

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

SENATE BILL 189

5 By: Senator D. Johnson
6 By: Representatives Williams, Vines
7

For An Act To Be Entitled

9 AN ACT TO MAKE VARIOUS CORRECTIONS TO TITLE 20 OF THE
10 ARKANSAS CODE CONCERNING PUBLIC HEALTH AND WELFARE;
11 AND FOR OTHER PURPOSES.
12
13

Subtitle

15 AN ACT TO MAKE TECHNICAL CORRECTIONS TO
16 TITLE 20 OF THE ARKANSAS CODE CONCERNING
17 PUBLIC HEALTH AND WELFARE.
18
19

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

22 SECTION 1. Arkansas Code § 20-2-103(a)(1)(B), concerning the powers
23 and duties of the Arkansas Minority Health Commission, is amended to make
24 grammatical corrections to read as follows:

25 (B) Statewide educational programming regarding
26 disparities in health and health care and ~~equity~~ equal access to health and
27 health care services; and
28

29 SECTION 2. Arkansas Code § 20-8-106(a), concerning the Health Services
30 Program of the Health Services Permit Agency, is amended to remove obsolete
31 language and to make grammatical corrections to read as follows:

32 (a)(1)(A) ~~From March 8, 1989, until June 1, 1989, there shall be no~~
33 ~~new home health care agencies or nursing homes, with the exception of~~
34 ~~intermediate care facilities for the mentally retarded with fifteen (15) or~~
35 ~~fewer beds and with the exception of nursing home applications under review~~
36 ~~by the Health Services Permit Agency on June 2, 1987, and except for nursing~~



1 ~~homes with thirty five (35) beds or fewer attached to or a part of hospitals~~
 2 ~~located in cities or towns where no nursing home exists, provided that~~
 3 ~~applicants for such nursing homes shall obtain a permit of approval from the~~
 4 ~~proper authority pursuant to this subchapter, nor shall there be any~~
 5 ~~additional beds licensed for existing nursing homes or intermediate care~~
 6 ~~facilities in this state.~~

7 ~~(B) The Health Services Permit Commission may remove any~~
 8 ~~or all of the moratoria anytime after June 1, 1988, provided the commission~~
 9 ~~has duly adopted and promulgated standards for the review of the health~~
 10 ~~facility for which the moratorium is removed.~~

11 ~~(C) Nursing home applications under review by the agency~~
 12 ~~on June 2, 1987, shall be considered under this subchapter under updated~~
 13 ~~standards on a county-by-county basis.~~

14 ~~(2)(1)~~ No A permit of approval shall not be required by the
 15 agency or the commission for any applicant to qualify for a Class B license,
 16 as provided in § 20-10-801 et seq., to operate a home health care services
 17 agency, if the agency was serving patients on or before June 30, 1988, and if
 18 the agency serves the residents of the county where the principal office is
 19 located.

20 ~~(3)(2)~~ Nursing home applications under review by the agency on
 21 June 2, 1987, ~~shall be~~ are considered under the provisions of this subchapter
 22 under updated standards on a county-by-county basis.

23 ~~(4)(3)(A)~~ Beginning July 1, 2005, the agency may not accept
 24 applications for permits of approval for the construction of new residential
 25 care facilities.

26 (B) Applications for replacement of residential care
 27 facilities may not be accepted and processed after July 1, 2005.

28 (C) However, applications for replacement of residential
 29 care facilities shall be accepted for residential care facilities of sixteen
 30 (16) beds or fewer but only if the number of beds required for replacement is
 31 less than or equal to the number of beds for which the residential care
 32 facility was licensed before the application for replacement.

33
 34 SECTION 3. Arkansas Code § 20-9-1202(3), concerning definitions for
 35 the Health Facility Infection Disclosure Act of 2007, is amended to use the
 36 full names of a division and an agency and to make grammatical corrections to

1 read as follows:

2 (3) "National Healthcare Safety Network" means the secure,
 3 Internet-based ~~data collection~~ surveillance system managed by the Division of
 4 ~~Health~~ Healthcare Quality Promotion at the Centers for Disease Control and
 5 Prevention created by the center for accumulating, exchanging, and
 6 integrating relevant information on infectious adverse events associated with
 7 healthcare delivery.

8

9 SECTION 4. Arkansas Code § 20-10-107(b)(2), concerning notice to long-
 10 term care facilities of certain incidents, is amended to specify the class of
 11 the violation to read as follows :

12 (2) A long-term care facility that does not comply with this
 13 subsection commits a Class C violation under § 20-10-205 and is subject to a
 14 fine under § 20-10-206.

