

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

A Bill

SENATE BILL 342

5 By: Senators Laverty, D. Johnson
6

For An Act To Be Entitled

8 AN ACT TO ESTABLISH A MEDICAID PROVIDER FEE FOR
9 CHILDREN'S HEALTH MANAGEMENT SERVICES; AND FOR OTHER
10 PURPOSES.
11

Subtitle

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13 TO ESTABLISH A MEDICAID PROVIDER FEE FOR
14 CHILDREN'S HEALTH MANAGEMENT SERVICES.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code Title 20, Chapter 48 is amended to add an
21 additional subchapter to read as follows:

22 Subchapter 10 – Provider Fee on Children's Health Management
23 Services
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25 20-48-1001. Definitions.

26 As used in this subchapter, "Medicaid" means the medical assistance
27 program established by Title XIX of the Social Security Act, 42 U.S.C. § 1396
28 et seq., as it existed on January 1, 2011, and administered by the Division
29 of Medical Services of the Department of Human Services.
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31 20-48-1002. Provider fee.

32 (a) There is assessed a provider fee on children's health management
33 services to be calculated in accordance with this section.

34 (b)(1) The Division of Medical Services of the Department of Human
35 Services shall ensure that the rate of assessment of the provider fee
36 established in this section does not exceed the maximum rate of assessment



1 established under federal law and rule for healthcare-related provider fees
2 without reduction in federal financial participation.

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

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10 20-48-1003. Reporting.

11 (a) The payment of the provider fee by a provider of children’s health
12 management services shall be reported as an allowable cost for Medicaid
13 reimbursement purposes.

14 (b) A provider of children’s health management services shall not be
15 guaranteed, expressly, or otherwise that any additional moneys paid to the
16 provider for children’s health management services will equal or exceed the
17 amount of its provider fee.

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19 20-48-1004. Administration.

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

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

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

29 (B) The enforcement of this subchapter;

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

31 (D) The administration of this subchapter.

32 (2) The rules shall not grant any exceptions to or from the
33 provider fee.

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

19-6-819. Children’s Health Management Services Provider Fee Fund.

(a)(1) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a special revenue fund to be known as the “Children’s Health Management Services Provider Fee Fund”.

(2)(A) The Children’s Health Management Services Provider Fee Fund shall consist of revenues obtained under § 20-48-1001 et seq. and any other revenue as may be provided by law.

(B) Moneys from the Children’s Health Management Services Provider Fee Fund shall not supplant other local, state, or federal funds.

(3) All provider fees assessed and collected under this subchapter shall be deposited into the State Treasury as special revenue and credited to the Children’s Health Management Services Provider Fee Fund, there to be used for the support of services to persons with developmental disabilities.

(4)(A) Funds in the Children’s Health Management Services Provider Fee Fund shall be placed in an interest bearing account.

(B) Earnings on funds in the Children’s Health Management Services Provider Fee Fund shall remain a part of the Children’s Health Management Services Provider Fee Fund and shall not be deposited into the General Revenue Fund Account of the State Apportionment Fund.

(b) The special revenues in the Children’s Health Management Services Provider Fee Fund unused at the end of a fiscal year shall be carried forward.

(c) The Children’s Health Management Services Provider Fee Fund shall be exempt from budgetary cuts, reductions, or eliminations caused by a deficiency of general revenues.

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