

# Hall of the House of Representatives

91st General Assembly - Regular Session, 2017

## Amendment Form

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### Subtitle of House Bill No. 1289

TO PROMOTE AND IMPROVE EFFICIENCY AND QUALITY IN THE DEPARTMENT OF HUMAN SERVICES; AND TO REORGANIZE THE DEPARTMENT OF HUMAN SERVICES.

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### Amendment No. 1 to House Bill No. 1289

Amend House Bill No. 1289 as originally introduced:

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 19-5-306(6)(A), concerning the Department of Human Services Administration Fund Account, is amended to read as follows:

(6) Department of Human Services Administration Fund Account.

(A) The Department of Human Services Administration Fund Account shall be used for the maintenance, operation, and improvement required by the office of the Director of the Department of Human Services in carrying out the administrative duties and shared business services of the Department of Human Services as set out in and under the restrictions and provisions of § 20-46-301 and § 25-10-101 et seq., ~~and of the Office of Finance and Administration of the Department of Human Services, and the Division of Community Service and Nonprofit Support of the Department of Human Services as set out in § 25-10-128.~~

SECTION 2. Arkansas Code § 20-76-211 is amended to read as follows:

20-76-211. ~~Division of Administrative Services~~ Director's Office of Department of Human Services - Client Specific Emergency Services Revolving Fund Paying Account.

(a) The ~~Division of Administrative Services~~ Director's Office of the Department of Human Services ~~is hereby authorized to~~ shall establish and maintain as a cash fund account the Client Specific Emergency Services Revolving Fund Paying Account consisting of federal grants, aids, cash donations, reimbursements, and state general revenue, not to exceed a daily balance of ten thousand dollars (\$10,000), for delivery of immediate care, short-term, or emergency services to eligible clients.

(b) The account shall be established and maintained in accordance with procedures established by the Chief Fiscal Officer of the State for cash funds and shall be administered under the direction of the Director of the Department of Human Services.

SECTION 3. Arkansas Code § 21-13-105(b)(1), concerning the use of volunteers and the development of volunteer programs for state and local



government, is amended to read as follows:

(1) Enlist the services of ~~the Division of Community Service and Nonprofit Support~~ of the Department of Human Services to assist in the development of volunteer programs;

SECTION 4. Arkansas Code § 25-10-102 is amended to read as follows:  
25-10-102. Organization generally.

(a) The Department of Human Services shall consist of and be operated under an integrated service system consisting of the following programmatic divisions with responsibilities and programs assigned to them as determined by the Director of the Department of Human Services:

- (1) The Division of Aging, and Adult, and Behavioral Health Services;
- (2) The Division of Medical Services;
- ~~(3) The Division of Behavioral Health Services, which shall include community mental health centers and state hospitals;~~
- ~~(4)(3) The Division of Developmental Disabilities Services, which shall include both community programs and human development centers;~~
- ~~(5)(4) The Division of County Operations;~~
- ~~(6) The Division of Administrative Services;~~
- ~~(7)(5) The Division of Youth Services, which shall include serious offender and community based programs and the youth service centers;~~
- ~~(8) The Division of Community Service and Nonprofit Support;~~
- ~~(9)(6) The Division of State Services for the Blind;~~
- ~~(10)(7) The Division of Children and Family Services; and~~
- ~~(11)(8) The Division of Child Care and Early Childhood Education; and~~

(9) The Division of Provider Services and Quality Assurance.

(b) The Director's Office of the Department of Human Services shall consist of:

- (1) The Director of the Department of Human Services and his or her personal staff; and
- (2) Shared business services operating across the divisions, offices, sections, and units of the department, including without limitation business operations and administrative functions determined necessary by the director.

~~(b)(1)(A)(c)(1)(A)~~ Each division of the department shall be under the direction, control, and supervision of the director.

(B) From time to time, the director may transfer or assign existing duties or new programs or duties of the department to offices, sections, or units as he or she deems necessary for the efficient and necessary operation of the department.

(C) Before implementation of any reorganization, the director shall obtain the advice of the House Committee on State Agencies and Governmental Affairs and the Senate Committee on State Agencies and Governmental Affairs.

(2)(A) However, the state institutions and the operation of state institutional programs under the jurisdiction of the Board of Developmental Disabilities Services and the Department of Human Services State Institutional System Board shall be under the control of their respective boards, as provided by law.

(B) The boards shall perform their respective functions

and duties under the general guidelines and standards promulgated by the director.

(3) The Division of State Services for the Blind and the Board of the Division of State Services for the Blind shall continue to function within the department with the powers prescribed in § 25-10-201 et seq.

SECTION 5. Arkansas Code § 25-10-107 is amended to read as follows:  
25-10-107. Reports by divisions.

(a) All other divisions within the Department of Human Services shall provide the ~~Division of Administrative Services Director's Office~~ of the Department of Human Services with all policies regarding personnel administration, procurement of commodities and services, accounting and budget control, licensure of facilities, program planning and evaluation, contractual agreements with consultants and providers of services, data processing systems management, federal grant management, and any other information which may be requested by the ~~Division of Administrative Services Director's Office~~.

(b)(1) The other divisions shall report quarterly to the ~~Division of Administrative Services Director's Office~~ concerning the areas of coordination and cooperation where the divisions have worked with other departmental divisions and concerning the plans for coordination and cooperation in the next quarter.

(2) A copy of the report shall be sent to the Legislative Council upon request of the Legislative Council.

SECTION 6. Arkansas Code § 25-10-128 is repealed.

~~25-10-128. Division of Community Service and Nonprofit Support.~~

~~(a) There is created in the Department of Human Services the Division of Community Service and Nonprofit Support.~~

~~(b) Administrative assistance to coordinate the activities of the division shall be given by the Deputy Director for Community Service and Nonprofit Support who will devote full time to the duties of the office and assume the responsibility for carrying out the duties prescribed by this section. The deputy director shall employ any employees who are necessary to carry out the goals of the office, subject to appropriation by the General Assembly.~~

~~(c) The duties and responsibilities of the Division of Community Service and Nonprofit Support are to:~~

~~(1) Assess and recognize the needs of communities throughout Arkansas and to recruit, train, and coordinate volunteers and volunteer organizations in meeting those needs;~~

~~(2) Assist in specific projects involving volunteers to meet community needs;~~

~~(3) Provide greater public awareness and recognition of volunteer efforts; and~~

~~(4) Assist in devising training programs for use by community organizations that have programs to assist welfare recipients and to assist other divisions of the department in devising and administering programs to match those current and past welfare recipients with any community organizations that desire to assist them.~~

SECTION 7. Arkansas Code § 25-10-144(b), concerning the purpose of the

Governor's Advisory Commission on National Service and Volunteerism, is amended to read as follows:

(b) The purposes of the Governor's Advisory Commission on National Service and Volunteerism are to:

(1) Assist the community engagement program and staff of ~~the Division of Community Service and Nonprofit Support~~ the Director's Office of the Department of Human Services in setting goals, establishing priority activities, performing an advocacy role, and assisting in funding and resource development and publicity and recognition and awards programs; and

(2) Serve as the State Commission on National and Community Service for the Edward M. Kennedy Serve America Act, as governed by 42 U.S.C. § 12638.

SECTION 8. Arkansas Code § 25-10-144(g), concerning the Governor's Advisory Commission on National Service and Volunteerism, is repealed.

