

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

A Bill

SENATE BILL 945

5 By: Senators Womack, Critcher, Crumbly, Horn, Wilkins, Altes
6 By: Representatives Pace, R. Green, Key, Lamoureux, Ragland, Cooper, Davis
7

For An Act To Be Entitled

8
9
10 AN ACT TO PROVIDE FOR THE PER DIEM RATE PAYABLE
11 TO A PROGRAM PROVIDER OF INDIGENT MENTAL HEALTH
12 CARE ASSISTANCE; TO REQUIRE ACCREDITATION FOR
13 CERTAIN PROGRAM PROVIDERS OF INDIGENT MENTAL
14 HEALTH CARE ASSISTANCE; AND FOR OTHER PURPOSES.
15

Subtitle

16
17 TO PROVIDE FOR THE PER DIEM RATE PAYABLE
18 TO A PROGRAM PROVIDER OF INDIGENT MENTAL
19 HEALTH CARE ASSISTANCE AND TO REQUIRE
20 ACCREDITATION FOR CERTAIN PROGRAM
21 PROVIDERS.
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code § 9-28-407(a)(3), concerning the capacity
27 exemption of a licensed or permitted child welfare agency, is amended to read
28 as follows:

29 (3) Any child welfare agency capacity licensed or permitted by
30 the board as of ~~March 1, 2003~~ March 1, 2007, whether held by the original
31 licensee or by a successor in interest to the original licensee, is exempted
32 from:

33 (A) Obtaining any license or permit from the Office of
34 Long-Term Care of the Division of Medical Services of the Department of
35 Health and Human Services;

36 (B) Obtaining any permit from the Health Services Permit



1 Agency or the Health Services Permit Commission to operate at the capacity
2 licensed by the board as of ~~March 1, 2003~~ March 1, 2007; and

3 (C) Obtaining any permit from the agency or the commission
4 to operate at any future expanded capacity serving only non-Arkansas
5 residents unless a permit is required by federal law or regulation.

6
7 SECTION 2. Arkansas Code § 20-8-107(c), concerning the inapplicability
8 of § 20-8-101 et seq., is amended to read as follows:

9 (c) In no event shall the requirements of this subchapter apply to any
10 facility licensed or approved as of ~~March 1, 2003~~ March 1, 2007, by the Child
11 Welfare Agency Review Board pursuant to the Child Welfare Agency Licensing
12 Act, § 9-28-401 et seq., and as specifically exempted by § 9-28-407(a)(3).

13
14 SECTION 3. Arkansas Code Title 20, Chapter 46, Subchapter 7 is amended
15 to add the following sections to read as follows:

16 20-46-704. Per diem rate for psychiatric residential treatment
17 facility.

18 (a)(1)(A) The per diem rate for a psychiatric residential treatment
19 facility for children is the facility's budgeted per diem cost plus a
20 professional component of seventy-nine dollars (\$79.00) per day.

21 (B) The facility's budgeted per-diem cost shall be the
22 amount reflected in its annual budget for the fiscal period of July 1 – June
23 30 which shall be submitted to the Department of Health and Human Services by
24 April 30 each year.

25 (2) The per diem rate for a psychiatric residential treatment
26 facility cannot exceed four hundred-five dollars (\$405.00) per day.

27 (b) The psychiatric residential treatment facility provider per diem
28 rate shall be a prospective rate with no cost settlement.

29 (c) At least annually, the department shall re-evaluate the per-diem
30 rate to determine whether it should be reset.

31
32 20-46-705. Rate for outpatient mental health services.

33 (a) The service unit rate for outpatient mental health care services
34 shall not be less than the service unit rate for outpatient mental health
35 care services rate paid to participating programs as of January 1, 2007.

36 (b) At least annually, the department shall re-evaluate the service

1 unit rate for outpatient mental health care services.

2 (c)(1) A reimbursement for outpatient mental health services shall
3 only be made to an outpatient mental health provider that has been accredited
4 for one year by the Joint Commission, the Commission on Accreditation of
5 Rehabilitation Facilities, and the Council on Accreditation except for a
6 provider who:

7 (A) Is a medical doctor or a psychologist; and

8 (B) Initiates the certification process no later than the
9 effective date of this section and receives full accreditation by July 1,
10 2008.

11 (2) Accreditation is not required for reimbursement whenever an
12 outpatient mental health provider provides treatment at a location that is
13 not owned or leased by the outpatient mental health provider.

14 (3) An outpatient mental health provider that adds a location to
15 treat patients may immediately provide and bill for Medicaid services after
16 receiving approval for that location from the outpatient mental health
17 provider's national accrediting body.

18
19 20-46-706. Access to willing provider.

20 Participants in the indigent medical care program are entitled to
21 receive services from any willing outpatient mental health provider who is
22 approved to participate in the indigent medical care program.

23
24 20-46-707. Application.

25 Nothing in this act shall be construed to prevent the sale, merger or
26 transfer of stock or control of a company operating an outpatient mental
27 health care program or to limit its right to continuously contract with
28 Medicaid without interruption.

29
30 20-46-708. Conflicts.

31 In the event that any provision of §§ 20-46-701 – 20-46-707 conflict
32 with any portion of the Arkansas Medicaid State Plan or any waivers approved
33 by the federal government, the Department of Health and Human Services shall
34 seek immediate resolution amending the Medicaid State Plan or seeking federal
35 approval for a change in the conflicting agreements in a manner that prevents
36 or minimizes any loss of federal funding.

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SECTION 6. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the regulatory process presently applicable to a psychiatric residential treatment facility for children or outpatient mental health services is inadequate, and that this act is necessary because those uncertainties create a circumstance in which delay is likely to result in irreparable harm to patients served by these program providers. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.