15

16 SECTION 5. Arkansas Code § 20-10-224(i), concerning licensure fees for
 17 long-term care facilities, is amended to clarify and subdivide the text to
 18 read as follows:

19 (i)(1) Annual licensure fees are payable in one (1) sum.

20 (2) Fees for new licensure applications may be prorated by
 21 dividing the total fee by three hundred sixty-five (365) and multiplying the
 22 ~~quotient, that is, the result,~~ by the number of days from the date the
 23 application is approved through June 30, inclusive.

24 (3) Applications for licensure renewal shall be delivered, or if
 25 mailed shall be postmarked, on or before March 1.

26

27 SECTION 6. Arkansas Code § 20-13-208(b), concerning the powers and
 28 duties of the State Board of Health, is amended to make grammatical
 29 corrections to read as follows:

30 (b) In addition, the board may establish appropriate rules,
 31 regulations, and standards defining or limiting the emergency medical
 32 procedures or services that may be rendered by a licensed emergency medical
 33 services personnel who ~~is~~ are authorized to legally perform these services
 34 under the conditions set forth by the board, except that before implementing
 35 any rules, regulations, and standards, the board shall submit and obtain the
 36 review of the House Committee on Public Health, Welfare, and Labor and the

1 Senate Committee on Public Health, Welfare, and Labor or appropriate
2 subcommittees.

3

4 SECTION 7. Arkansas Code § 20-13-806(b)(1), concerning data collection
5 for the Trauma Registry, is amended to make grammatical corrections and to
6 remove unnecessary language to read as follows:

7 (1) The department may collect, ~~as deemed necessary and~~
8 ~~appropriate,~~ data and information regarding patients treated and transported
9 from the field, and admitted to a facility through the emergency department,
10 through a trauma center, or directly to a special care unit or post-
11 hospitalization facility.

12

13 SECTION 8. Arkansas Code § 20-13-1003(a)(1), concerning choice of care
14 facility for ambulances, is amended to make grammatical corrections to read
15 as follows:

16 (1)(A) A licensee under this subchapter may transport any
17 patient to the care facility of the patient's choice ~~if the licensee~~
18 ~~considers~~ subject to service area limitations, ~~and subject to~~ applicable
19 federal law, and the licensee's local protocol.

20 (B) If the patient is unable to make a choice and if the
21 attending physician is present and has expressed a ~~choice of care~~ choice of
22 care facility, the licensee may comply with the attending physician's choice
23 ~~if the licensee considers~~ subject to service area limitations and ~~subject to~~
24 applicable federal law.

25 (C) If the patient is unable to make a choice ~~or if~~ and
26 the attending physician is not present or has not expressed a choice of
27 facility, the licensee may, subject to applicable federal law, transport the
28 patient to the nearest appropriate care facility ~~and subject to applicable~~
29 ~~federal law~~.

30

31 SECTION 9. Arkansas Code § 20-13-1101(7), concerning definitions
32 regarding criminal record checks for emergency medical services personnel, is
33 amended to clarify a reference to an agency to read as follows:

34 (7) "Index" means the database maintained by the ~~bureau~~ Identification
35 Bureau of the Department of Arkansas State Police of criminal records checks
36 that have been conducted on applicants for emergency medical services

1 personnel licensure and relicensure;

2
3 SECTION 10. Arkansas Code § 20-13-1102(b), concerning criminal history
4 checks for emergency medical services personnel, is amended to reflect
5 current law and to clarify a reference to an agency to read as follows:

6 (b) The Division of ~~EMS and Trauma Systems~~ Emergency Medical Services
7 of the Department of Health shall conduct a state or national criminal
8 history check, or both, on the applicant and determine whether the applicant
9 is disqualified from ~~certification~~ licensure based on the report of the
10 applicant's criminal history and forward its determination to the applicant
11 directly.

12
13 SECTION 11. Arkansas Code § 20-13-1105 is amended to reflect current
14 law to read as follows:

15 20-13-1105. Response – File copies.

16 The Division of ~~EMS and Trauma Systems~~ Emergency Medical Services of
17 the Department of Health shall maintain on file for a period of three (3)
18 years, subject to inspection by the Arkansas Crime Information Center or the
19 Identification Bureau of the Department of Arkansas State Police, a copy of
20 each criminal history check completed by all applicants requesting state
21 ~~certification~~ licensure.

22
23 SECTION 12. Arkansas Code § 20-15-1002 is amended to remove
24 unnecessary language to read as follows:

25 20-15-1002. Definitions.