~~(g) The Division of Community Service and Nonprofit Support may promulgate rules to implement this section.~~

SECTION 9. Arkansas Code § 3-9-102(e), concerning the posting of warning signs relating to drinking alcoholic beverages during pregnancy, is amended to read as follows:

(e) The board may enter into an interagency agreement with the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services regarding the funding necessary to implement this section.

SECTION 10. Arkansas Code § 4-88-206 is amended to read as follows: 4-88-206. Referrals for abuse, neglect, and exploitation.

The Attorney General shall establish and maintain referral procedures with the ~~Division of Aging and Adult Services~~ within Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services in order to provide any necessary intervention and assistance to elder or disabled persons who may have been victimized by violations of this chapter.

SECTION 11. Arkansas Code § 5-2-301(4), concerning the definition of "designated receiving facility or program" regarding mental disease or defect in criminal law, is amended to read as follows:

(4) "Designated receiving facility or program" means an inpatient or outpatient treatment facility or program that is designated within each geographic area of the state by the Director of the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services to accept the responsibility for the care, custody, and treatment of a person involuntarily admitted to the state mental health system;

SECTION 12. Arkansas Code § 5-2-301(12), concerning the definition of "state mental health system" regarding mental disease or defect in criminal law, is amended to read as follows:

(12) "State mental health system" means the Arkansas State Hospital and any other facility or program certified by the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services.

SECTION 13. Arkansas Code § 5-2-305(a)(3)(B), concerning a mental health examination of a defendant, is amended to read as follows:

(B) A court shall not order the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services to conduct a criminal responsibility examination if a fitness-to-proceed examination has previously determined that the defendant does not have a mental disease or defect unless the requesting party can show reasonable cause to believe:

(i) There is evidence of a mental disease or defect that was not fully considered in the previous fitness-to-proceed examination; or

(ii) That the prior opinion that the defendant does not have a mental disease or defect was based on information or facts later shown to be false or unreliable.

SECTION 14. Arkansas Code § 5-2-305(b)(1) – (3), concerning a mental health examination of a defendant, is amended to read as follows:

(b)(1) Upon suspension of further proceedings in the prosecution, the court shall enter an order:

(A) Directing that the defendant undergo examination and observation by one (1) or more qualified psychiatrists or qualified psychologists;

(B) Appointing one (1) or more qualified psychiatrists not practicing within the Arkansas State Hospital to make an examination and report on the mental condition of the defendant; or

(C) Directing the Director of the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services to determine who will examine and report upon the mental condition of the defendant.

(2) The Director of the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services or his or her designee shall determine the location of the examination.

(3) The examination shall be for a period not exceeding sixty (60) days or such longer period as the Director of the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services or his or her designee determines to be necessary for the purpose of the examination.

SECTION 15. Arkansas Code § 5-4-912(f), concerning collection of data and reporting within the sentencing alternative and pre-adjudication probation, is amended to read as follows:

(f) The Administrative Office of the Courts, the Department of Community Correction, the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services, and the Arkansas Crime Information Center shall work together to share and make available data to provide a comprehensive data management system for the state's pre-adjudication probation programs.

SECTION 16. Arkansas Code § 5-27-227(c)(1)(B), concerning providing minors with tobacco products, vapor products, alternative nicotine products,

e-liquid products, and cigarette papers, is amended to read as follows:

(B) The minor was acting at the direction of an authorized agent of the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services to compile statistical data relating to the sale of tobacco in any form, a vapor product, alternative nicotine product, e-liquid product, any component of a vapor product, alternative nicotine product, or e-liquid product, or cigarette papers to minors;

SECTION 17. The introductory language of Arkansas Code § 5-64-508(a), concerning prevention and deterrence and educational and research programs under the Uniform Controlled Substances Act, is amended to read as follows:

(a) The ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services shall carry out educational programs designed to prevent and deter misuse and abuse of controlled substances. In connection with these programs the division may:

SECTION 18. Arkansas Code § 5-65-104(b)(1)(A), concerning the seizure, suspension, and revocation of license for driving or boating while intoxicated, is amended to read as follows:

(b)(1)(A) A person whose driving privilege is suspended or revoked under this section is required to complete an alcohol education program or an alcohol treatment program as approved by the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services unless the charges are dismissed or the person is acquitted of the charges upon which the suspension or revocation is based.

SECTION 19. Arkansas Code § 5-65-109(a), concerning presentencing report relating to driving or boating while intoxicated, is amended to read as follows:

(a) The court shall immediately request and the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services or its designee shall provide a presentence screening and assessment report of the defendant who pleads guilty or nolo contendere or is found guilty of violating § 5-65-103 or § 5-65-303.

SECTION 20. Arkansas Code § 5-65-115(a)(1), concerning alcohol treatment or education programs, is amended to read as follows:

(a)(1) A person whose driving privileges are suspended or revoked for violating § 5-65-103, § 5-65-303, § 5-65-310, or § 3-3-203 is required to complete an alcohol education program provided by a contractor with the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services or an alcoholism treatment program licensed by the division.

SECTION 21. Arkansas Code § 5-65-121(a)(1), concerning victim impact panel attendance, is amended to read as follows:

(a)(1) A person whose driving privileges are suspended or revoked for violating § 5-65-103, § 5-65-205, § 5-65-303, § 5-65-310, or § 3-3-203 shall attend a victim impact panel sponsored by an organization approved by the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and

Behavioral Health Services of the Department of Human Services.

SECTION 22. Arkansas Code § 5-65-307(a)(1)(A), concerning alcohol and driving education programs, is amended to read as follows:

(a)(1)(A) A person who has his or her driving privileges suspended, revoked, or denied for violating § 3-3-203, § 5-65-310, or § 5-65-303 is required to complete an alcohol and driving education program for underage drivers as prescribed and approved by the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services or an alcoholism treatment program licensed by the division, or both, in addition to any other penalty provided in this chapter.

SECTION 23. Arkansas Code § 6-41-202(b), concerning the purposes and applicability of the Children with Disabilities Act of 1973, is amended to read as follows:

(b) The provisions of this section shall apply to all political subdivisions of the state that are involved in the education of children with disabilities, including without limitation the state educational agency, local educational agencies, educational service agencies, public charter schools that are not otherwise included as local educational agencies or educational service agencies and are not a school of a local educational agency or educational service agency, other state agencies and schools, including without limitation the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services and state schools for children with deafness or children with blindness, and state and local juvenile and adult correction facilities.

SECTION 24. Arkansas Code § 6-64-1201(1), concerning the definition of "community mental health centers" regarding training of law enforcement officials and jail personnel, is amended to read as follows:

(1) "Community mental health centers" means those private nonprofit organizations certified by the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services under § 20-46-301 et seq., as community mental health centers and contracted to perform designated public mental health services in the respective catchment areas of the state;

SECTION 25. Arkansas Code § 6-64-1202(b)(2)(B), concerning the Law Enforcement Training Committee, is amended to read as follows:

(B) The Research and Training Institute of the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services;

SECTION 26. Arkansas Code § 9-27-320(b)(3)(B), concerning fingerprinting or photographing within the Arkansas Juvenile Code of 1989, is amended to read as follows:

(B) When a juvenile departs without authorization from the Arkansas State Hospital, if at the time of departure the juvenile is committed as a result of an acquittal on the grounds of mental disease or defect for an offense for which the juvenile could have been tried as an adult, the Director of the ~~Division of Behavioral Health Services~~ Division of

Aging, Adult, and Behavioral Health Services of the Department of Human Services shall release to the general public the name, age, and description of the juvenile and any other pertinent information the Director of the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services deems necessary to aid in the apprehension of the juvenile and to safeguard the public welfare.

