

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

As Engrossed: S3/22/21

# A Bill

SENATE BILL 55

5 By: Joint Budget Committee  
6

## For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES  
9 AND OPERATING EXPENSES FOR THE DEPARTMENT OF HUMAN  
10 SERVICES - DIVISION OF MEDICAL SERVICES FOR THE  
11 FISCAL YEAR ENDING JUNE 30, 2022; AND FOR OTHER  
12 PURPOSES.  
13  
14

## Subtitle

15 AN ACT FOR THE DEPARTMENT OF HUMAN  
16 SERVICES - DIVISION OF MEDICAL SERVICES  
17 APPROPRIATION FOR THE 2021-2022 FISCAL  
18 YEAR.  
19  
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21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established  
25 for the Department of Human Services - Division of Medical Services for the  
26 2021-2022 fiscal year, the following maximum number of regular employees.  
27

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2021-2022
32	(1)	N027N DHS DEPUTY DIRECTOR ADULT SERVICES	1	GRADE SE01
33	(2)	L016N REGISTERED PHARMACIST	4	GRADE MP05
34	(3)	L009C NURSE MANAGER	1	GRADE MP03
35	(4)	L020C NURSING SERVICES UNIT MANAGER	1	GRADE MP02
36	(5)	L027C REGISTERED NURSE SUPERVISOR	3	GRADE MP02



1	(6)	L038C REGISTERED NURSE	9	GRADE MP01
2	(7)	D007C INFORMATION SYSTEMS MANAGER	2	GRADE IT08
3	(8)	D030C INFORMATION SYSTEMS COORDINATOR	1	GRADE IT07
4	(9)	D038C SENIOR SOFTWARE SUPPORT ANALYST	1	GRADE IT06
5	(10)	D061C INFORMATION SYSTEMS COORDINATION SPEC	2	GRADE IT05
6	(11)	D058C COMPUTER OPERATIONS COORDINATOR	1	GRADE IT04
7	(12)	D068C INFORMATION SYSTEMS ANALYST	2	GRADE IT04
8	(13)	N016N DHS DEP DIR ADMINISTRATIVE SVCS	1	GRADE GS15
9	(14)	G286C DMS DEPUTY DIRECTOR	1	GRADE GS15
10	(15)	N142N DHS/DAAS DEPUTY DIRECTOR	1	GRADE GS14
11	(16)	A010C AGENCY CONTROLLER II	1	GRADE GS13
12	(17)	N168N DHS DIR HOME & COMMUNITY BASED SVCS	1	GRADE GS12
13	(18)	P004N DHS DIRECTOR OF PUBLIC RELATIONS	1	GRADE GS12
14	(19)	A016C DHS DMS BUSINESS OPERATIONS MANAGER	6	GRADE GS12
15	(20)	N167N DHS POLICY & RESEARCH DIRECTOR	1	GRADE GS12
16	(21)	G076C ADMINISTRATIVE SERVICES MANAGER	1	GRADE GS10
17	(22)	G073C ATTORNEY	1	GRADE GS10
18	(23)	L010C DHS DMS MEDICAL ASSISTANCE MANAGER	3	GRADE GS10
19	(24)	G099C DHS PROGRAM ADMINISTRATOR	16	GRADE GS09
20	(25)	R021C BUDGET ANALYST	1	GRADE GS08
21	(26)	G152C DHS PROGRAM MANAGER	8	GRADE GS08
22	(27)	X067C HEALTH FACILITIES SURVEYOR	1	GRADE GS08
23	(28)	A081C AUDITOR	1	GRADE GS07
24	(29)	G183C DHS PROGRAM COORDINATOR	7	GRADE GS07
25	(30)	M039C MEDICAID SERVICES SUPERVISOR	1	GRADE GS07
26	(31)	P013C PUBLIC INFORMATION COORDINATOR	1	GRADE GS07
27	(32)	C037C ADMINISTRATIVE ANALYST	2	GRADE GS06
28	(33)	R027C BUDGET SPECIALIST	2	GRADE GS06
29	(34)	G198C DHS/DAAS PROGRAM SPECIALIST	1	GRADE GS06
30	(35)	G180C GRANTS ANALYST	1	GRADE GS06
31	(36)	C013C MEDICAL SERVICES REPRESENTATIVE	1	GRADE GS06
32	(37)	G178C POLICY DEVELOPMENT COORDINATOR	1	GRADE GS06
33	(38)	X136C QUALITY ASSURANCE REVIEWER	1	GRADE GS06
34	(39)	C050C ADMINISTRATIVE SUPPORT SUPERVISOR	1	GRADE GS05
35	(40)	L070C HEALTH CARE ANALYST	8	GRADE GS05
36	(41)	C056C ADMINISTRATIVE SPECIALIST III	9	GRADE GS04