26 As used in this subchapter:

27 (1) "Accreditation body" means a body that has been approved by
28 the Secretary of the United States Department of Health and Human Services to
29 accredit mammography facilities under the federal Mammography Quality
30 Standards Act of 1992, Pub. L. No. 102-539 (21 C.F.R. 900), ~~the federal~~
31 ~~Mammography Quality Standards Act of 1992~~;

32 (2) "Diagnostic mammography" ~~is~~ means a problem-solving
33 radiologic procedure of higher intensity than screening mammography provided
34 to a woman who is suspected of having breast pathology. A patient is usually
35 referred for analysis of palpable abnormalities or for further evaluation of
36 mammographically detected abnormalities. All images are immediately reviewed

1 by the physician interpreting the study, and additional views are obtained as
 2 needed. A physical examination of the breast by the interpreting physician to
 3 correlate the radiologic findings is often performed as part of the study;

4 ~~(3) “Division” means the Division of Health of the Department of~~
 5 ~~Health and Human Services;~~

6 ~~(4)~~(3) “Mammography” means radiography of the breast; and

7 ~~(5)~~(4) “Screening mammography” ~~is~~ means a radiologic procedure
 8 provided to a woman who has no signs or symptoms of breast cancer for the
 9 purpose of early detection of breast cancer. The procedure entails two (2)
 10 views of each breast and includes a physician’s interpretation of the results
 11 of the procedure.

12
 13 SECTION 13. Arkansas Code § 20-15-1003(b)(1), concerning the creation
 14 of the mammography advisory committee, is amended to clarify a reference to
 15 read as follows:

16 (1) The Director of Mammography of ~~University Hospital~~ the
 17 Department of Radiology at the University of Arkansas for Medical Sciences,
 18 or his or her designee;

19
 20 SECTION 14. Arkansas Code § 20-15-1203(a)(3), concerning guidelines
 21 for registering immunizations, is amended to clarify references to read as
 22 follows:

23 (3)(A) A provider may report the administration of adult
 24 immunizations to individuals twenty-two (22) years of age or older to the
 25 department.

26 (B) A provider may report the administration of an adult
 27 immunization to an individual twenty-two (22) years of age or older under
 28 subdivision (a)(3)(A) of this section only after receiving consent from the
 29 adult.

30
 31 SECTION 15. Arkansas Code § 20-15-1803(b)(2), concerning the creation
 32 of the Arkansas HIV-AIDS Minority Task Force, is amended to clarify
 33 references to read as follows:

34 (2) The Chair of the Senate ~~Interim~~ Committee on Public Health,
 35 Welfare, and Labor and the Chair of the House ~~Interim~~ Committee on Public
 36 Health, Welfare, and Labor shall serve as ex officio members of the task

1 force.

2

3 SECTION 16. Arkansas Code § 20-17-102(k)(1), concerning the Arkansas
 4 Final Disposition Rights Act of 2009, is amended to clarify a reference and
 5 to make grammatical corrections to read as follows:

6 (1) In the event that a person claiming the right of disposition
 7 directs the cremation of the remains of a decedent or in the event that a
 8 funeral director assumes responsibility for the disposition of the remains of
 9 a decedent under this section and proceeds to cremate the remains of the
 10 decedent, and thereafter ~~no~~ a person or entity identified in subdivision
 11 (d)(1) of this section ~~claims~~ does not claim custody of the cremated remains
 12 for a period of ninety (90) days following the cremation, the funeral
 13 director may dispose of the cremated remains of the decedent.

14

15 SECTION 17. Arkansas Code § 20-17-706(d), concerning the cost of
 16 embalming and transporting dead bodies, is amended to correct references to
 17 read as follows:

18 (d) If the deceased had provided for the use of his or her body for
 19 medical science under the Revised Arkansas Anatomical Gift Act, § ~~20-17-601~~
 20 20-17-1201 et seq., and provided funds in his or her estate for burial, the
 21 University of Arkansas for Medical Sciences shall be free of all claims for
 22 the expenses as ordinarily provided under subsections (a)-(c) of this
 23 section.

24

25 SECTION 18. Arkansas Code § 20-17-1004(b)(3), concerning the creation
 26 of the Arkansas Cemetery Board, is amended to use consistent language to read
 27 as follows :

28 (3) The ~~alternative~~ alternate member shall substitute for an
 29 absent member if necessary to constitute a quorum under § 20-17-1005(c).