SECTION 27. Arkansas Code § 9-28-407(a)(5)(A)(iii), concerning licenses required and issued under the Child Welfare Agency Licensing Act, is amended to read as follows:

(iii) The licensee is licensed by the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services or its successor; and

SECTION 28. Arkansas Code § 9-28-1201(b)(2)(C), concerning the Youth Justice Reform Board, is amended to read as follows:

(C) Representatives from the Department of Education, Department of Workforce Services, the Division of Children and Family Services of the Department of Human Services, and the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services;

SECTION 29. Arkansas Code § 9-32-202 is amended to read as follows: 9-32-202. Legislative findings.

To enhance the public's access to child welfare program performance indicators, to raise the public's awareness of the child welfare program's client outcomes, to enable the General Assembly to monitor and assess the performance of the Division of Children and Family Services of the Department of Human Services, ~~Division of Behavioral Health Services~~ the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services, and the Division of Youth Services of the Department of Human Services, and to specifically monitor the compliance of the Division of Children and Family Services of the Department of Human Services with court-ordered settlement agreements and compliance with state and federal regulations, the General Assembly finds that special and extraordinary provisions for legislative oversight of the child welfare system should be established.

SECTION 30. Arkansas Code § 9-32-203(a) - (c), concerning quarterly performance reports within the Arkansas Child Welfare Public Accountability Act, is amended to read as follows:

(a)(1) The Division of Youth Services of the Department of Human Services, the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services, and the Division of Children and Family Services of the Department of Human Services are hereby directed to issue to the Senate ~~Interim~~ Committee on Children and Youth a quarterly report on the performance of the child welfare system.

(2) These quarterly reports will be known as the "Division of Youth Services of the Department of Human Services Quarterly Performance Report", the "~~Division of Behavioral Health Services~~ Division of Aging,



Adult, and Behavioral Health Services of the Department of Human Services Quarterly Performance Report", and the "Division of Children and Family Services of the Department of Human Services Quarterly Performance Report" and shall be transmitted to the Senate ~~Interim~~ Committee on Children and Youth no later than sixty (60) calendar days after the end of each calendar quarter.

(b) The Division of Youth Services Quarterly Performance Report, the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services Quarterly Performance Report, and the Division of Children and Family Services of the Department of Human Services Quarterly Performance Report shall ~~contain, but not be limited to~~ include without limitation:

- (1) Client outcome information;
- (2) Case status information;
- (3) Compliance information;
- (4) Management indicators; and
- (5) Other data agreed to by the Senate ~~Interim~~ Committee on

Children and Youth, the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services, the Division of Children and Family Services of the Department of Human Services, and the Division of Youth Services of the Department of Human Services.

(c) The ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services shall report information by mental health catchment areas with actual totals.

SECTION 31. Arkansas Code § 9-32-204(a), concerning annual performance reports and the Arkansas Child Welfare Report Card within the Arkansas Child Welfare Public Accountability Act, is amended to read as follows:

(a)(1)(A) The Division of Youth Services of the Department of Human Services, the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services, and the Division of Children and Family Services of the Department of Human Services shall issue an annual report on the performance of the child welfare system on a county-by-county basis.

(B) The ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services will report information by mental health catchment areas with state totals.

(2) This annual report will be known as the "Arkansas Child Welfare Report Card".

SECTION 32. Arkansas Code § 9-32-205(a), concerning annual performance audits within the Arkansas Child Welfare Public Accountability Act, is amended to read as follows:

(a) The Senate Interim Committee on Children and Youth shall conduct annual performance audits of the Division of Youth Services of the Department of Human Services, the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services, and the Division of Children and Family Services of the Department of Human Services.

SECTION 33. Arkansas Code § 9-32-205(c), concerning annual performance audits within the Arkansas Child Welfare Public Accountability Act, is amended to read as follows:

(c) The performance audits shall ~~contain, but not be limited to~~ include without limitation, a complete assessment of the compliance of the ~~Division of Youth Services, the Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services, and the Division of Children and Family Services of the Department of Human Services with state and federal regulations and with the terms and conditions of the court-ordered settlement agreement.

SECTION 34. Arkansas Code § 9-32-206 is amended to read as follows:  
9-32-206. Provision of information and assistance.

(a) The Division of Youth Services of the Department of Human Services, the ~~Division of Behavioral Health Services~~, Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services, and the Division of Children and Family Services of the Department of Human Services shall make available to the Senate ~~Interim~~ Committee on Children and Youth a list of all reports the unit submits to the Director of the Department of Human Services.

(b) Under the direction of the director, the Division of Youth Services of the Department of Human Services, the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services, and the Division of Children and Family Services of the Department of Human Services shall work cooperatively with and provide any necessary assistance to the Senate ~~Interim~~ Committee on Children and Youth.

(c) Notwithstanding any agency rules or regulations to the contrary, the Division of Youth Services of the Department of Human Services, the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services, and the Division of Children and Family Services of the Department of Human Services shall furnish information to members of the General Assembly, legislative staff, or legislative committees immediately upon request.

SECTION 35. Arkansas Code § 10-3-2302(b)(7), concerning the creation of the Arkansas Legislative Task Force on Abused and Neglected Children, is amended to read as follows:

(7) The Director of the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services or the director's designee;

SECTION 36. Arkansas Code § 10-3-2901(b)(8), concerning the Specialty Court Program Advisory Committee, is amended to read as follows:

(8) The Director of the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services or the director's designee;

SECTION 37. Arkansas Code § 12-18-909(g)(19), concerning the availability of true reports of child maltreatment from the central registry, is amended to read as follows:

(19) The Division of Developmental Disabilities Services and the

~~Division of Aging and Adult Services~~ Division of Aging, Adult, and Behavioral Health Services as to participants of the waiver program;

SECTION 38. Arkansas Code § 12-18-910(f)(10), concerning the availability of screened-out and unsubstantiated reports, is amended to read as follows:

(10) The Division of Developmental Disabilities Services and the ~~Division of Aging and Adult Services~~ Division of Aging, Adult, and Behavioral Health Services as to participants of the waiver program;

SECTION 39. Arkansas Code § 13-11-102(a), concerning the administration and rules of the Senior Arkansans Hall of Fame, is amended to read as follows:

(a) The Senior Arkansans Hall of Fame shall be administered by the ~~Division of Aging and Adult Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services, in consultation with the ~~Joint Interim Committee on Aging and Legislative Affairs~~ House Committee on Aging, Children and Youth, Legislative, and Military Affairs.

SECTION 40. Arkansas Code § 16-10-310(b)(2), concerning the State Administration of Justice Fund, is amended to read as follows:

(2) The Public Health Fund and the Drug Abuse Prevention and Treatment Fund for use in the drug abuse prevention and treatment program of the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services;

SECTION 41. Arkansas Code § 16-86-104(a), concerning admission to the State Hospital, is amended to read as follows:

(a) If the Director of the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services determines that a defendant should be admitted to the Arkansas State Hospital for examination and observation, the defendant shall be committed to the Arkansas State Hospital for a period not exceeding one (1) month or until a time as the Director of the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services believes is necessary for the examination and observation of the defendant.

SECTION 42. Arkansas Code § 16-90-506(d)(1)(A), concerning the reprieve and new trial procedures, is amended to read as follows:

(d)(1)(A)(i) When the Director of the Department of Correction is satisfied that there are reasonable grounds for believing that an individual under sentence of death is not competent, due to mental illness, to understand the nature and reasons for that punishment, the Director of the Department of Correction shall notify the Deputy Director of the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services.