1 (42) A098C FISCAL SUPPORT SPECIALIST 1 GRADE GS04  
 2 MAX. NO. OF EMPLOYEES 110

3  
 4 SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for  
 5 the Department of Human Services - Division of Medical Services for the 2021-  
 6 2022 fiscal year, the following maximum number of part-time or temporary  
 7 employees, to be known as "Extra Help", payable from funds appropriated  
 8 herein for such purposes: ten (10) temporary or part-time employees, when  
 9 needed, at rates of pay not to exceed those provided in the Uniform  
 10 Classification and Compensation Act, or its successor, or this act for the  
 11 appropriate classification.

12  
 13 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated,  
 14 to the Department of Human Services, to be payable from the paying account as  
 15 determined by the Chief Fiscal Officer of the State, for personal services  
 16 and operating expenses of the Department of Human Services - Division of  
 17 Medical Services for the fiscal year ending June 30, 2022, the following:

19 ITEM	FISCAL YEAR
20 <u>NO.</u>	<u>2021-2022</u>
21 (01) REGULAR SALARIES	\$6,317,233
22 (02) EXTRA HELP	201,892
23 (03) PERSONAL SERVICES MATCHING	2,114,506
24 (04) OVERTIME	2,241
25 (05) MAINT. & GEN. OPERATION	
26 (A) OPER. EXPENSE	1,813,290
27 (B) CONF. & TRAVEL	40,099
28 (C) PROF. FEES	500,000
29 (D) CAP. OUTLAY	0
30 (E) DATA PROC.	0
31 (06) DATA PROCESSING SERVICES	<u>1,499,600</u>
32 TOTAL AMOUNT APPROPRIATED	<u>\$12,488,861</u>

33  
 34 SECTION 4. APPROPRIATION - GRANTS. There is hereby appropriated, to  
 35 the Department of Human Services, to be payable from the paying account as  
 36 determined by the Chief Fiscal Officer of the State, for grant payments of

1 the Department of Human Services - Division of Medical Services for the  
 2 fiscal year ending June 30, 2022, the following:

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4 ITEM	FISCAL YEAR
5 <u>NO.</u>	<u>2021-2022</u>
6 (01) ARKIDS B PROGRAM	\$207,222,020
7 (02) HOSPITAL AND MEDICAL SERVICES	7,147,865,506
8 (03) PRESCRIPTION DRUGS	579,386,547
9 (04) PRIVATE NURSING HOME CARE	842,142,061
10 (05) CHILD AND FAMILY LIFE INSTITUTE	2,100,000
11 (06) INFANT INFIRMARY	18,588,441
12 (07) PUBLIC NURSING HOME CARE	<u>257,529,350</u>
13 TOTAL AMOUNT APPROPRIATED	<u>\$9,054,833,925</u>

14

15 SECTION 5. APPROPRIATION - NURSING HOME CLOSURE COSTS. There is hereby  
 16 appropriated, to the Department of Human Services - Division of Medical  
 17 Services, to be payable from the Long-Term Care Trust Fund, for the payment  
 18 of relocation costs of residents in long-term care facilities, maintenance  
 19 and operation of a facility pending correction of deficiencies or closure,  
 20 and reimbursement of residents for personal funds lost for the fiscal year  
 21 ending June 30, 2022, the following:

22

23 ITEM	FISCAL YEAR
24 <u>NO.</u>	<u>2021-2022</u>
25 (01) EXPENSES	<u>\$4,500,000</u>

26

27 SECTION 6. APPROPRIATION - LONG-TERM CARE FACILITY RECEIVERSHIP. There  
 28 is hereby appropriated, to the Department of Human Services, to be payable  
 29 from the Long Term Care Facility Receivership Fund Account, for the payment  
 30 of expenses of long-term care facility receivers as authorized by law of the  
 31 Department of Human Services - Division of Medical Services - Long-Term Care  
 32 Facility Receivership for the fiscal year ending June 30, 2022, the  
 33 following:

