

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1087

5 By: Joint Budget Committee
6

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR THE MEDICAID
9 TOBACCO SETTLEMENT PROGRAM FOR THE DEPARTMENT OF
10 HUMAN SERVICES FOR THE FISCAL YEAR ENDING JUNE 30,
11 2022; AND FOR OTHER PURPOSES.
12
13

Subtitle

14 AN ACT FOR THE DEPARTMENT OF HUMAN
15 SERVICES - MEDICAID TOBACCO SETTLEMENT
16 PROGRAM APPROPRIATION FOR THE 2021-2022
17 FISCAL YEAR.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. REGULAR SALARIES - COUNTY OPERATIONS - MEDICAID TOBACCO
24 SETTLEMENT PROGRAM. There is hereby established for the Department of Human
25 Services - Division of County Operations - Medicaid Tobacco Settlement
26 Program for the 2021-2022 fiscal year, the following maximum number of
27 regular employees.
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		Maximum	Maximum Annual
		No. of	Salary Rate
Item	Class	Fiscal Year	
No.	Code Title	Employees	2021-2022
33	(1) M037C PROGRAM ELIGIBILITY SUPERVISOR	5	GRADE GS07
34	(2) M066C PROGRAM ELIGIBILITY SPECIALIST	30	GRADE GS06
35	(3) C062C LOCAL OFFICE ADMINISTRATIVE ASST	<u>5</u>	GRADE GS03
36	MAX. NO. OF EMPLOYEES	40	



SECTION 2. REGULAR SALARIES - MEDICAL SERVICES - MEDICAID TOBACCO SETTLEMENT PROGRAM. There is hereby established for the Department of Human Services - Division of Medical Services - Medicaid Tobacco Settlement Program for the 2021-2022 fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2021-2022
(1)	G152C	DHS PROGRAM MANAGER	<u>1</u>	GRADE GS08
		MAX. NO. OF EMPLOYEES	1	

SECTION 3. REGULAR SALARIES - PROVIDER SERVICES AND QUALITY ASSURANCE - MEDICAID TOBACCO SETTLEMENT PROGRAM. There is hereby established for the Department of Human Services - Division of Provider Services and Quality Assurance - Medicaid Tobacco Settlement Program for the 2021-2022 fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2021-2022
(1)	G129C	DHS/DCO PROGRAM MANAGER	1	GRADE GS08
(2)	M037C	PROGRAM ELIGIBILITY SUPERVISOR	2	GRADE GS07
(3)	M066C	PROGRAM ELIGIBILITY SPECIALIST	14	GRADE GS06
(4)	C062C	LOCAL OFFICE ADMINISTRATIVE ASST	<u>3</u>	GRADE GS03
		MAX. NO. OF EMPLOYEES	20	

SECTION 4. APPROPRIATION - COUNTY OPERATIONS - MEDICAID TOBACCO SETTLEMENT PROGRAM. There is hereby appropriated, to the Department of Human Services, 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 Tobacco Settlement Program for the fiscal year ending June 30, 2022, the following:

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ITEM	FISCAL YEAR
<u>NO.</u>	<u>2021-2022</u>
(01) REGULAR SALARIES	\$1,550,533
(02) PERSONAL SERVICES MATCHING	584,872
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	197,197
(B) CONF. & TRAVEL	0
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(04) DATA PROCESSING SERVICES	<u>50,000</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$2,382,602</u></u>

SECTION 5. APPROPRIATION - MEDICAL SERVICES - MEDICAID TOBACCO SETTLEMENT PROGRAM. There is hereby appropriated, to the Department of Human Services, to be payable from the Medicaid Expansion Program Account, for personal services and operating expenses of the Department of Human Services - Division of Medical Services - Medicaid Tobacco Settlement Program for the fiscal year ending June 30, 2022, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2021-2022</u>
(01) REGULAR SALARIES	\$52,000
(02) PERSONAL SERVICES MATCHING	17,770
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	9,484
(B) CONF. & TRAVEL	2,000
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$81,254</u></u>