(ii) The Director of the Department of Correction shall also notify the Governor of this action.

(iii) The ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services shall cause an inquiry to be made into the mental condition of

the individual within thirty (30) days of receipt of notification.

(iv) The attorney of record of the individual shall also be notified of this action, and reasonable allowance will be made for an independent mental health evaluation to be made.

(v) A copy of the report of the evaluation by the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services shall be furnished to the Department of Correction Mental Health Services, along with any recommendations for treatment of the individual.

(vi) All responsibility for implementation of treatment remains with the Department of Correction Mental Health Services.

SECTION 43. Arkansas Code § 16-93-109 is amended to read as follows:  
16-93-109. Medicaid reimbursement for essential healthcare services.

Unless otherwise prohibited by law, the Department of Human Services shall cooperate with the Department of Correction and the Department of Community Correction to establish protocols for utilizing Medicaid to reimburse the Department of Correction, Department of Community Correction, ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services, Division of Youth Services, a healthcare provider, or a third party for essential healthcare services, including mental health and substance abuse treatment.

SECTION 44. Arkansas Code § 16-98-201(1), concerning pretrial or posttrial treatment, intervention, and diversion programs, is amended to read as follows:

(1) The treatment program is at least one (1) year in length and meets the minimum standards of treatment promulgated by the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services;

SECTION 45. Arkansas Code § 16-98-303(f)(2), concerning authorized drug court programs, is amended to read as follows:

(2) Serve as a coordinator between drug court judges, the Department of Community Correction, the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services, private treatment provider representatives, and public health advocates;

SECTION 46. Arkansas Code § 16-98-306(f), concerning collection of data within the Arkansas Drug Court Act, is amended to read as follows:

(f) The Division of Drug Court Programs, the Department of Community Correction, the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services, and the Arkansas Crime Information Center shall work together to share and make available data to provide a comprehensive data management system for the state's drug court programs.

SECTION 47. Arkansas Code § 19-5-306(1)(A), concerning the Behavioral Health Services Fund Account within the Department of Human Services Fund, is amended to read as follows:

(A) The Behavioral Health Services Fund Account shall be used for the maintenance, operation, and improvement required by the ~~Division~~

~~of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services in carrying out the powers, functions, and duties, as set out in § 20-46-101 et seq. and § 25-10-101 et seq., or other duties imposed by law upon the Arkansas State Hospital.

SECTION 48. Arkansas Code § 19-5-306(7), concerning the Aging and Adult Services Fund Account within the Department of Human Services Fund, is amended to read as follows:

(7) Aging and Adult Services Fund Account.

(A) The Aging and Adult Services Fund Account shall be used for the maintenance, operation, and improvement required by the ~~Division of Aging and Adult Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services in carrying out the powers, functions, and duties as imposed by law, and § 25-10-101 et seq., upon the ~~Division of Aging and Adult Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services.

(B) The Aging and Adult Services Fund Account shall consist of:

(i) Those general revenues as may be provided by law;

(ii) Fifty percent (50%) of those special revenues as specified in § 19-6-301(201), there to be used to assist the Meals on Wheels program, and any other special revenues as may be provided by law;

(iii) Nonrevenue income derived from services provided by the ~~Division of Aging and Adult Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services;

(iv) Federal reimbursement received on account of eligible expenditures of the ~~Division of Aging and Adult Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services; and

(v) The first three million dollars (\$3,000,000) each year of the net revenues derived from the additional cigarette tax levied in § 26-57-802, to be used exclusively for transportation services benefiting the elderly, including the Meals on Wheels program;

SECTION 49. Arkansas Code § 19-5-307(b)(6), concerning the Public Health Fund, is amended to read as follows:

(6) Moneys transferred or deposited from the State Administration of Justice Fund to support alcoholism treatment programs and for use in the drug abuse prevention and treatment program of the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services;

SECTION 50. Arkansas Code § 19-5-1228(b)(1), concerning the Area Agencies on Aging Fund, is amended to read as follows:

(b)(1) The Treasurer of State shall distribute moneys in the fund to the ~~Division of Aging and Adult Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services to be distributed to the eight (8) area agencies on aging based on the division's funding formula.

SECTION 51. Arkansas Code § 19-6-301(13), concerning special revenues,

is amended to read as follows:

(13) Paying patients' fees, excluding those received from Medicare or Medicaid and the Social Security Administration, or from other sources which cause a decrease in the monthly vendor payment, for services provided by the appropriate ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services and Division of Developmental Disabilities Services of the Department of Human Services divisions and programs of the Department of Human Services;

SECTION 52. Arkansas Code § 19-6-807 is amended to read as follows: 19-6-807. In God We Trust License Plate Fund.

The In God We Trust License Plate Fund shall consist of those special revenues as specified in § 19-6-301(223) and any other revenues as may be authorized by law, there to be used by the ~~Division of Aging and Adult Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services to provide quarterly cash grants to each senior citizen center in a similar method as is used in the state's current system for distributing United States Department of Agriculture money to the senior citizen centers to purchase raw food, and for purchasing food for use in a home-delivered meal program, as set out in § 27-15-4904.

SECTION 53. Arkansas Code § 20-8-602(a)(4)(C), concerning the membership of the Alzheimer's Advisory Council, is amended to read as follows:

(C) The Director of the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services or his or her designee;

SECTION 54. Arkansas Code § 20-9-201(4)(B)(ii), concerning the definition of "hospital" regarding health facilities services, is amended to read as follows:

(ii) Licensed or certified by the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services as an alcohol and drug abuse inpatient treatment center;

SECTION 55. Arkansas Code § 20-9-201(5)(C)(ii), concerning the definition of "institution" regarding health facilities services, is amended to read as follows:

(ii) Licensed or certified by the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services as an alcohol and drug abuse inpatient treatment center;

SECTION 56. Arkansas Code § 20-10-207(f)(1), concerning the notification to media of violations, is amended to read as follows:

(f)(1) The ~~Ombudsman~~ ombudsman of the ~~Division of Aging and Adult Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services shall be furnished with each final copy of a survey upon completion by the office.

SECTION 57. Arkansas Code § 20-10-602 is amended to read as follows:  
20-10-602. Ombudsman program.

The ~~Division of Aging and Adult Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services shall establish and administer an ombudsman program in accordance with the Older Americans Act, as amended, and all applicable federal and state laws, including the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

SECTION 58. Arkansas Code § 20-33-213(a)(2)(A), concerning the definition of "service provider within the required criminal history and registry records checks, is amended to read as follows:

(A) An ElderChoices provider certified by the ~~Division of Aging and Adult Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services;

SECTION 59. Arkansas Code § 20-38-101(9)(E), concerning the definition of "service provider" regarding criminal background checks, is amended to read as follows:

(E) An ElderChoices provider certified by the ~~Division of Aging and Adult Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services;

SECTION 60. Arkansas Code § 20-45-302(c)(2), concerning the creation and purpose of the Arkansas Suicide Prevention Council, is amended to read as follows:

(2) A representative of the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services, to be designated by the head of the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services;

SECTION 61. Arkansas Code § 20-46-301(a), concerning the powers and duties of the Division of Behavioral Health Services, is amended to read as follows:

(a) The Department of Human Services shall have the authority and power to create and maintain the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services and to provide services for community mental health clinics and centers, which shall be administered through such divisions, offices, sections, or units of the department as may be determined by the Director of the Department of Human Services.