30

31 SECTION 19. Arkansas Code § 20-22-603(4), concerning exceptions to the
 32 law regarding fire extinguishers, is amended to correct references and to
 33 make grammatical corrections to read as follows :

34 (4) Firms engaged in the retailing or wholesaling of portable
 35 fire extinguishers as defined in § ~~20-22-602(8)~~ 20-22-602 but not engaged in
 36 the installing, servicing, or recharging of portable fire extinguishers ~~shall~~

1 ~~only be~~ are exempt from the registration and licensing provisions ~~as~~ outlined
2 in § 20-22-610, but all other provisions of this subchapter shall apply;

3
4 SECTION 20. Arkansas Code §20-22-613(g), concerning actions regarding
5 fire extinguishers, is amended to make grammatical corrections to read as
6 follows :

7 (g) A person who has been issued a license or permit under this
8 subchapter to service portable fire extinguishers, install or service fixed
9 fire protection systems, or ~~to~~ install and service fire protection sprinkler
10 systems ~~must~~ shall be an employee, agent, or servant of a firm that holds a
11 current and valid certificate of registration issued under this subchapter.
12

13 SECTION 21. Arkansas Code §20-22-613(j)(1), concerning actions
14 regarding fire extinguishers, is amended to make grammatical corrections to
15 read as follows :

16 (j)(1) Any fire protection sprinkler system that was installed ~~prior~~
17 ~~to~~ before September 1, 1985 ~~must~~ shall be serviced, maintained, inspected,
18 and repaired under current rules of the board.
19

20 SECTION 22. Arkansas Code § 20-27-2401(7) is amended to make a
21 grammatical correction to read as follows :

22 (7) Herbal snuff is used in ~~Adult Tobacco Cessation Programs~~
23 adult tobacco cessation programs; and
24

25 SECTION 23. Arkansas Code § 20-27-2402, concerning definitions
26 regarding herbal snuff, is amended to clarify a reference to read as follows:

27 As used in this ~~section~~ subchapter:

28
29 SECTION 24. Arkansas Code § 20-27-2404 is amended to correct
30 references to read as follows:

31 20-27-2404. Rules – Enforcement.

32 (a) The Arkansas Tobacco Control Board shall adopt rules to implement
33 this ~~chapter~~ subchapter.

34 (b)(1) The board and its authorized agents may enforce compliance with
35 this ~~chapter~~ subchapter and any rules adopted under this section by the
36 board.

1 (2) The board and its authorized agents may enter upon and
2 inspect the premises of any public place at any reasonable time and in a
3 reasonable manner.

4
5 SECTION 25. Arkansas Code § 20-38-105(b)(43), concerning criminal
6 history records checks for health service provider employment applicants, is
7 amended to make technical corrections to read as follows :

8 (43) Burglary, § 5-39-201 and § 5-39-204;

9
10 SECTION 26. Arkansas Code § 20-38-105(d)(2)(C), concerning criminal
11 history records checks for health service provider employment applicants, is
12 amended to make a grammatical correction and to remove unnecessary language
13 as follows:

14 (C) The individual has no criminal convictions or pleas of
15 guilty or nolo contendere ~~of any type or nature~~ during the ten-year period
16 preceding the request for a criminal history records check.

17
18 SECTION 27. Arkansas Code § 20-38-112(e)(2)(C) and (D), concerning
19 exclusions of certain licensed professionals from the requirement for
20 criminal history records checks, are amended to make technical corrections to
21 read as follows:

22 (C) The service provider maintains evidence acceptable to
23 the licensing or certifying agency that the service provider types for which
24 employment determinations and criminal records checks are accepted under this
25 subsection ~~(e) of this section~~ are operated and administered by the same
26 service provider; and

27 (D) The service provider maintains an original or copy of
28 the determination letter for each employee at the service provider type for
29 which employment determinations and criminal records checks are accepted
30 under this subsection ~~(e) of this section~~ and at which the employee who is
31 the subject of the determination letter is employed.

32
33 SECTION 28. Arkansas Code § 20-46-105(a), concerning monthly reports
34 regarding emotionally disturbed youth, is amended to correct a reference and
35 to clarify and subdivide the text to read as follows:

36 (a)(1) The Department of Human Services shall report monthly to the

1 House ~~Interim~~ Committee on Aging, Children, and Youth, Legislative and
2 Military Affairs and the Senate ~~Interim~~ Committee on Children and Youth or
3 appropriate subcommittees thereof the number of children placed in
4 residential and inpatient treatment programs, including sexual offender
5 treatment, when Medicaid is the payment source.