34

35 ITEM	FISCAL YEAR
36 <u>NO.</u>	<u>2021-2022</u>

1 (01) EXPENSES \$100,000

2

3 SECTION 7. APPROPRIATION - NURSING HOME QUALITY GRANTS. There is  
4 hereby appropriated, to the Department of Human Services, to be payable from  
5 the Long-Term Care Trust Fund, for Nursing Home Quality Care Grants of the  
6 Department of Human Services - Division of Medical Services - Nursing Home  
7 Quality Grants for the fiscal year ending June 30, 2022, the following:

8

9 ITEM FISCAL YEAR  
10 NO. 2021-2022

11 (01) NURSING HOME QUALITY GRANTS AND AID \$4,000,000

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13 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL  
15 SERVICES - PHARMACEUTICAL DISPENSING FEE SURVEY. No more than two years prior  
16 to making any changes to the current pharmaceutical dispensing fee, the State  
17 shall conduct an independent survey utilizing generally accepted accounting  
18 principles, to determine the cost of dispensing a prescription by pharmacists  
19 in Arkansas. Only factors relative to the cost of dispensing shall be  
20 surveyed. These factors shall not include actual acquisition costs or average  
21 profit or any combination of actual acquisition costs or average profit. The  
22 survey results shall be the basis for establishing the dispensing fee paid to  
23 participating pharmacies in the Medicaid prescription drug program in  
24 accordance with Federal requirements. The dispensing fee shall be no lower  
25 than the cost of dispensing as determined by the survey. Nothing in this  
26 section shall be construed to prohibit the State from increasing the  
27 dispensing fee at any time.

28 The provisions of this section shall be in effect only from July 1, ~~2020~~  
29 2021 through June 30, ~~2021~~ 2022.

30

31 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL  
33 SERVICES - GENERAL MEDICAID RATE METHODOLOGY PROVISIONS.

34 (a) Rates established by the Division of Medical Services for the services  
35 or programs covered by this Act shall be calculated by the methodologies  
36 approved by the Centers for Medicare and Medicaid Services (CMS). The

1 Division of Medical Services shall have the authority to reduce or increase  
2 rates based on the approved methodology. Further, the Division of Medical  
3 Services shall have the authority to increase or decrease rates for good  
4 cause including, but not limited to: (1) Identification of provider(s) who  
5 can render needed services of equal quality at rates less than traditionally  
6 charged and who meet the applicable federal and state laws, rules and  
7 regulations pertaining to the provision of a particular service;  
8 (2) Identification that a provider or group of providers has consistently  
9 charged rates to the Arkansas Medicaid Program greater than to other  
10 purchasers of medical services of similar size;  
11 (3) The Division determines that there has been significant changes in the  
12 technology or process by which services are provided by a provider or group  
13 of providers which has affected the costs of providing services, or;  
14 (4) A severe economic downturn in the Arkansas economy which has affected the  
15 overall state budget of the Division of Medical Services.

16 The Division of Medical Services shall make available to requesting  
17 providers, the CMS's inflationary forecasts (CMS Market Basket Index). Rates  
18 established with cost of living increases based on the CMS Market Basket  
19 Index or other indices will be adjusted annually except when the state budget  
20 does not provide sufficient appropriation and funding to affect the change or  
21 portion thereof.

22 (b) Any rate methodology changes proposed by the Division of Medical  
23 Services both of a general and specific nature, shall be subject to prior  
24 approval by the Legislative Council or Joint Budget Committee.

25 Determining the maximum number of employees and the maximum amount of  
26 appropriation and general revenue funding for a state agency each fiscal year  
27 is the prerogative of the General Assembly. This is usually accomplished by  
28 delineating such maximums in the appropriation act(s) for a state agency and  
29 the general revenue allocations authorized for each fund and fund account by  
30 amendment to the Revenue Stabilization law. Further, the General Assembly has  
31 determined that the Department of Human Services – Division of Medical  
32 Services may operate more efficiently if some flexibility is provided to the  
33 Department of Human Services – Division of Medical Services authorizing broad  
34 powers under this section. Therefore, it is both necessary and appropriate  
35 that the General Assembly maintain oversight by requiring prior approval of  
36 the Legislative Council or Joint Budget Committee as provided by this

1 section. The requirement of approval by the Legislative Council or Joint  
2 Budget Committee is not a severable part of this section. If the requirement  
3 of approval by the Legislative Council or Joint Budget Committee is ruled  
4 unconstitutional by a court of competent jurisdiction, this entire section is  
5 void.