SECTION 62. Arkansas Code § 20-46-301(e), concerning the powers and duties of the Division of Behavioral Health Services, is amended to read as follows:

(e)(1) In the event that a state-operated community mental health center acquires private nonprofit status, the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services shall have the authority to lease employees of the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services to perform services for the private nonprofit community mental health center to ensure

the continued delivery of satisfactory levels of mental health services consistent with the goals and objectives of the Department of Human Services and the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services.

(2) The director shall have the authority to negotiate an employee leasing arrangement with the private nonprofit community mental health center as an ongoing contract to perform mental health services for the center. The arrangement shall provide, at a minimum:

(A) For reimbursement for all leased ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services employee financial obligations with respect to wages, employment taxes, and employee benefits of each employee providing services for the center and for reimbursement of administrative costs associated with the leased employees;

(B) That all leased employees are covered by workers' compensation insurance provided in conformance with laws of the state and which may be provided by either the Department of Human Services or the center;

(C) That all leased employees shall be limited to providing services to clients or in support of clients which are consistent with the goals and objectives of the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services and the Department of Human Services;

(D) That the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services and the Department of Human Services shall not be vicariously liable for the liabilities of the center, whether contractual or otherwise;

(E) That the center shall provide liability insurance for the employees and indemnify the state for any actions of the employees; and

(F) That the leasing arrangement shall not be effective for a period of time to exceed each state fiscal biennium and that payment and performance obligations of the arrangement are subject to the availability and appropriation of funds for the employees' salaries and other benefits.

(3)(A) Employer responsibilities for leased employees shall be shared by the Department of Human Services and the community mental health center.

(B) The Department of Human Services shall be responsible for the administration and management of employee compensation and all employee benefit and welfare plans.

(C) The center may exercise day-to-day supervision and control of the employees' delivery of services in conformity with all ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services and Department of Human Services policies and procedures.

SECTION 63. Arkansas Code § 20-46-304(a)(1), concerning the adoption of minimum standards, is amended to read as follows:

(a)(1) The ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services shall adopt appropriate minimum standards of performance in the delivery of mental health services by community mental health centers.



SECTION 64. Arkansas Code § 20-46-306(a), concerning purchasing procedures for minimum standards, is amended to read as follows:

(a) The minimum standards prescribed by the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services for purchases by community mental health centers, so far as practicable, shall be comparable to the limits set for small purchases ~~pursuant to~~ under the purchasing procedures established by the State Procurement Director and shall require competitive bidding for purchases exceeding those limits.

SECTION 65. Arkansas Code § 20-46-307(a), concerning records of purchases and service contracts for minimum standards, is amended to read as follows:

(a) The minimum purchasing standards and procedures prescribed by the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services for community mental health centers shall not require preaudit or prepurchase approval by the state of purchases made by the centers but shall require all centers to maintain complete records regarding all such purchases and all professional services contracts entered into by the respective centers for a period of at least two (2) years and shall provide that the records ~~shall be~~ are open for public inspection during that period.

SECTION 66. Arkansas Code § 20-46-308(a)(1), concerning periodic audits of minimum standards, is amended to read as follows:

(a)(1) Each community mental health center shall undergo a periodic audit as may be required by the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services.

SECTION 67. Arkansas Code § 20-46-315 is amended to read as follows:  
20-46-315. Transfer of state's matching share.

The ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services is authorized to retain and transfer to the Department of Human Services that portion of each community mental health center's or clinic's allotment which is required for the state's matching share for payment to community mental health centers or clinics for services eligible for federal reimbursement under the programs administered by the department.

SECTION 68. Arkansas Code § 20-46-501 is amended to read as follows:  
20-46-501. Purpose.

The purpose of this subchapter is to enable the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services to provide intensive residential treatment for adults with long-term severe mental illness within specialized mental health residential settings.

SECTION 69. Arkansas Code § 20-46-502(1)(A), concerning the definition of "adults with long-term severe mental illness", is amended to read as follows:

(1)(A) "Adults with long-term severe mental illness" means a person, eighteen (18) years of age or over, who meets criteria for service eligibility as defined by the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services.

SECTION 70. Arkansas Code § 20-46-503 is amended to read as follows:  
20-46-503. Authority to establish program.

The ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services is authorized to establish and maintain in a specialized mental health setting a an intensive residential treatment program for adults with long-term severe mental illness.

SECTION 71. Arkansas Code § 20-46-504(a), concerning rules and regulations of the Division of Behavioral Health Services, is amended to read as follows:

(a) The ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services shall adopt, promulgate, and enforce the rules, regulations, and standards that may be necessary for the accomplishment of this subchapter.

SECTION 72. Arkansas Code § 20-46-505 is amended to read as follows:  
20-46-505. Procedures.

The ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services shall follow the procedures prescribed for adjudication in the Arkansas Administrative Procedure Act, § 25-15-201 et seq., in exercising any power authorized by this subchapter.

SECTION 73. The introductory language of Arkansas Code § 20-47-201(a), concerning the purpose and policy of commitment and treatment of mental illness, is amended to read as follows:

(a) The purpose of this subchapter is to enable the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services to assist in:

SECTION 74. Arkansas Code § 20-47-202(1), concerning the definition of "administrator" regarding commitment and treatment of mental illness, is amended to read as follows:

(1) "Administrator" means the chief administrative officer or executive director of any private or public facility or of any community mental health center certified by the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services;

SECTION 75. Arkansas Code § 20-47-202(5), concerning the definition of "deputy director" regarding commitment and treatment of mental illness, is amended to read as follows:

(5) "Deputy director" means the chief executive officer for the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services;

SECTION 76. Arkansas Code § 20-47-202(7), concerning the definition of "division" regarding commitment and treatment of mental illness, is amended to read as follows:

(7) "Division" means the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services;

SECTION 77. Arkansas Code § 20-47-202(10)(C), concerning the definition of "involuntary admission" regarding commitment and treatment of mental illness, is amended to read as follows:

(C) Admission to outpatient behavioral ~~health care~~ healthcare services furnished by a receiving facility or program or a behavioral ~~health care~~ healthcare clinic certified by the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services;

SECTION 78. Arkansas Code § 20-47-202(15), concerning the definition of "receiving facility or program" regarding commitment and treatment of mental illness, is amended to read as follows:

(15) "Receiving facility or program" means an inpatient or outpatient treatment facility or program which is designated within each geographic area of the state by the Deputy Director of the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services to accept the responsibility for care, custody, and treatment of persons involuntarily admitted to the state mental health system;

SECTION 79. Arkansas Code § 20-47-202(18), concerning the definition of "state mental health system" regarding commitment and treatment of mental illness, is amended to read as follows:

(18) "State mental health system" means the Arkansas State Hospital and any other facility or program licensed or certified by the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services;

SECTION 80. Arkansas Code § 20-47-221(a), concerning patient or client advocates, is amended to read as follows:

(a)(1) The Director of the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services shall designate a patient or client advocate for the three (3) state mental health facilities located in Little Rock and Benton.

(2) The designated patient or client advocate in these facilities shall report directly to the deputy director.

SECTION 81. Arkansas Code § 20-47-222 is amended to read as follows:  
20-47-222. Transfer and admission of residents who become ill in another state.

The Director of the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services or his or her designee shall have authority to authorize the transfer and admission to a receiving facility or program of any person who

is a legal resident of the state and who may become mentally ill while a transient in another state, ~~pursuant to~~ under the Interstate Compact on Mental Health, § 20-50-101 et seq.