6 (2) The monthly report shall include the following information:

7 ~~(1)~~(A) The total number of males and the total number of
8 females placed in in-state residential programs and the total number of males
9 and the total number of females placed in inpatient acute psychiatric
10 programs, excluding sexual offender treatment programs, that were paid for by
11 Medicaid during the previous month;

12 ~~(2)~~(B) The total number of males and the total number of
13 females placed in out-of-state residential programs and the total number of
14 males and the total number of females placed in inpatient acute psychiatric
15 programs, excluding sexual offender treatment programs, that were paid for by
16 Medicaid during the previous month;

17 ~~(3)~~(C) The total number of males and the total number of
18 females placed in in-state residential and inpatient sexual offender
19 treatment programs that were paid for by Medicaid during the previous month;

20 ~~(4)~~(D) The total number of males and the total number of
21 females placed in out-of-state residential and inpatient sexual offender
22 treatment programs that were paid for by Medicaid during the previous month;

23 ~~(5)~~(E) The total amount of money paid by Medicaid for the
24 previous month for in-state residential and inpatient psychiatric programs
25 with sexual offender treatment programs, residential and acute separately
26 identified;

27 ~~(6)~~(F) The total amount of money paid by Medicaid for the
28 previous month for out-of-state residential and inpatient psychiatric
29 programs with sexual offender treatment programs, residential and acute
30 separately identified;

31 ~~(7)~~(G) The total number of juveniles in residential and
32 inpatient programs, including sexual offender treatment programs, that were
33 paid for by Medicaid during the previous month;

34 ~~(8)~~(H) The total number of juveniles in residential and
35 inpatient programs, including sexual offender treatment programs, that were
36 paid for by Medicaid during the previous month, who are within fifty (50)

1 miles of an Arkansas border; and

2 ~~(9)~~(I) The total number of juveniles in residential and
 3 inpatient programs, including sexual offender treatment programs, that were
 4 paid for by Medicaid during the previous month, who are more than fifty (50)
 5 miles from an Arkansas border.

6
 7 SECTION 29. Arkansas Code § 20-46-301, concerning the powers and
 8 duties of the Division of Behavioral Health of the Department of Human
 9 Services, is amended to correct references to read as follows:

10 20-46-301. Department of Human Services – Division of ~~Mental Health~~
 11 ~~Services~~ Behavioral Health – Powers and duties.

12 (a) The Department of Human Services shall have the authority and
 13 power to create and maintain a Division of ~~Mental Health Services~~ Behavioral
 14 Health and to provide services for community mental health clinics and
 15 centers, which shall be administered through such divisions, offices,
 16 sections, or units of the department as may be determined by the Director of
 17 the Department of Human Services.

18
 19 SECTION 30. Arkansas Code § 20-46-306(a), concerning minimum standards
 20 for purchasing procedures for the Division of ~~Mental Health Services~~
 21 Behavioral Health of the Department of Human Services, is amended to correct
 22 spelling to read as follows:

23 (a) The minimum standards prescribed by the Division of ~~Mental Health~~
 24 ~~Services~~ Behavioral Health for purchases by community mental health centers
 25 ~~shall~~, so far as practicable, shall be comparable to the limits set for small
 26 purchases pursuant to the purchasing procedures established by the State
 27 Procurement Director and shall require ~~competitive~~ competitive bidding for
 28 purchases exceeding those limits.

29
 30 SECTION 31. Arkansas Code § 20-47-505(b), concerning the creation of
 31 the Child and Adolescent Service System Program Coordinating Council, is
 32 amended to clarify references and to remove unnecessary language to read as
 33 follows :

34 (b) The coordinating council shall:

35 (1) Advise and report to the ~~directors~~ commissioner and the
 36 director on matters of policy and programs related to children with emotional

1 disturbance and their families;

2 (2) Identify and recommend fiscal, policy, training, and program
3 initiatives and revisions based on needs identified in the planning process;

4 (3) Provide specific guidelines for the development of regional
5 services and plans based on the guiding principles of the system of care;

6 (4) Review and approve regional plans developed by regional
7 program teams and incorporate the regional plans into the statewide plan;

8 (5) Ensure that mechanisms for accountability are developed and
9 implemented;

10 (6) Submit a statewide plan and budget recommendations to the
11 ~~directors~~ commissioner and the director on or before March 15 of each even-
12 numbered year thereafter preceding the legislative session;

13 (7) Develop and recommend special projects to the ~~directors~~
14 commissioner and the director;

15 (8) Provide a written report on a quarterly basis to the House
16 ~~Interim~~ Committee on Aging, Children and Youth, Legislative and Military
17 Affairs and the Senate ~~Interim~~ Committee on Children and Youth that
18 summarizes progress implementing this subchapter;

19 (9) Establish guidelines and procedures for the voting
20 membership, officers, and annual planning of both the coordinating council
21 and the regional program planning teams which the coordinating council will
22 review and update on an annual basis; and

23 (10) Make recommendations for corrective action plans to the
24 ~~directors~~ commissioner and the director in the event that a regional program
25 planning team does not produce a timely regional plan that meets a plan of
26 care or fails to implement the approved regional plan.