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

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9 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND  
11 USAGE AUTHORIZED. The Arkansas Children's Hospital may request the Department  
12 of Human Services - Division of Medical Services to retain in the Department  
13 of Human Services Grant Fund account an amount not to exceed \$2,100,000 from  
14 funds made available by this Act in the Child and Family Life Institute line  
15 item of the Grants appropriation to be used to match federal funds used for  
16 supplemental Medicaid payments to Arkansas Children's Hospital. These  
17 retained funds shall not be recovered to transfer to the General Revenue  
18 Allotment Reserve Fund.

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 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STATE  
24 PLAN. The State Plan must include the provision of EPSDT services as those  
25 services are defined in 42 U.S.C. §1396d(r). See 42 U.S.C. §§  
26 1396a(a)(10)(A), 1396d(a)(4)(B); see also 1396a(a)(43). Section 1396d(r)  
27 lists in detail the screening services, vision services, dental services, and  
28 hearing services that the State Plan must expressly include, but with regard  
29 to treatment services, it states that EPSDT means "[s]uch other necessary  
30 health care, diagnostic services, treatment, and other measures described in  
31 subsection (a) of this section to correct or ameliorate defects and physical  
32 and mental illnesses and conditions discovered by the screening services,  
33 whether or not such services are covered under the State Plan." 42 U.S.C. §  
34 1396d(r)(5) (emphasis added). Reading 42 U.S.C. § 1396a, 42 U.S.C. §  
35 1396d(a), and 42 U.S.C. § 1396d(r) together, we believe that the State Plan  
36 need not specifically list every treatment service conceivably available

1 under the EPSDT mandate.

2 The State Plan, however, must pay part or all of the cost of treatments to  
3 ameliorate conditions discovered by the screening process when those  
4 treatments meet the definitions set forth in 42 U.S.C. § 1396a. See 42 U.S.C.  
5 § 1396d(r)(5); see also 42 U.S.C. §§ 1396a(a)(10), 1396a(a)(43), and  
6 1396d(a)(4)(B). The Arkansas State Plan states that the "State will provide  
7 other health care described in [42 U.S.C. 1396d(a)] that is found to be  
8 medically necessary to correct or ameliorate defects and physical and mental  
9 illnesses and conditions discovered by the screening services, even when such  
10 health care is not otherwise covered under the State Plan." See State Plan  
11 Under Title XIX of the Social Security Act, State Of Arkansas at §4.b. This  
12 provision meets the EPSDT mandate of the Medicaid Act.

13 We affirm the district court's decision to the extent that it holds that a  
14 Medicaid-Eligible individual has a federal right to early intervention day  
15 treatment when a physician recommends such treatment. Section 1396d(r)(5)  
16 states that EPSDT includes any treatments or measures outlined in 42 U.S.C.  
17 §1396d(a). There are twenty-seven sub-parts to 42 U.S.C. §1396d(a), and we  
18 find that sub-part (a)(13), in particular, when read with the other sections  
19 of the Medicaid Act listed above, mandates that early intervention day  
20 treatment be provided when it is prescribed by a physician. See 42 U.S.C.  
21 §1396d(a)(13) (defining medical assistance reimbursable by Medicaid as "other  
22 diagnostic, screening, preventive, and rehabilitative services, including any  
23 medical or remedial services recommended by a physician...for the maximum  
24 reduction of physical and mental disability and restoration of an individual  
25 to the best possible functional level"). Therefore, after CHMS clinic staff  
26 perform a diagnostic evaluation of an eligible child, if the CHMS physician  
27 prescribes early intervention day treatment as a service that would lead to  
28 the maximum reduction of medical and physical disabilities and restoration of  
29 the child to his or her best possible functional level, the Arkansas State  
30 Plan must reimburse the treatment. Because CHMS clinics are the only  
31 providers of early intervention day treatment, Arkansas must reimburse those  
32 clinics.

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

35

36 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS



1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL  
2 SERVICES - STATE MEDICAID PROGRAM/PERSONAL CARE PROGRAM.

3 (a) It is the legislative intent that the Department of Human Services in  
4 its administration of the Arkansas Medicaid Program set forth Medicaid  
5 provider participation requirements for "personal care providers" that will  
6 insure sufficient available providers to meet the required needs of all  
7 eligible recipients, to include insuring available in home services twenty-  
8 four (24) hours a day and seven (7) days a week for personal care.