SECTION 82. Arkansas Code § 20-47-225(d)(1), concerning liability for charges, is amended to read as follows:

(d)(1) The ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services shall promulgate rules establishing reasonable charges that may be made by a receiving facility or program and the Arkansas State Hospital.

SECTION 83. Arkansas Code § 20-47-226 is amended to read as follows:  
20-47-226. Forms.

(a) The Director of the Administrative Office of the Courts and the Prosecutor Coordinator shall jointly prescribe all other forms reasonably necessary to carry out this subchapter, provided that the Director of the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services or designee may prescribe forms pertaining to preadmission history to accompany the person when presented for admission, to be waived in dire emergencies.

(b) The Director of the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services or designee shall assist the Director of the Administrative Office of the Courts in prescribing forms for the required medical certificates.

(c) Substantial adherence to the prescribed forms will suffice in any instance.

SECTION 84. Arkansas Code § 20-47-228(a), concerning assurance of compliance regarding commitment and treatment of mental illness, is amended to read as follows:

(a) To assure compliance under this subchapter, the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services, through its authorized agents, may visit or investigate any state mental health system program or facility to which persons are voluntarily or involuntarily admitted under this subchapter.

SECTION 85. Arkansas Code § 20-47-502(5), concerning the definition of "Comprehensive Children's Behavioral Health System of Care Plan", is amended to read as follows:

(5) "Comprehensive Children's Behavioral Health System of Care Plan" means a plan to assist the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services in providing oversight for the Child and Adolescent Service System Program;

SECTION 86. Arkansas Code § 20-47-507(a), concerning Child and Adolescent Service System Program Coordinating Council staff, is amended to read as follows:

(a) The staff for the Child and Adolescent Service System Program Coordinating Council shall be provided by the Child and Adolescent Service

System Program project for the first two (2) years and subsequently by the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services.

SECTION 87. Arkansas Code § 20-47-510(a), concerning the coordination and oversight of the Comprehensive Children's Behavioral Health System of Care Plan and annual reports, is amended to read as follows:

(a) The ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services is designated the state agency responsible for the coordination and oversight of the Comprehensive Children's Behavioral Health System of Care Plan.

SECTION 88. Arkansas Code § 20-47-601(1), concerning the definition of "community mental health centers", is amended to read as follows:

(1) "Community mental health centers" means those private nonprofit organizations certified by the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services under § 20-47-202 as community mental health centers and contracted to perform designated public mental health services in the respective catchment areas of the state;

SECTION 89. Arkansas Code § 20-47-602(d)(1) and (2), concerning the protocols and accountability of community mental health centers, is amended to read as follows:

(d)(1) A standard model for the checklist to be prepared under this section and a standard model for the protocols to be drafted under this section shall be prepared by a committee to be convened by the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services within six (6) months after July 31, 2007.

(2) The committee convened under subdivision (d)(1) of this section ~~shall consist~~ consists of a representative designated by each of the following agencies or departments:

- (A) Arkansas Association of Chiefs of Police;
- (B) County Judges Association;
- (C) Arkansas Judicial Council;
- (D) Arkansas Municipal League;
- (E) Arkansas Sheriffs' Association;
- (F) Community mental health centers;
- (G) Criminal Justice Institute;
- (H) Department of Community Correction;
- (I) Disability Rights Center of Arkansas;
- (J) ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services;
- (K) Office of the Prosecutor Coordinator;
- (L) Department of Psychiatry of the University of Arkansas for Medical Sciences; and
- (M) Arkansas Public Defender Commission.

SECTION 90. The introductory language of Arkansas Code § 20-47-705(5), concerning behavioral healthcare initiatives, is amended to read as follows:

(5) Create additional capacity within the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services to develop, support, and oversee the new system of care for behavioral healthcare services for children, including:

SECTION 91. Arkansas Code § 20-50-102(a), concerning the compact administrator of the Interstate Compact on Mental Health, is amended to read as follows:

(a) ~~Pursuant to~~ Under this compact, the Director of the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services, or his or her designee, shall be the compact administrator and, acting jointly with like officers of other party states, shall have power to promulgate rules ~~and regulations~~ to carry out more effectively the terms of the compact.

SECTION 92. The introductory language of Arkansas Code § 20-64-602(a), concerning alcohol and drug abuse prevention generally and the powers and duties of the Division of Behavioral Health Services, is amended to read as follows:

(a) The ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services shall:

SECTION 93. Arkansas Code § 20-64-702(4), concerning the definition of "division" regarding persons addicted to alcohol, is amended to read as follows:

(4) "Division" means the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services; and

SECTION 94. Arkansas Code § 20-64-704 through 20-64-707 are amended to read as follows:

20-64-704. ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services – Powers and duties.

The ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services shall have the following duties and functions:

(1) Carry on a continuing study of the problems of alcoholism in this state and seek to focus public attention on the problems;

(2) Establish cooperative relationships with other state and local agencies, hospitals, clinics, public health, welfare, and law enforcement authorities, educational and medical agencies and organizations, and other related public and private groups;

(3) Promote or conduct educational programs on alcoholism, purchase and provide books, films, and other educational material, furnish funds or grants to the Department of Education, institutions of higher education, and medical schools for study and research, and modernize instruction regarding the problems of alcoholism;

(4) Provide for treatment and rehabilitation of alcoholics and allocate funds for:

(A) The establishment of local alcoholic clinics, with or without short-term hospitalization facilities, by providing funds for not to

exceed seventy-five percent (75%) of the total operating cost of the clinics operated by a city or a county;

(B) Providing treatment for those alcoholics needing from five (5) to ninety (90) days' hospitalization, whether voluntary patients or those admitted on court order, by furnishing the Department of Human Services State Institutional System Board all of the funds needed for the proper operation of segregated wards for treatment of the patients. The funds and necessary personnel shall be in addition to all funds and personnel provided the hospital board in the regular departmental appropriation bill;

(C) Contracting with hospitals or institutions not under its control for the care, custody, and treatment of alcoholics; and

(D) Providing for the detention, care, and treatment of recalcitrant alcoholics and alcoholics with long police court records, by furnishing funds for the operation of farm or colony-type facilities under the provisions of subdivision (4)(A) or subdivision (4)(B) of this section; and

(5) While the division necessarily must, and does, have discretion as to proportions in which it allocates funds to the various aspects of this problem, it is contemplated and intended that the division shall make every reasonable effort not to concentrate too largely on any one (1) phase of the problem at the expense or to the detriment of other phases. For example, but not limited to, the following phases:

(A) That research should not be ~~retarded~~ slowed because of funds directed to treatment, and vice versa;

(B) That treatment should not be ~~retarded~~ slowed because of funds directed to rehabilitation, and vice versa; and

(C) That rehabilitation should not be ~~retarded~~ slowed because of funds directed to research, and vice versa.

20-64-705. ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services – Power to accept gifts.

(a)(1) The deputy director, on behalf of the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services, may receive any federal means, grants, contributions, gifts, and loans which are payable or distributable to the State of Arkansas by the United States or any of its agencies or instrumentalities, under any existing or future federal laws or statutes or rules or regulations of the agencies or instrumentalities, received for or on account of any of the functions performable by the division.

(2) The division may also receive gifts, grants, donations, fees, conveyances, or transfers of money and property, both real and personal, from private and public sources, to effectuate the purposes of this subchapter.

(b) The deputy director, on behalf of the division, shall sell or dispose of such real or personal property as the division deems advisable, upon specific authorization of the division.