27
28 SECTION 32. Arkansas Code § 20-47-510(d)(1)(B), concerning
29 coordination and oversight of the Comprehensive Children's Behavioral Health
30 System of Care Plan, is amended to remove unnecessary language to read as
31 follows:

32 (B) The House ~~Interim~~ Committee on Aging, Children and
33 Youth, Legislative and Military Affairs and the Senate Interim Committee on
34 Children and Youth.

35
36 SECTION 33. Arkansas Code § 20-47-510(e)(1)(B), concerning

1 coordination and oversight of the Comprehensive Children's Behavioral Health
 2 System of Care Plan, is amended to remove unnecessary language to read as
 3 follows:

4 (B) The House ~~Interim~~ Committee on Aging, Children and
 5 Youth, Legislative and Military Affairs and the Senate Interim Committee on
 6 Children and Youth.

7
 8 SECTION 34. Arkansas Code § 20-47-708 is amended to remove unnecessary
 9 language to read as follows:

10 The Department of Human Services shall report annually on progress to
 11 the:

- 12 (1) Governor;
 13 (2) House ~~Interim~~ Committee on Aging, Children and Youth,
 14 Legislative and Military Affairs and the Senate Interim Committee on Children
 15 and Youth; and
 16 (3) House ~~Interim~~ Committee on Public Health, Welfare, and Labor
 17 and the Senate ~~Interim~~ Committee on Public Health, Welfare, and Labor.

18
 19 SECTION 35. Arkansas Code § 20-48-603(1)(B), concerning definitions
 20 for the Location Act for Community Homes for Developmentally Disabled
 21 Persons, is amended to use consistent language to read as follows :

22 (B) "~~Development~~ Developmental disability" does not refer
 23 to other forms of mental disease or defect not defined in this section;

24
 25 SECTION 36. Arkansas Code § 20-48-1004(a)(3)(B), concerning the use of
 26 funds under the Alternative Community Services Waiver, is amended to make
 27 technical corrections to read as follows:

28 (B) The amount resulting from the next five-tenths of one
 29 percent (0.5%) of the provider fee shall be used by the Division of
 30 Developmental Disabilities Services of the Department of Human Services for
 31 the support of the state's ~~Human Development Centers~~ human development
 32 centers.

33
 34 SECTION 37. Arkansas Code § 20-64-902 is amended to make technical
 35 corrections to read as follows:

36 20-64-902. Definition.

1 An “alcohol and drug abuse treatment program” ~~is~~ means a program that
 2 renders or offers to render to a person or group of persons any service that
 3 assists the person or group to develop an understanding of alcoholism and
 4 drug dependency problems and to define goals and plan courses of action
 5 reflecting the person’s or group’s interests, abilities, and needs as
 6 affected by alcoholism and drug dependency problems. The definition includes
 7 actions taken with the intent of the cessation of harmful or addictive use of
 8 alcohol or other drugs. It includes, but is not restricted to, one (1) or
 9 more of the following:

- 10 ~~(A)~~(1) Counseling with individuals, families, or groups;
- 11 ~~(B)~~(2) Helping persons or families obtain other services
 12 appropriate to alcoholism and drug abuse rehabilitation; and
- 13 ~~(C)~~(3) Engaging in alcoholism and drug abuse research,
 14 education, or prevention through the administration of alcoholism and drug
 15 abuse counseling.

16
 17 SECTION 38. Arkansas Code § 20-64-903(b)(4), concerning the rulemaking
 18 authority of the Office of Alcohol and Drug Abuse Prevention, is amended to
 19 make technical corrections to read as follows:

20 (4) Self-help or twelve-step programs such as Alcoholics
 21 Anonymous, Cocaine Anonymous, Narcotics Anonymous, Al-Anon, or ~~Nare-Anon~~ Nar-
 22 Anon.

