

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas *As Engrossed: H3/14/17 H3/16/17*

2 91st General Assembly

# A Bill

3 Regular Session, 2017

HOUSE BILL 1809

4

5 By: Representatives Watson, Warren, Johnson

6 By: Senator D. Sanders

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## For An Act To Be Entitled

9 *AN ACT TO REFORM MEDICAID SERVICES FOR CHILDREN WITH*  
10 *DEVELOPMENTAL DISABILITIES AND MEDICALLY COMPLEX*  
11 *CONDITIONS; TO ACHIEVE SAVINGS THROUGH ANNUAL*  
12 *EVALUATIONS, REVISED ELIGIBILITY CRITERIA, CLEAR*  
13 *DISTINCTIONS BETWEEN CHILDREN'S PROGRAMS, AND OTHER*  
14 *MEASURES; TO DECLARE AN EMERGENCY; AND FOR OTHER*  
15 *PURPOSES.*

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## Subtitle

19 *TO REFORM MEDICAID SERVICES FOR CHILDREN*  
20 *WITH DEVELOPMENTAL DISABILITIES AND*  
21 *MEDICALLY COMPLEX CONDITIONS; AND TO*  
22 *DECLARE AN EMERGENCY.*

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

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27 *SECTION 1. Arkansas Code § 20-48-1102(2), concerning the definition of*  
28 *"child health management services" for the managed expansion for child health*  
29 *management services, is amended to read as follows:*

30 *(2) "Child health management services" means an array of clinic*  
31 *services for children:*

32 *(A) Intended to provide full medical multidiscipline*  
33 *diagnosis, evaluation, and treatment of ~~developmental delays~~ medical*  
34 *conditions or multiple or complex medical conditions in Medicaid recipients*  
35 *under twenty-two (22) years of age; and*

36 *(B) That is diagnostic, screening, evaluative, preventive,*



1 *therapeutic, palliative, or rehabilitative services, including early*  
2 *intervention day treatment services;*

3  
4 *SECTION 2. Arkansas Code § 20-48-1102(5)(A), concerning the definition*  
5 *of "early intervention day treatment" for the managed expansion for child*  
6 *health management services, is amended to read as follows:*

7 *(5)(A) "Early intervention day treatment" means services*  
8 *provided by a pediatric day treatment program run by early childhood*  
9 *specialists, overseen by a physician, and serving children with developmental*  
10 *disabilities, developmental delays, or a medical condition that puts them at*  
11 *risk for developmental delay in a developmental day treatment clinic services*  
12 *program or child health management services program.*

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14 *SECTION 3. Arkansas Code § 20-48-1104(a), concerning the determination*  
15 *of underserved status for expansion of services, is amended to read as*  
16 *follows:*

17 *(a) An expansion of early intervention day treatment services in a*  
18 *county is necessary when the Division of Developmental Disabilities Services*  
19 *of the Department of Human Services determines that a county is underserved*  
20 *with regard to:*

21 *(1) Early intervention day treatment services; or*

22 *(2) A specific category of early intervention day treatment*  
23 *services ~~currently offered to children with developmental disabilities or~~*  
24 *~~delays.~~*

25  
26 *SECTION 4. Arkansas Code § 20-48-1108 is repealed.*

27 *~~20-48-1108. Successor program.~~*

28 *~~(a) On or before July 1, 2013, the Department of Human Services shall~~*  
29 *~~convene stakeholders, including without limitation representatives of the~~*  
30 *~~Child Health Management Services Association and the Developmental~~*  
31 *~~Disabilities Provider Association, to assist in determining the feasibility~~*  
32 *~~of combining or merging the child health management services program and the~~*  
33 *~~developmental day treatment clinic services program for children into a~~*  
34 *~~successor program.~~*

35 *~~(b)(1) This subchapter does not require a successor program to include~~*  
36 *~~child health management services programs operated by an academic medical~~*

1 ~~center.~~

2 ~~(2) Child health management services programs operated by an~~  
3 ~~academic medical center shall be subject to all other provisions of this~~  
4 ~~subchapter, including without limitation §§ 20-48-1103 and 20-48-1104.~~

5  
6 SECTION 5. Arkansas Code Title 20, Chapter 48, Subchapter 11, is  
7 amended to add an additional section to read as follows:

8 20-48-1109. Reforms.

9 (a)(1) On and after July 1, 2017, the Department of Human Services  
10 shall promulgate rules to accomplish the following within the child health  
11 management services program:

12 (A) Revise:

13 (i) The child health management services provider  
14 manual to ensure that the program operates as a medical model providing  
15 preventive, diagnostic, therapeutic, rehabilitative, palliative, day  
16 habilitation, and related services to children with medical conditions or  
17 multiple or complex medical conditions;

18 (ii) The eligibility criteria to focus on children  
19 with more serious medical conditions or multiple or complex medical  
20 conditions;

21 (iii) Staffing ratios to ensure that the needs of  
22 the target populations are effectively and efficiently met; and

23 (iv) Staff credentials to ensure that services are  
24 provided to target populations by staff that are licensed, certified, or  
25 specially trained in the services that they are providing; and

26 (B) Require evaluations of children to be conducted at  
27 least annually for each type of service billed to ensure that the Arkansas  
28 Medicaid Program does not pay for services that a child no longer needs.

29 (2) If a provider that is certified as a child health management  
30 services program serves clients whose primary need for services is due to a  
31 developmental disability or delay, the provider shall also comply with the  
32 staffing ratios, staffing qualifications, annual evaluations, eligibility  
33 criteria, and other rules applicable to the developmental day treatment  
34 clinic services program as identified by the department.

35 (b)(1) On and after July 1, 2017, the department shall promulgate  
36 rules to accomplish the following within the developmental day treatment

1 clinic services program:

2 (A) Revise:

3 (i) The developmental day treatment clinic services  
4 provider manual to ensure that the program operates as a medical model  
5 providing preventive, diagnostic, therapeutic, rehabilitative, palliative,  
6 day habilitation, and related services to children who have or are at risk  
7 for developmental disabilities and developmental delays;

8 (ii) The eligibility criteria to focus on children  
9 with more significant developmental disabilities and developmental delays;  
10 and

11 (iii) Staff credentials to ensure that services are  
12 provided to target populations by staff who are licensed, certified, or  
13 specially trained in the services that they are providing;

14 (B) Require evaluations of children to be conducted at  
15 least annually for each type of service billed to ensure that the Arkansas  
16 Medicaid Program does not pay for services that a child no longer needs; and

17 (C) Develop staffing ratios to ensure that the needs of  
18 the target populations are effectively and efficiently met.

19 (2) If a provider that is certified as a developmental day  
20 treatment clinic services program serves clients whose primary need for  
21 services is due to a medical condition or multiple or complex medical  
22 condition, the provider shall also comply with the staffing ratios, staffing  
23 qualifications, annual evaluations, eligibility criteria, and other rules  
24 applicable to the child health management services program as identified by  
25 the department.

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27 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the  
28 General Assembly of the State of Arkansas that the populations served by  
29 developmental day treatment services programs and child health management  
30 services programs are not clearly and distinctly defined; that  
31 overutilization of services is occurring due to the lack of clarity; that  
32 referring providers need more clarity as to the types of services provided in  
33 each program; and that this act is immediately necessary to ensure proper  
34 screenings, referrals, and treatment for the populations served by these  
35 programs and to prevent overutilization or the provision of services in the  
36 wrong setting. Therefore, an emergency is declared to exist, and this act

1 being immediately necessary for the preservation of the public peace, health,  
2 and safety shall become effective on:

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

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

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

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/s/Watson