/11/21 S3/16/21

2 93rd General Assembly

A Bill

3 Regular Session, 2021

HOUSE BILL 1548

4

5 By: Representative Penzo

6 By: Senator K. Hammer

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For An Act To Be Entitled

9 AN ACT TO CREATE THE PERSONAL CARE MEDICAID
10 REIMBURSEMENT ACT; TO ENSURE AN APPROPRIATE
11 REIMBURSEMENT RATE FOR PERSONAL CARE SERVICES IN THE
12 ARKANSAS MEDICAID PROGRAM; AND FOR OTHER PURPOSES.

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Subtitle

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TO CREATE THE PERSONAL CARE MEDICAID
17 REIMBURSEMENT ACT; AND TO ENSURE AN
18 APPROPRIATE REIMBURSEMENT RATE FOR
19 PERSONAL CARE SERVICES IN THE ARKANSAS
20 MEDICAID PROGRAM.

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

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25 SECTION 1. DO NOT CODIFY. Title.

26 This act shall be known and may be cited as the "Personal Care Medicaid
27 Reimbursement Act".

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29 SECTION 2. Arkansas Code § 20-77-115 is amended to read as follows:

30 20-77-115. Personal care reimbursement rates - Legislative findings -

31 Definition.

32 (a) The General Assembly finds that:

33 (1) The provision of high-quality personal care services in
34 Arkansas is a priority concern;

35 (2) Personal care service:

36 (A) Is an essential service that enables residents of



1 Arkansas to live in their own homes and avoid institutional care;

2 (B) Is vital for allowing residents of Arkansas to remain
3 in their own homes and maintain a level of personal independence and freedom;
4 and

5 (C) Saves the healthcare system money by avoiding
6 prolonged institutionalization, high costs, and associated adverse
7 implications; and

8 (3) Providers of personal care services should be paid at a rate
9 that is consistent with efficiency, economy, and quality of care and is
10 sufficient to enlist enough providers so that in-home care and services are
11 available statewide.

12 (b) As used in this section, "personal care services" means assistance
13 with activities of daily living, respite care, or attendant care provided in
14 the home through the Arkansas Medicaid Personal Care Program.

15 (c)(1) Personal care reimbursement rates shall be established at
16 twelve dollars and thirty five cents (\$12.35) per unit or at lesser amounts
17 as may be established for a program of client directed personal care which
18 may be developed and implemented by the Department of Human Services If there
19 is an increase in the state or federal minimum wage that is higher than the
20 minimum wage that applies to employees in Arkansas, the Arkansas Medicaid
21 Program shall conduct a review of the reimbursement rates for personal care
22 services within one hundred eighty (180) days of the publishing of the rate
23 by the Department of Labor and Licensing.

24 (2) Within one hundred eighty (180) days of the completion of
25 the review of the reimbursement rates under subdivision (c)(1) of this
26 section, the Department of Human Services shall submit a state plan
27 amendment, waiver, or other necessary authorization to modify the
28 reimbursement rate of personal care services.

29 (3) The reimbursement rate modifications described in
30 subdivision (c)(2) of this section shall be retroactive to the maximum date
31 of the increase in the state or federal minimum wage that is allowable under
32 federal law as it relates to the federal medical assistance percentage.

33 (d) A reimbursement payment made under this section may not exceed the
34 Medicaid upper payment limit as established by the Centers for Medicare &
35 Medicaid Services.

36 (e) The program shall make sufficient funds available to a beneficiary

1 to reimburse or pay a provider of personal care services for the number of
2 hours of personal care services that the beneficiary needs or is qualified or
3 eligible for.

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5 /s/Penzo

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8 **APPROVED: 4/5/21**
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