23
 24 SECTION 39. Arkansas Code § 20-64-911(c)(2)(A), concerning reports by
 25 the Task Force on Substance Abuse Treatment Services, is amended to make
 26 technical corrections to read as follows:

27 (A) The task force shall report to the Legislative
 28 Council, the Senate ~~Interim~~ Committee on Public Health, Welfare, and Labor,
 29 and the House ~~Interim~~ Committee on Public Health, Welfare, and Labor.

30
 31 SECTION 40. Arkansas Code § 20-64-1103(b), concerning the duties of
 32 the Task Force on Substance Abuse Prevention, is amended to make technical
 33 corrections to read as follows:

34 (b) The task force shall submit an annual report to the Legislative
 35 Council, the Senate ~~Interim~~ Committee on Public Health, Welfare, and Labor,
 36 and the House ~~Interim~~ Committee on Public Health, Welfare, and Labor no later

1 than October 1 of each year.

2
3 SECTION 41. Arkansas Code § 20-76-105(k)(1)(B), concerning the
4 creation of the Temporary Assistance for Needy Families Oversight Board, is
5 amended to make technical corrections to read as follows:

6 (B) The board shall submit its recommended vision and
7 blueprint to the Governor and the House ~~Interim~~ Committee on Public Health,
8 Welfare, and Labor and the Senate ~~Interim~~ Committee on Public Health,
9 Welfare, and Labor no later than December 31, 2007;

10
11 SECTION 42. Arkansas Code § 20-76-113(c)(3)(A), concerning promoting
12 outcomes for the Transitional Employment Assistance Program and the Arkansas
13 Work Pays Program, is amended to make technical corrections to read as
14 follows:

15 (A) On the forty-fifth day after the end of the federal
16 fiscal year, the report shall be submitted to the Governor and to the Chair
17 of the House ~~Interim~~ Committee on Public Health, Welfare, and Labor and the
18 Chair of the Senate ~~Interim~~ Committee on Public Health, Welfare, and Labor.

19
20 SECTION 43. Arkansas Code § 20-76-410(d), concerning administrative
21 sanctions under the Transitional Employment Assistance Program, is amended to
22 make technical corrections to read as follows:

23 (d) Beginning after July 27, 2011, the department shall include in the
24 comprehensive annual program report information on the families sanctioned
25 and the outcomes of the home visits to the Governor and the House ~~Interim~~
26 Committee on Public Health, Welfare, and Labor and the Senate ~~Interim~~
27 Committee on Public Health, Welfare, and Labor.

28
29 SECTION 44. Arkansas Code § 20-76-410(e), concerning administrative
30 sanctions under the Transitional Employment Assistance Program, is amended to
31 clarify language to read as follows:

32 (e) When appropriate, protective payees may be designated by the
33 department and may include:

34 (1) A relative or other individual who is interested in or
35 concerned with the welfare of the child or children and agrees in writing to
36 utilize the assistance in the best interests of the child or children;

1 (2) A member of the community affiliated with a religious,
 2 community, neighborhood, or charitable organization who agrees in writing to
 3 utilize the assistance in the best interests of the child or children; or

4 (3) A volunteer or member of an organization who agrees in
 5 writing to utilize the assistance in the best interests of the child or
 6 children.

7 ~~(4)(A)(f)(1)~~ If it is in the best interest of the child or children, as
 8 determined by the department, for the staff member of a private agency, a
 9 public agency, the department, or any other appropriate organization to serve
 10 as a protective payee, the designation may be made.

11 ~~(B)(2)~~ However, a protective payee shall not be any individual
 12 involved in determining eligibility for assistance for the family, staff
 13 handling any fiscal pressures related to the issuance of assistance, or
 14 landlords, grocers, or vendors of goods, services, or items dealing directly
 15 with the recipient.

16
 17 SECTION 45. Arkansas Code § 20-76-438(b)(2)(E) and (F), concerning the
 18 purposes for grants of assistance under the Transitional Employment
 19 Assistance Program, are amended to remove obsolete language to read as
 20 follows:

21 ~~(E) Consult with the Department of Human Services, the~~
 22 ~~Temporary Assistance for Needy Families Oversight Board, and other state~~
 23 ~~agencies and organizational experts to determine the most effective and~~
 24 ~~efficient organization for administration of the Transitional Employment~~
 25 ~~Assistance Program and make a recommendation to the Governor about how to~~
 26 ~~implement that administration no later than January 1, 2008; and~~

27 ~~(F)(E)~~ Prepare and submit any Temporary Assistance for
 28 Needy Families renewal plans that are required in § 402 of the Social
 29 Security Act, 42 U.S.C. § 651 et seq.

