

1 State of Arkansas As Engrossed: H3/14/17 H3/16/17 H3/20/17

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~~ significant
34 medical conditions or multiple or complex medical conditions in Medicaid
35 recipients 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;

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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, for the
8 purposes of this subchapter, services provided ~~by a pediatric day treatment~~
9 ~~program run by early childhood specialists, overseen by a physician, and~~
10 ~~serving children with developmental disabilities, developmental delays, or a~~
11 ~~medical condition that puts them at risk for developmental delay in a~~
12 developmental day treatment clinic services program or child health
13 management services program.

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

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

22 (1) Early intervention day treatment services; or

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

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27 SECTION 4. Arkansas Code § 20-48-1108 is repealed.

28 ~~20 48 1108. Successor program.~~

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

36 ~~(b)(1) This subchapter does not require a successor program to include~~

1 ~~child health management services programs operated by an academic medical~~
2 ~~center.~~

3 ~~(2) Child health management services programs operated by an~~
4 ~~academic medical center shall be subject to all other provisions of this~~
5 ~~subchapter, including without limitation §§ 20-48-1103 and 20-48-1104.~~
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7 SECTION 5. Arkansas Code Title 20, Chapter 48, Subchapter 11, is
8 amended to add an additional section to read as follows:

9 20-48-1109. Reforms.

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

13 (A) Revise:

14 (i) The child health management services provider
15 manual to ensure that the program operates as a medical model providing
16 preventive, diagnostic, therapeutic, rehabilitative, palliative, day
17 habilitation, and related services to children who have significant medical
18 conditions or multiple or complex medical conditions or have or are at risk
19 for developmental disabilities or delays;

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

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

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

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

31 (2) If a provider that is certified as a child health management
32 services program serves children whose primary need for services is due to a
33 developmental disability or delay, the provider shall also comply with the
34 staffing ratios, staffing qualifications, annual evaluations, eligibility
35 criteria, and other rules satisfying at least the minimum requirements of the
36 rules for the developmental day treatment clinic services program and as

1 determined by the department.

2 (b)(1) On and after July 1, 2017, the department shall promulgate
3 rules to accomplish the following within the developmental day treatment
4 clinic services program:

5 (A) Revise:

6 (i) The developmental day treatment clinic services
7 provider manual to ensure that the program provides preventive, diagnostic,
8 therapeutic, rehabilitative, palliative, day habilitation, and related
9 services to children who have or are at risk for developmental disabilities
10 or delays or have significant medical conditions or multiple or complex
11 medical conditions;

12 (ii) The eligibility criteria to focus on children
13 with more significant developmental disabilities and delays; and

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

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

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

22 (2) If a provider that is certified as a developmental day
23 treatment clinic services program serves children whose primary need for
24 services is due to a medical condition or multiple or complex medical
25 condition, the provider shall also comply with the staffing ratios, staffing
26 qualifications, annual evaluations, eligibility criteria, and other rules
27 satisfying at least the minimum requirements of the rules for the child
28 health management services program and as determined by the department.

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30 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the
31 General Assembly of the State of Arkansas that the populations served by
32 developmental day treatment services programs and child health management
33 services programs are not clearly and distinctly defined; that
34 overutilization of services is occurring due to the lack of clarity; that
35 referring providers need more clarity as to the types of services provided in
36 each program; and that this act is immediately necessary to ensure proper

1 screenings, referrals, and treatment for the populations served by these
2 programs and to prevent overutilization or the provision of services in the
3 wrong setting. Therefore, an emergency is declared to exist, and this act
4 being immediately necessary for the preservation of the public peace, health,
5 and safety shall become effective on:

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

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

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

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13 /s/Watson
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