9 (b) For the purposes of this section, "private care agencies" are defined  
10 as those providers licensed by the Department of Labor, certified as Home and  
11 Community Based Services Providers and who furnish in home staffing services  
12 for respite, chore services, and homemaker services, and are covered by  
13 liability insurance of not less than one million dollars (\$1,000,000)  
14 covering their employees and independent contractors while they are engaged  
15 in providing services, such as personal care, respite, chore services, and  
16 homemaker services.

17 (c) The purpose of this section is to allow the private care agencies  
18 defined herein to be eligible to provide Medicaid reimbursed personal care  
19 services seven (7) days a week, and does not supersede Department of Human  
20 Services rules establishing monthly benefit limits and prior authorization  
21 requirements.

22 (d) The availability of providers shall not require the Department of  
23 Human Services to reimburse for twenty-four (24) hours per day of personal  
24 care services.

25 (e) The Arkansas Department of Human Services, Medical Services Division  
26 shall take such action as required by the Centers for Medicare and Medicaid  
27 Services to amend the Arkansas Medicaid manual to include private care  
28 agencies as qualified entities to provide Medicaid reimbursed personal care  
29 services.

30 (f) The private care agencies shall comply with rules and regulations  
31 promulgated by the Arkansas Department of Health which shall establish a  
32 separate licensure category for the private care agencies for the provision  
33 of Medicaid reimbursable personal care services seven (7) days a week.

34 (g) The Arkansas Department of Health shall supervise the conduct of the  
35 personal care agencies defined herein.

36 (h) The purpose of this section is to insure the care provided by the

1 private care agencies is consistent with the rules and regulations of the  
2 Arkansas Department of Health.

3 The provisions of this section shall be in effect only from July 1, ~~2020~~  
4 2021 through June 30, ~~2021~~ 2022.

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6 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS  
8 ~~WORKS~~ HEALTH AND OPPORTUNITY FOR ME AND ARKANSAS HEALTH INSURANCE MARKETPLACE  
9 RESTRICTIONS. (a) As used in this section, "Arkansas ~~Works~~" Health and  
10 Opportunity for Me" means Arkansas ~~Works~~ Health and Opportunity for Me  
11 established under the Arkansas ~~Works~~ Health and Opportunity for Me Act of  
12 ~~2016~~, 2021, Arkansas Code § 23-61-1001 et seq.

13 (b)(1) Determining the maximum number of employees, the maximum amount  
14 of appropriation, for what purposes an appropriation is authorized, and  
15 general revenue funding for a state agency each fiscal year is the  
16 prerogative of the General Assembly.

17 (2) The purposes of subdivision (b)(1) of this section are  
18 typically accomplished by:

19 (A) Identifying the purpose in the appropriation act;

20 (B) Delineating such maximums in the appropriation act for  
21 a state agency; and

22 (C) Delineating the general revenue allocations authorized  
23 for each fund and fund account by amendment to the Revenue Stabilization Law,  
24 Arkansas Code § 19-5-101 et seq.

25 (3) It is both necessary and appropriate that the General  
26 Assembly restrict the use of appropriations authorized in this act.

27 (c)(1) Except as provided in this subsection, the Department of Human  
28 Services shall not allocate, budget, expend, or utilize any appropriation  
29 authorized by the General Assembly for the purpose of advertisement,  
30 promotion, or other activities designed to promote or encourage enrollment in  
31 the Arkansas Health Insurance Marketplace or Arkansas ~~Works~~, Health and  
32 Opportunity for Me, including without limitation:

33 (A) Unsolicited communications mailed to potential  
34 recipients;

35 (B) Television, radio, or online commercials;

36 (C) Billboard or mobile billboard advertising;

1 (D) Advertisements printed in newspapers, magazines, or  
2 other print media; and

3 (E) Internet websites and electronic media.

4 (2) This subsection does not prohibit the department from:

5 (A) Direct communications with:

6 (i) Licensed insurance agents; and

7 (ii) Persons licensed by the department;

8 (B) Solicited communications with potential recipients;

9 (C)(i) Responding to an inquiry regarding the coverage for  
10 which a potential recipient might be eligible, including without limitation  
11 providing educational materials or information regarding any coverage for  
12 which the individual might qualify.

13 (ii) Educational materials and information  
14 distributed under subdivision (c)(2)(C)(i) of this section shall contain only  
15 factual information and shall not contain subjective statements regarding the  
16 coverage for which the potential recipient might be eligible; and

17 (D) Using an Internet website for the exclusive purpose of  
18 enrolling individuals in the Arkansas Health Insurance Marketplace or  
19 Arkansas ~~Works~~, Health and Opportunity for Me.