(c) Any funds and income from any property so furnished or transferred to the deputy director on behalf of the division shall be placed in the State Treasury in a special fund called the Alcohol and Drug Abuse Prevention Fund Account [repealed] and expended in the same manner as other state moneys are expended, upon warrants drawn by the comptroller upon the order of the division.

(d) Any of the moneys, funds, and property described in this section are appropriated for the purpose of carrying out the provisions of this subchapter.

20-64-706. ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services – Rules and regulations.

The ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services shall be responsible for the adoption of all policies and shall make all rules ~~and regulations~~ appropriate to the proper accomplishment of its functions under this subchapter and to the allocation of its funds.

20-64-707. ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services – Cooperation by other departments.

(a) To effectuate the purpose of this subchapter and to make maximum use of existing facilities and personnel, it ~~shall be~~ is the duty of all departments and agencies of the state government and all officers and employees of the state, when requested by the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services, to cooperate with it in all activities consistent with their proper respective functions.

(b) ~~Nothing in this section shall be construed as giving~~ This section does not give the division control over existing facilities, institutions, or agencies, or ~~as requiring~~ require the facilities, institutions, or agencies to serve the division inconsistently with their respective functions, or with the authority of their respective offices, or with the laws and regulations governing their respective activities, or ~~as giving~~ give the division power to make use of any private institution or agency without the consent of the private institution or agency, or to pay a private institution or agency for services which a public institution or agency is willing and able to perform adequately.

SECTION 95. Arkansas Code § 20-64-801(1), concerning the definition of "administrator" regarding persons addicted to alcohol or drugs, is amended to read as follows:

(1) "Administrator" refers to the chief administrative officer or executive director of any private or public facility or program designated as a receiving facility or program by the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services;

SECTION 96. Arkansas Code § 20-64-803 is amended to read as follows:  
20-64-803. Civil immunity.

The prosecuting attorney, deputy prosecuting attorneys, the Prosecutor Coordinator, law enforcement officers, governing boards of the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services, employees of the division, governing boards of designated receiving facilities, and employees of designated receiving facilities and programs shall be immune from civil liability for performance of duties imposed by this subchapter.

SECTION 97. Arkansas Code § 20-64-805(a), concerning inspections and



procedures, is amended to read as follows:

(a) To assure compliance with this subchapter, the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services, through its authorized agents, may visit or investigate any receiving facility or program to which persons are admitted or committed under this subchapter.

SECTION 98. Arkansas Code § 20-64-821(b)(1)(B)(i), concerning initial hearing, determination, and evaluation of individuals with mental illness, is amended to read as follows:

(B)(i) Except as provided in subdivision (b)(1)(C) of this section, a screening and assessment shall be conducted by a contractor with the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services.

SECTION 99. Arkansas Code § 20-64-830(b)(1), concerning liability for treatment, is amended to read as follows:

(b)(1) The ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services shall promulgate rules specifying the amounts to be fixed as costs and establishing procedures for implementation of this section.

SECTION 100. Arkansas Code § 20-64-901 is amended to read as follows:  
20-64-901. Purpose.

The purpose of this subchapter is to require all persons, partnerships, associations, or corporations holding themselves out to the public as alcohol and drug abuse treatment programs in the State of Arkansas to meet the licensure standards set by the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services, unless expressly exempted by this subchapter.

SECTION 101. Arkansas Code § 20-64-903(a)(1), concerning the authority and exemptions from licensure relating to alcohol and drug abuse treatment programs, is amended to read as follows:

(a)(1) The ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services shall adopt rules for the licensure of alcohol and drug abuse treatment programs in Arkansas.

SECTION 102. Arkansas Code § 20-64-904(b)(1), concerning licensure for alcohol and drug abuse treatment programs, is amended to read as follows:

(b)(1) Any person or program desiring to be licensed as an alcohol and drug abuse treatment program shall make application to the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services on forms prescribed by the division and shall furnish the application information required by the division.

SECTION 103. Arkansas Code § 20-64-905(a), concerning renewal of licensure for alcohol and drug abuse treatment programs, is amended to read as follows:

(a) Each alcohol and drug abuse treatment program licensure shall be

renewed annually upon a payment of a fee of seventy-five dollars (\$75.00) by January 30 of each year to the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services.

SECTION 104. Arkansas Code § 20-64-906(a), concerning disposition of funds for alcohol and drug abuse treatment programs, is amended to read as follows:

(a) All application fees and accreditation costs will be paid to the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services.

SECTION 105. Arkansas Code § 20-64-907(a), concerning reporting requirements for alcohol and drug abuse treatment programs, is amended to read as follows:

(a) All persons, partnerships, associations, or corporations operating alcohol and drug abuse treatment programs in the State of Arkansas, whether licensed by the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services or expressly exempted from licensure, shall be required to furnish such information at such times and in such form as may be required by the division.

SECTION 106. Arkansas Code § 20-64-908(a), concerning the appeal process for alcohol and drug abuse treatment programs, is amended to read as follows:

(a) The Arkansas Alcohol and Drug Abuse Coordinating Council shall have the power and authority to hear appeals regarding decisions by the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services not to license an alcohol, drug, or alcohol and drug abuse treatment program under this subchapter.

SECTION 107. Arkansas Code § 20-64-910(c)(6), concerning the membership of the Task Force on Substance Abuse Treatment Services, is amended to read as follows:

(6) One (1) member appointed by the President Pro Tempore of the Senate and recommended by the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services;

SECTION 108. Arkansas Code § 20-64-1001(a)(2), concerning the Arkansas Drug Director, is amended to read as follows:

(2) Effective at 12:01 a.m. on July 1, 2005, the position of Arkansas Drug Director is transferred to the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services.

SECTION 109. Arkansas Code § 20-64-1001(d), concerning the Arkansas Drug Director, is amended to read as follows:

(d)(1) The Arkansas Drug Director shall maintain an office at a location to be determined by the Director of the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of

the Department of Human Services. All records required by law to be kept by the Arkansas Drug Director shall be maintained at the office.

(2) The Arkansas Drug Director is authorized to establish and enforce rules ~~and regulations~~ regarding the management of the Special State Assets Forfeiture Fund and the maintenance and inspection of drug task force records concerning asset forfeitures, revenues, expenditures, and grant funds.

(3) The Director of the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services is authorized to hire employees to assist in these functions.

SECTION 110. Arkansas Code § 20-64-1002(b)(1)(B), concerning the membership of the Arkansas Alcohol and Drug Abuse Coordinating Council, is amended to read as follows:

(B) The Director of the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services;

SECTION 111. Arkansas Code § 20-64-1002(d), concerning the creation of the Arkansas Alcohol and Drug Abuse Coordinating Council, is amended to read as follows:

(d) The coordinating council may appoint noncouncil members for PEER review of grants, and the PEER Review Committee members shall be entitled to reimbursement for actual expenses and mileage to be paid by the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services from funds appropriated for its maintenance and operation.

SECTION 112. Arkansas Code § 20-64-1003(e)(2), concerning the functions, powers, and duties of the Arkansas Alcohol and Drug Abuse Coordinating Council, is amended to read as follows:

(2) Committees shall include, ~~but not be limited to,~~ without limitation a prevention, education, and treatment committee chaired by the Director of the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services, and a law enforcement committee.