30
 31 SECTION 46. Arkansas Code § 20-76-443(a)(3)(D)(i), concerning
 32 education and training under the Transitional Employment Assistance Program,
 33 is amended to clarify references to read as follows:

34 (i) The Department of Human Services may suspend the
 35 allowance to enroll only if the ~~board~~ Temporary Assistance for Needy Families
 36 Oversight Board certifies that allowing education to count toward a program

1 recipient's required work activities would affect the state's ability to meet
2 federal work participation rates.

3
4 SECTION 47. Arkansas Code § 20-77-111(b)(2), concerning data reports
5 for the Arkansas Medicaid Program, is amended to make technical corrections
6 to read as follows:

7 (2) It shall include other comparisons in the format as may be
8 requested by the Legislative Council, the House ~~Interim~~ Committee on Public
9 Health, Welfare, and Labor, and the Senate ~~Interim~~ Committee on Public
10 Health, Welfare, and Labor or appropriate subcommittees thereof to which the
11 reports are to be delivered.

12
13 SECTION 48. Arkansas Code § 20-77-120(c)(2), concerning the Medicaid
14 waiver for home and community-based care, is amended to make technical
15 corrections to read as follows:

16 (2) Report the progress of the program at least quarterly to the
17 House ~~Interim~~ Committee on Public Health, Welfare, and Labor and the Senate
18 ~~Interim~~ Committee on Public Health, Welfare, and Labor.

19
20 SECTION 49. Arkansas Code § 20-77-315 is amended to make grammatical
21 corrections to read as follows:

22 20-77-315. Distribution of proceeds from a third-party settlement,
23 judgment, or award, or from other third-party payment.

24 (a) The Department of Human Services is entitled to reimbursement for
25 past medical assistance payments from that portion of a third-party
26 settlement, judgment, or award or from any other third-party payment that
27 compensates for the medical expenses.

28 (b) The department is entitled to receive the full amount of its
29 medical assistance claim under this subchapter unless the portion of the
30 third-party settlement, judgment, or award, or other third-party payment that
31 compensates for the medical expenses is less than the full amount of the
32 department's medical assistance claim.

33 (c) The department's claim for medical assistance payments under this
34 subchapter has priority over any claim by a medical care provider.

35 (d) The department's rights under this subchapter are not extinguished
36 by any right possessed, asserted, or not asserted, by a medical assistance

1 recipient or other person.

2
 3 SECTION 50. Arkansas Code § 20-77-911(d), concerning rewards for
 4 persons providing information regarding Medicaid fraud, is amended to make
 5 grammatical corrections to read as follows:

6 (d) ~~Employees~~ An employee or a fiscal agents agent charged with the
 7 duty of referring or investigating cases of Medicaid fraud who ~~are~~ is
 8 employed by or who ~~contract~~ contracts with any governmental entity shall not
 9 be eligible to receive a reward under this section.

10
 11 SECTION 51. Arkansas Code § 20-77-1608(2), concerning the creation of
 12 the Advisory Council to the Arkansas Youth Suicide Prevention Task Force, is
 13 amended to make technical corrections to read as follows:

14 (2) Research and make recommendations to the task force, the
 15 House ~~Interim~~ Committee on Public Health, Welfare, and Labor, the Senate
 16 ~~Interim~~ Committee on Public Health, Welfare, and Labor, and the General
 17 Assembly regarding successful youth suicide prevention programs used in other
 18 states;

19
 20 SECTION 52. Arkansas Code § 20-77-2001(5), concerning findings
 21 regarding the ARKids First Medical Assistance Programs Enrollment and
 22 Retention Improvement Program, is amended to clarify a reference to read as
 23 follows:

24 (5) Working to enroll all eligible children can help to inform
 25 planning efforts to effectively enroll newly eligible adults in Medicaid or
 26 private insurance as the state implements the Patient Protection and
 27 Affordable Care Act, Pub. L. No. 111-148.

28
 29 SECTION 53. DO NOT CODIFY. The enactment and adoption of this act
 30 shall not repeal, expressly or impliedly, the acts passed at the regular
 31 session of the Eighty-Ninth General Assembly. All such acts shall have the
 32 full force and effect and, so far as those acts intentionally vary from or
 33 conflict with any provision contained in this act, those acts shall have the
 34 effect of subsequent acts and as amending or repealing the appropriate parts
 35 of the Arkansas Code of 1987.

36 **APPROVED: 04/11/2013**