SECTION 6. APPROPRIATION - MEDICAL SERVICES - MEDICAID TOBACCO SETTLEMENT PROGRAM GRANTS. There is hereby appropriated, to the Department of Human Services, to be payable from the Medicaid Expansion Program Account,

1 for grant payments of the Department of Human Services - Division of Medical
 2 Services - Medicaid Tobacco Settlement Program Grants for the fiscal year
 3 ending June 30, 2022, the following:

4	5 ITEM	6 FISCAL YEAR
7	8 <u>NO.</u>	9 <u>2021-2022</u>
10	11 (01) HOSPITAL AND MEDICAL SERVICES	12 \$200,426,470
13	14 (02) PRESCRIPTION DRUGS	15 <u>9,543,457</u>
16	17 TOTAL AMOUNT APPROPRIATED	18 <u>\$209,969,927</u>

19 SECTION 7. APPROPRIATION - PROVIDER SERVICES AND QUALITY ASSURANCE -
 20 MEDICAID TOBACCO SETTLEMENT PROGRAM. There is hereby appropriated, to the
 21 Department of Human Services, to be payable from the Medicaid Expansion
 22 Program Account, for personal services and operating expenses of the
 23 Department of Human Services - Division of Provider Services and Quality
 24 Assurance - Medicaid Tobacco Settlement Program for the fiscal year ending
 25 June 30, 2022, the following:

26	27 ITEM	28 FISCAL YEAR
29	30 <u>NO.</u>	31 <u>2021-2022</u>
32	33 (01) REGULAR SALARIES	34 \$772,370
35	36 (02) PERSONAL SERVICES MATCHING	37 291,748
38	39 (03) MAINT. & GEN. OPERATION	
39	40 (A) OPER. EXPENSE	41 98,598
42	42 (B) CONF. & TRAVEL	43 0
43	44 (C) PROF. FEES	45 0
44	46 (D) CAP. OUTLAY	47 0
45	48 (E) DATA PROC.	49 <u>0</u>
46	50 TOTAL AMOUNT APPROPRIATED	51 <u>\$1,162,716</u>

52 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 53 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAID
 54 TOBACCO SETTLEMENT PROGRAM - PAYING ACCOUNTS. The Medicaid Expansion Program
 55 as established by Initiated Act 1 of 2000 and enacted in the Tobacco
 56 Settlement Proceeds Act shall be a separate and distinct component of the
 Arkansas Medicaid Program, administered by the Department of Human Services

1 and established as set out in § 19-12-116(b)(1). Separate Paying Accounts
2 shall be established for the Medicaid Expansion Program as designated by the
3 Chief Fiscal Officer of the State, to be used exclusively for the purpose of
4 drawing down federal funds associated with the federal share of expenditures
5 and for the state share of expenditures transferred from the Medicaid
6 Expansion Program Account or for any other appropriate state match funds.

7 The provisions of this section shall be in effect only from July 1, ~~2020~~
8 2021 through June 30, ~~2021~~ 2022.

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10 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ACCOUNTS.
12 Such appropriations and fund accounts as may be necessary to administer the
13 provisions of this act shall be established on the books of the Chief Fiscal
14 Officer of the State, State Treasurer, and the Auditor of the State.

15 The provisions of this section shall be in effect only from July 1, ~~2020~~
16 2021 through June 30, ~~2021~~ 2022.

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18 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
20 POSITIONS. (a) Nothing in this act shall be construed as a commitment of the
21 State of Arkansas or any of its agencies or institutions to continue funding
22 any position paid from the proceeds of the Tobacco Settlement in the event
23 that Tobacco Settlement funds are not sufficient to finance the position.

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

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

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

33 The provisions of this section shall be in effect only from July 1, ~~2020~~
34 2021 through June 30, ~~2021~~ 2022.

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36 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
2 RESTRICTIONS. The appropriations provided in this act shall not be
3 transferred under the provisions of Arkansas Code 19-4-522, but only as
4 provided by this act.