20 (d) The Department of Human Services shall not apply for or accept any  
21 funds, including without limitation federal funds, for the purpose of  
22 advertisement, promotion, or other activities designed to promote or  
23 encourage enrollment in the Arkansas Health Insurance Marketplace or Arkansas  
24 ~~Works~~, Health and Opportunity for Me.

25 (e)(1) Except as provided in subdivision (e)(2) of this section, the  
26 Department of Human Services shall not:

27 (A)(i) Except as provided in subdivision (e)(1)(A)(ii) of  
28 this section, allocate, budget, expend, or utilize an appropriation  
29 authorized by the General Assembly for the purpose of funding activities of  
30 navigators, guides, certified application counselors, and certified licensed  
31 producers under the Arkansas Health Insurance Marketplace Navigator, Guide,  
32 and Certified Application Counselors Act, Arkansas Code § 23-64-601 et seq.

33 (ii) Subdivision (e)(1)(A)(i) of this section does  
34 not apply to regulatory and training responsibilities related to navigators,  
35 guides, certified application counselors, and certified licensed producers;  
36 and

1 (B) Apply for or accept any funds, including without  
2 limitation federal funds, for the purpose of funding activities of  
3 navigators, guides, certified application counselors, and certified licensed  
4 producers under the Arkansas Health Insurance Marketplace Navigator, Guide,  
5 and Certified Application Counselors Act, Arkansas Code § 23-64-601 et seq.

6 (2) Subdivision (e)(1) of this section does not apply to  
7 certified application counselors at health related institutions, including  
8 without limitation the University of Arkansas for Medical Sciences.

9 (f) An appropriation authorized by the General Assembly shall not be  
10 subject to the provisions allowed through reallocation of resources or  
11 transfer of appropriation authority for the purpose of transferring an  
12 appropriation to any other appropriation authorized for the Department of  
13 Human Services to be allocated, budgeted, expended, or utilized in a manner  
14 prohibited by this section.

15 (g) The provisions of this section are severable, and the invalidity  
16 of any subsection or subdivision of this section shall not affect other  
17 provisions of the section that can be given effect without the invalid  
18 provision.

19 (h) This section expires on June 30, ~~2021~~ 2022.

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21 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

23 SEVERABILITY. If any provisions of this act or the application of this act  
24 to any person or circumstance is held invalid, such invalidity shall not  
25 affect other provisions or applications of the act which can be given effect  
26 without the invalid provision or application, and to this end the provisions  
27 of this act are declared to be severable.

28  
29 SECTION 15. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
30 authorized by this act shall be limited to the appropriation for such agency  
31 and funds made available by law for the support of such appropriations; and  
32 the restrictions of the State Procurement Law, the General Accounting and  
33 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
34 Procedures and Restrictions Act, or their successors, and other fiscal  
35 control laws of this State, where applicable, and regulations promulgated by  
36 the Department of Finance and Administration, as authorized by law, shall be

1 strictly complied with in disbursement of said funds.

2  
3 SECTION 16. LEGISLATIVE INTENT. It is the intent of the General  
4 Assembly that any funds disbursed under the authority of the appropriations  
5 contained in this act shall be in compliance with the stated reasons for  
6 which this act was adopted, as evidenced by the Agency Requests, Executive  
7 Recommendations and Legislative Recommendations contained in the budget  
8 manuals prepared by the Department of Finance and Administration, letters, or  
9 summarized oral testimony in the official minutes of the Arkansas Legislative  
10 Council or Joint Budget Committee which relate to its passage and adoption.

11  
12 SECTION 17. EMERGENCY CLAUSE. It is found and determined by the  
13 General Assembly, that the Constitution of the State of Arkansas prohibits  
14 the appropriation of funds for more than a one (1) year period; that the  
15 effectiveness of this Act on July 1, 2021 is essential to the operation of  
16 the agency for which the appropriations in this Act are provided, and that in  
17 the event of an extension of the legislative session, the delay in the  
18 effective date of this Act beyond July 1, 2021 could work irreparable harm  
19 upon the proper administration and provision of essential governmental  
20 programs. Therefore, an emergency is hereby declared to exist and this Act  
21 being necessary for the immediate preservation of the public peace, health  
22 and safety shall be in full force and effect from and after July 1, 2021.

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24  
25 /s/Joint Budget Committee

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28 **APPROVED: 4/23/21**  
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