

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

As Engrossed: S2/13/17

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, other than adults with developmental disabilities, has



1 experienced or is experiencing difficulty obtaining medically necessary
2 rehabilitative services for persons with mental illness;

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

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

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

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12 20-47-802. Definitions.

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

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18 20-47-803. Certification – Moratorium.

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

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

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

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

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

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

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

4 (C) The site is an existing operation; or

5 (D) The site:

6 (i) Was licensed or certified to provide services
7 under the Developmental Day Treatment Clinic Services Program or the
8 Alternative Community Services Waiver, as of December 31, 2016; and

9 (ii) Is applying to provide rehabilitative services
10 for persons with mental illness only for adults with developmental
11 disabilities that are in the applicant's Developmental Day Treatment Clinic
12 Services Program or the Alternative Community Services Waiver or successor
13 programs.

14 (2) This moratorium shall remain in effect until January 1,
15 2018.

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

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

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

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27 /s/ Irvin
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