

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

A Bill

SENATE BILL 340

5 By: Senators Laverty, D. Johnson
6

For An Act To Be Entitled

8 AN ACT TO ESTABLISH A MEDICAID PROVIDER FEE FOR
9 DEVELOPMENTAL DAY TREATMENT CLINIC SERVICES; AND FOR
10 OTHER PURPOSES.
11

Subtitle

12 TO ESTABLISH A MEDICAID PROVIDER FEE FOR
13 DEVELOPMENTAL DAY TREATMENT CLINIC
14 SERVICES.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 20, Chapter 48 is amended to add an
22 additional subchapter to read as follows:

23 Subchapter 10 – Provider Fee on Developmental Day Treatment
24 Clinic Services
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26 20-48-1001. Definitions.

27 As used in this subchapter, “Medicaid” means the medical assistance
28 program established by Title XIX of the Social Security Act, 42 U.S.C. § 1396
29 et seq., as it existed on January 1, 2011, and administered by the Division
30 of Medical Services of the Department of Human Services.
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32 20-48-1002. Provider fee.

33 (a) There is levied a provider fee on developmental day treatment
34 clinic services to be calculated in accordance with this section.

35 (b)(1) The Division of Medical Services of the Department of Human
36 Services shall ensure that the rate of assessment of the provider fee



1 established in this section does not exceed the maximum rate of assessment
2 established under federal law and rule for healthcare-related provider fees
3 without reduction in federal financial participation.

4 (2) If the division determines that the rate of assessment of
5 the provider fee established in this section exceeds the maximum rate of
6 assessment that federal law and rule allow without reduction in federal
7 financial participation, the division shall lower the rate of assessment of
8 the provider fee to a rate that is equal to the maximum rate that federal law
9 and rule allow without reduction in federal financial participation.

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11 20-48-1003. Reporting.

12 (a) The payment of the provider fee by a provider of developmental day
13 treatment clinic services shall be reported as an allowable cost for Medicaid
14 reimbursement purposes.

15 (b) A provider of developmental day treatment clinic services shall
16 not be guaranteed, expressly or otherwise, that any additional moneys paid to
17 the provider for developmental day treatment clinic services will equal or
18 exceed the amount of its provider fee.

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20 20-48-1004. Administration.

21 (a) The administration of this subchapter shall be exercised by the
22 Director of the Division of Medical Services of the Department of Human
23 Services and shall be subject to the Arkansas Administrative Procedure Act, §
24 25-15-201 et seq.

25 (b)(1) Under the Arkansas Administrative Procedure Act, § 25-15-201 et
26 seq., the Division of Medical Services of the Department of Health and Human
27 Services shall adopt rules and prescribe forms for:

28 (A) The proper imposition and collection of the provider
29 fee;

30 (B) The enforcement of this subchapter;

31 (C) The format for reporting gross receipts; and

32 (D) The administration of the provisions of this
33 subchapter.

34 (2) The rules shall not grant any exceptions to, or exceptions
35 from, the provider fee.

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1 SECTION 2. Arkansas Code Title 19, Chapter 6, Subchapter 8 is amended
2 to read as follows:

3 19-6-819. Developmental Day Treatment Clinic Services Provider Fee
4 Fund.

5 (a)(1) There is created on the books of the Treasurer of State, the
6 Auditor of State, and the Chief Fiscal Officer of the State a special revenue
7 fund to be known as the “Developmental Day Treatment Clinic Services Provider
8 Fee Fund”.

9 (2)(A) The Developmental Day Treatment Clinic Services Provider
10 Fee Fund shall consist of revenues obtained under § 20-48-1001 et seq. and
11 any other revenue as may be provided by law.

12 (B) Moneys from the Developmental Day Treatment Clinic
13 Services Provider Fee Fund shall not supplant other local, state, or federal
14 funds.

15 (3) All provider fees assessed and collected under this
16 subchapter shall be deposited into the State Treasury as special revenue and
17 credited to the Developmental Day Treatment Clinic Services Provider Fee
18 Fund, there to be used for the support of services to persons with
19 developmental disabilities.

20 (4)(A) Funds in the Developmental Day Treatment Clinic Services
21 Provider Fee Fund shall be placed in an interest bearing account.

22 (B) Earnings on funds in the Developmental Day Treatment
23 Clinic Services Provider Fee Fund shall remain a part of the Developmental
24 Day Treatment Clinic Services Provider Fee Fund and shall not be deposited
25 into the General Revenue Fund Account of the State Apportionment Fund.

26 (b) The special revenues in the Developmental Day Treatment Clinic
27 Services Provider Fee Fund unused at the end of a fiscal year shall be
28 carried forward.

29 (c) The Developmental Day Treatment Clinic Services Provider Fee Fund
30 shall be exempt from budgetary cuts, reductions, or eliminations caused by a
31 deficiency of general revenues.

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