5 The provisions of this section shall be in effect only from July 1, ~~2020~~
6 2021 through June 30, ~~2021~~ 2022.

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8 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFERS
10 OF APPROPRIATIONS. In the event the amount of any of the budget
11 classifications of maintenance and general operation in this act are found by
12 the administrative head of the agency to be inadequate, then the agency head
13 may request, upon forms provided for such purpose by the Chief Fiscal Officer
14 of the State, a modification of the amounts of the budget classification. In
15 that event, he shall set out on the forms the particular classifications for
16 which he is requesting an increase or decrease, the amounts thereof, and his
17 reasons therefor. In no event shall the total amount of the budget exceed
18 either the amount of the appropriation or the amount of the funds available,
19 nor shall any transfer be made from the capital outlay or data processing
20 subclassifications unless specific authority for such transfers is provided
21 by law, except for transfers from capital outlay to data processing when
22 determined by the ~~Department~~ Division of Information Systems that data
23 processing services for a state agency can be performed on a more cost-
24 efficient basis by the ~~Department~~ Division of Information Systems than
25 through the purchase of data processing equipment by that state agency. In
26 considering the proposed modification as prepared and submitted by each state
27 agency, the Chief Fiscal Officer of the State shall make such studies as he
28 deems necessary. The Chief Fiscal Officer of the State shall, after obtaining
29 the approval of the Legislative Council or Joint Budget Committee, approve
30 the requested transfer if in his opinion it is in the best interest of the
31 state.

32 Upon determination by the ~~Director~~ Secretary of the Department of Human
33 Services that a Reallocation of Resources is necessary for the effective
34 operation of the Medicaid Tobacco Settlement Program Grants, the ~~director~~
35 Secretary, with the approval of the Governor, shall have the authority to
36 request from the Chief Fiscal Officer of the State a transfer of

1 Appropriation. This transfer authority applies only to the Medicaid Tobacco
2 Settlement Program Grants appropriation section of this Act between the
3 Hospital and Medical Services line item and the Prescription Drugs line item.
4 The limitation restrictions applicable to the Department Reallocation of
5 Resources authority applies to this section.

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

19 The provisions of this section shall be in effect only from July 1, ~~2020~~
20 2021 through June 30, ~~2021~~ 2022.

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

24 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act
25 shall be limited to the appropriation for such agency and funds made
26 available by law for the support of such appropriations; and the restrictions
27 of the State Purchasing Law, the General Accounting and Budgetary Procedures
28 Law, the Regular Salary Procedures and Restrictions Act, or their successors,
29 and other fiscal control laws of this State, where applicable, and
30 regulations promulgated by the Department of Finance and Administration, as
31 authorized by law, shall be strictly complied with in disbursement of said
32 funds.

33 The provisions of this section shall be in effect only from July 1, ~~2020~~
34 2021 through June 30, ~~2021~~ 2022.

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36 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 2 LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds
 3 disbursed under the authority of the appropriations contained in this act
 4 shall be in compliance with the stated reasons for which this act was
 5 adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests,
 6 Executive Recommendations and Legislative Recommendations contained in the
 7 budget manuals prepared by the Department of Finance and Administration,
 8 letters, or summarized oral testimony in the official minutes of the Arkansas
 9 Legislative Council or Joint Budget Committee which relate to its passage and
 10 adoption.

11 The provisions of this section shall be in effect only from July 1, ~~2020~~
 12 2021 through June 30, ~~2021~~ 2022.

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 14 SECTION 15. EMERGENCY CLAUSE. It is found and determined by the
 15 General Assembly, that the Constitution of the State of Arkansas prohibits
 16 the appropriation of funds for more than a one (1) year period; that the
 17 effectiveness of this Act on July 1, 2021 is essential to the operation of
 18 the agency for which the appropriations in this Act are provided, and that in
 19 the event of an extension of the legislative session, the delay in the
 20 effective date of this Act beyond July 1, 2021 could work irreparable harm
 21 upon the proper administration and provision of essential governmental
 22 programs. Therefore, an emergency is hereby declared to exist and this Act
 23 being necessary for the immediate preservation of the public peace, health
 24 and safety shall be in full force and effect from and after July 1, 2021.

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 27 **APPROVED: 4/7/21**
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