

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

*As Engrossed: S2/9/11*  
**A Bill**

SENATE BILL 218

5 By: Senators J. Jeffress, Bookout, L. Chesterfield, Crumbly, J. Dismang, J. Hutchinson, G. Jeffress,  
6 Luker, R. Thompson, D. Wyatt  
7 By: Representatives T. Steele, Allen, J. Brown, Cheatham, Gaskill, Lovell, S. Malone, Ratliff, J.  
8 Roebuck, Slinkard, Rice, B. Wilkins, Wilkins, E. Elliott, Wardlaw, Woods, Williams  
9

10 **For An Act To Be Entitled**

11 AN ACT TO DEFINE THE PARTNERSHIP BETWEEN THE DIVISION  
12 OF YOUTH SERVICES OF THE DEPARTMENT OF HUMAN SERVICES  
13 AND THE CURRENT DYS CONTRACT COMMUNITY-BASED YOUTH  
14 SERVICES PROVIDERS WHO PROVIDE THE ARRAY OF  
15 COMMUNITY-BASED SERVICES TO ARKANSAS DELINQUENT, AND  
16 FAMILIES IN NEED OF SERVICES, YOUTH AT RISK OF  
17 ENTERING THE JUVENILE JUSTICE SYSTEM AND THEIR  
18 FAMILIES; AND FOR OTHER PURPOSES.  
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21 **Subtitle**

22 TO DEFINE THE PARTNERSHIP BETWEEN THE  
23 DIVISION OF YOUTH SERVICES OF THE  
24 DEPARTMENT OF HUMAN SERVICES AND THE DYS  
25 CONTRACT COMMUNITY-BASED YOUTH SERVICES  
26 PROVIDERS.  
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29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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31 SECTION 1. Arkansas Code Title 9, Chapter 28 is amended to add an  
32 additional subchapter to read as follows:

33 9-28-1101. Findings.

34 The General Assembly finds that:

35 (1) The State of Arkansas contracts with community-based  
36 programs serving delinquent, families in need of services youth, and youth at



1 risk of entering the juvenile court system and their families as quasi-  
2 governmental instrumentalities of the state, to provide a service that the  
3 state would otherwise provide for this population through state-operated  
4 programs and facilities;

5 (2) Under §§ 9-28-201 – 9-28-217, the Division of Youth Services  
6 is established within the Department of Human Services and required to  
7 provide community-based alternative basic services consisting without  
8 limitation of:

9 (A) Prevention;

10 (B) Intervention;

11 (C) Casework;

12 (D) Treatment;

13 (E) Counseling;

14 (F) Observation and assessment;

15 (G) Case management;

16 (H) Residential services; and

17 (I) Sanction services.

18 (3) The primary goals for community-based alternative basic  
19 services are:

20 (A) Prevention of:

21 (i) Youth from entering the juvenile justice system;

22 (ii) Youth from further movement into the juvenile  
23 justice system; and

24 (iii) Youth's commitment to the custody of the  
25 division; and

26 (B) Provision of professional, community-based, least-cost  
27 services to youth; and

28 (4) The division can provide other specific programs for  
29 alcohol, drugs, or sex offenders, special therapeutic treatment programs, or  
30 client-specific services where a consistent population has been defined as in  
31 need of multidisciplinary care and services and expansion of proven effective  
32 early intervention and prevention program activities.

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34 9-28-1102. Definition.

35 As used in this subchapter, "local community providers" means a  
36 private, nonprofit corporation program and its affiliates that have:

1           (1) At least five (5) years of experience delivering  
2 comprehensive community-based youth services to the Division of Youth  
3 Services of the Department of Human Services;

4           (2) Delivered comprehensive community-based youth services to  
5 youth between five (5) years of age and twenty-one (21) years of age within a  
6 defined geographic area; and

7           (3) Provided as a minimum:

8                   (A) Prevention;

9                   (B) Intervention;

10                  (C) Casework;

11                  (D) Treatment;

12                  (E) Counseling;

13                  (F) Observation and assessment;

14                  (G) Case management;

15                  (H) Residential services; and

16                  (I) Sanction Services.

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18           9-28-1103. Compliance.

19           Each community-based provider shall:

20                   (1) Continuously comply with applicable performance standards  
21 established by the Division of Youth Services of the Department of Human  
22 Services;

23                   (2)(A) To the extent possible, considering the circumstances of  
24 each youth served, obtain services that qualify for Medicaid payments only  
25 from providers enrolled in the Medicaid program to furnish the services.

26                   (B) Subdivision (2)(A) of this section does not apply if  
27 the provider demonstrates to the division that is more economical and  
28 efficient to provide the services with contract funds; and

29                   (3) Accept payments made by the division as payment in full for  
30 services provided under the community-based provider contract.

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32           9-28-1104. Acquisition of services.

33           (a) Except as provided in subsection (b) of this section, the Division  
34 of Youth Services of the Department of Human Services shall acquire youth  
35 services by agreements with local community providers, other agencies, or  
36 individuals deemed by the division to be professionally capable and

1 appropriate to deliver those services.

2 (b) For the acquisition of services for a geographic area for which no  
3 existing community-based provider is willing and able to provide  
4 comprehensive community-based services, the division shall comply with the  
5 Arkansas Procurement Law, § 19-11-201 et seq.

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7 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
8 General Assembly of the State of Arkansas that community-based youth service  
9 programs are struggling to attain the resources necessary to provide youth  
10 with community-based services to which the youth are entitled by federal and  
11 state mandates that the youth rightfully deserve; that the state has had a  
12 group of community-based providers deliver youth services to the Division of  
13 Youth Services for many years and the community-based provider should be  
14 recognized as the providers for this service; and that this act is  
15 immediately the expense of time-consuming work involved in a competitive bid  
16 process. Therefore, an emergency is declared to exist and this act being  
17 necessary for the preservation of the public peace, health, and safety shall  
18 become effective on:

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

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

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

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26 /s/J. Jeffress  
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