

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

SENATE BILL 206

5 By: Senator Irvin  
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## For An Act To Be Entitled

8 AN ACT TO AVOID UNNECESSARY EXPANSION IN MEDICAID  
9 COSTS AND SERVICES RELATED TO REHABILITATIVE SERVICES  
10 FOR PERSONS WITH MENTAL ILLNESS; TO CODIFY THE  
11 REHABILITATIVE SERVICES FOR PERSONS WITH MENTAL  
12 ILLNESS MORATORIUM; AND FOR OTHER PURPOSES.  
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## Subtitle

15 TO AVOID UNNECESSARY EXPANSION IN  
16 MEDICAID COSTS AND SERVICES RELATED TO  
17 REHABILITATIVE SERVICES FOR PERSONS WITH  
18 MENTAL ILLNESS; AND TO CODIFY THE  
19 REHABILITATIVE SERVICES FOR PERSONS WITH  
20 MENTAL ILLNESS MORATORIUM.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. Arkansas Code Title 20, Chapter 47, is amended to add an  
27 additional subchapter to read as follows:

### Subchapter 8 – Rehabilitative Services for Persons with Mental Illness

#### 20-47-801. Legislative findings and intent.

##### (a) The General Assembly finds that:

32 (1) There are more than three hundred (300) outpatient service  
33 sites in the state for the delivery of rehabilitative services for persons  
34 with mental illness;

35 (2) There is no information that any eligible Medicaid  
36 beneficiary has experienced or is experiencing difficulty obtaining medically



1 necessary rehabilitative services for persons with mental illness;

2 (3) The Arkansas Medicaid Program has projected that there will  
3 be insufficient state general revenues available to maintain the current  
4 level of services beginning in state fiscal year 2017; and

5 (4) Federal funding incentives are not available for the  
6 expansion of rehabilitative services for persons with mental illness program.

7 (b) The intent of this subchapter is to avoid unnecessary expansion in  
8 costs and services related to rehabilitative services for persons with mental  
9 illness.

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11 20-47-802. Definitions.

12 As used in this subchapter, "rehabilitative services for persons with  
13 mental illness" means an array of clinical services for individuals with  
14 mental illness intended to provide core mental health services for the  
15 treatment and prevention of mental disorders in Medicaid recipients.

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17 20-47-803. Certification – Moratorium.

18 (a) The Division of Behavioral Health Services of the Department of  
19 Human Services shall:

20 (1) Process a certification request for a site for  
21 rehabilitative services for persons with mental illness within ninety (90)  
22 calendar days of receiving all information that is necessary to review and  
23 process the certification request; and

24 (2) Notify a prospective provider of rehabilitative services for  
25 persons with mental illness or an existing provider of rehabilitative  
26 services for persons with mental illness in writing of the certification  
27 determination and furnish a copy to the Division of Medical Services of the  
28 Department of Human Services.

29 (b)(1) Certification of a site for rehabilitative services for persons  
30 with mental illness that was not certified as of October 31, 2008, shall be  
31 suspended unless:

32 (A) The site had a pending application under review by the  
33 Division of Behavioral Health Services on October 31, 2008;

34 (B) The site is a replacement site opened by an existing  
35 provider of rehabilitative services for persons with mental illness to  
36 provide continuity of rehabilitative services for persons with mental illness

1 when the provider of rehabilitative services for persons with mental illness  
2 is terminating services at a currently certified and operating site; or

3 (C) The site is an existing operation.

4 (2) This moratorium shall remain in effect until January 1,  
5 2018.

6 (c)(1) If the Director of the Division of Behavioral Health Services  
7 determines that the suspension is causing an undue hardship on a person with  
8 mental illness, the director may authorize a reasonable accommodation.

9 (2) An undue hardship may exist if medically necessary services  
10 become unavailable due to the closure of a site for rehabilitative services  
11 for persons with mental illness or the ceasing of operations of a provider of  
12 rehabilitative services for persons with mental illness.

13 (d) The suspension shall not prohibit an existing provider of  
14 rehabilitative services for persons with mental illness from delivering  
15 rehabilitative services for persons with mental illness in a public school.

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