SECTION 113. Arkansas Code § 20-64-1102(b)(4), concerning the membership of the Task Force on Substance Abuse Prevention, is amended to read as follows:

(4) Three (3) members appointed by the Speaker of the House of Representatives and recommended by the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services, to include one (1) member representative of substance abuse prevention providers;

SECTION 114. Arkansas Code § 20-77-1607(b)(2), concerning the membership of the Advisory Council to the Arkansas Youth Suicide Prevention Task Force, is amended to read as follows:

(2) The Director of the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of

Human Services shall appoint one (1) member from the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services;

SECTION 115. Arkansas Code § 20-80-202(b), concerning the purpose of the Older Worker Community Service Employment Act, is amended to read as follows:

(b) The ~~Division of Aging and Adult Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services, is authorized to establish and administer the program in accordance with the provisions of this subchapter, utilizing such funds as may be appropriated by the General Assembly in support of this subchapter.

SECTION 116. The introductory language of Arkansas Code § 20-80-204 is amended to read as follows:

To implement this subchapter, the ~~Division of Aging and Adult Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services is authorized:

SECTION 117. Arkansas Code § 20-80-205(a), concerning the program standards and procedures under the Older Worker Community Service Employment Act, is amended to read as follows:

(a) In the development and implementation of the Older Worker Community Service Employment Program, the ~~Division of Aging and Adult Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services shall adopt program standards and procedures that will ensure that the intent and provisions of this subchapter are adhered to by community-based agencies receiving program grant funds.

SECTION 118. Arkansas Code § 23-79-139(f), concerning benefits for alcohol or drug dependency treatment, is amended to read as follows:

(f) For the purposes of this section, the term "alcohol or drug dependency treatment facility" ~~shall mean~~ means a public or private facility, or unit in a facility, ~~that is engaged in providing~~ provides treatment twenty-four (24) hours a day for alcohol or drug dependency or substance abuse, that provides a program for the treatment of alcohol or other drug dependency ~~pursuant to~~ under a written treatment plan approved and monitored by a physician, and that is also properly licensed or accredited to provide those services by the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services.

SECTION 119. Arkansas Code § 23-86-113(a)(1), concerning the minimum benefits for mental illness in group accident and health insurance policies or subscriber's contracts, is amended to read as follows:

(1) In the case of benefits based upon confinement as an inpatient in a hospital, psychiatric hospital, or outpatient psychiatric center licensed by the Department of Health or a community mental health center certified by the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services, the benefits shall be as defined in subsection (b) of this section;

SECTION 120. Arkansas Code § 25-9-106(a), concerning the Community Alcohol Safety Program, is amended to read as follows:

(a) On or after July 1, 1999, all powers, duties, functions, records, and funds administered or provided by other support divisions within the Arkansas State Highway and Transportation Department for the Traffic Safety Section of the Planning and Research Division regarding or relating to the state alcohol program, commonly known as the "Community Alcohol Safety Program", administered by the department ~~pursuant to~~ under the laws of this state and transferred to that department by Acts 1989, 1st Ex. Sess., No. 153, shall be transferred by a type 2 transfer, as defined in § 25-2-105, to the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services.

SECTION 121. Arkansas Code § 25-9-107 is amended to read as follows:

25-9-107. Transfer of personnel ~~pursuant to~~ under § 25-9-106.

All personnel transferred from the Arkansas State Highway and Transportation Department ~~pursuant to~~ under § 25-9-106 shall be are eligible for employment under this section in a comparable position with the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services.

SECTION 122. Arkansas Code § 25-10-110(b), concerning institutional services and charges, is amended to read as follows:

(b) The Division of ~~Division of Behavioral Health Services~~ Aging, Adult, and Behavioral Health Services of the Department of Human Services, Rehabilitation Services, Division of Youth Services of the Department of Human Services, and Division of Developmental Disabilities Services of the Department of Human Services are permitted to charge for institutional services provided to members of the public on an actual cost basis rather than on a per capita or other basis.

SECTION 123. Arkansas Code § 25-10-120(a)(1), concerning the Arkansas Research and Training Institute, is amended to read as follows:

(1) Promote recruitment and retention of highly qualified professionals at programs operated or certified by the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services, community mental health center programs, and other public sector mental health programs in Arkansas;

SECTION 124. Arkansas Code § 25-10-120(b)(4), concerning the Arkansas Research and Training Institute, is amended to read as follows:

(4) Establish a student loan program in accordance with procedures established by the Chief Fiscal Officer of the State, when the Director of the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services has determined a shortage of such professionals exists.

SECTION 125. Arkansas Code § 25-10-122(a), concerning the creation of the Office of Minority Mental Health, is amended to read as follows:

(a) There is created an Office of Minority Mental Health within the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services.

SECTION 126. Arkansas Code § 25-10-123 is amended to read as follows:  
25-10-123. Programs and policies – Development.

The Office of Minority Mental Health within the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services shall develop programs and policies concerning the following:

- (1) Providing culturally relevant mental health services to minority individuals with mental illness;
- (2) Improving the availability and accessibility of mental health services to minority individuals with long-term mental illnesses;
- (3) Educating minority individuals with mental illness about their illness;
- (4) Providing minority families with education on mental illness; and
- (5) Providing accessible educational training within the mental health setting and the minority community.

SECTION 127. Arkansas Code § 25-10-124(a), concerning the administration of state or federal funds, is amended to read as follows:

(a) The Office of Minority Mental Health within the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services is the authorized state agency to accept, receive, retain, and administer any state or federal funds relating to minority mental health.

SECTION 128. Arkansas Code § 25-10-133(a)(1), concerning mental health services, is amended to read as follows:

(a)(1) Personnel positions and appropriations provided for all programs of the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services may be reallocated when such actions are determined necessary to assure continued delivery of satisfactory levels of services in any of the several programs administered by the division.

SECTION 129. Arkansas Code § 26-57-257(k), concerning the duties of the Director of Arkansas Tobacco Control, is amended to read as follows:

(k) The Director of Arkansas Tobacco Control shall recognize the ~~Division of Behavioral Health Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services as the agency responsible for ensuring full compliance with the Public Health Service Act, § 1926(b), 42 U.S.C. § 300x-26(b), and shall call upon administrative departments of the state, county, and city governments, sheriffs, city police departments, or other law enforcement officers for such information and assistance as the Director of Arkansas Tobacco Control may deem necessary in the performance of the duties imposed upon him or her by this subchapter.

SECTION 130. Arkansas Code § 27-15-4902(b)(1)(A), concerning the design of a special license plate, is amended to read as follows:

(A) A fee in the amount of six thousand dollars (\$6,000) to cover the cost of the initial order of each newly designed license plate is remitted to the Department of Finance and Administration by the ~~Division~~

~~of Aging and Adult Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services, a person, or other entity; or

SECTION 131. Arkansas Code § 27-15-4904(c)(1)(A), concerning the In God We Trust License Plate Fund, is amended to read as follows:

(c)(1)(A) The fund shall be used by the ~~Division of Aging and Adult Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services to provide quarterly cash grants to each senior citizen center in a similar method as is used in the State of Arkansas's current system for distributing United States Department of Agriculture money to the senior citizen centers to purchase raw food.

SECTION 132. Arkansas Code § 28-65-702(a)(2), concerning public guardians for adults, is amended to read as follows:

(2) A prior authorized appointment of a public guardian by the Director of the ~~Division of Aging and Adult Services~~ Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services shall have continuing effect and be relied upon in regard to the public guardian's authority to act on behalf of the ward."

The Amendment was read \_\_\_\_\_  
By: Representative Ballinger  
JMB/JMB - 03-16-2017 22:44:48  
JMB502

\_\_\_\_\_  
Chief Clerk