

INTERIM STUDY PROPOSAL 2017-105

State of Arkansas

91st General Assembly

Second Extraordinary Session, 2017

MBM/MBM

SJR

By: Senator B. King

Filed with: Senate Committee on State Agencies and Governmental Affairs
pursuant to A.C.A. §10-3-217.

SENATE JOINT RESOLUTION

A PROPOSED CONSTITUTIONAL AMENDMENT PROVIDING THAT IF THE STATE OF ARKANSAS OPERATES A PROGRAM TO PROVIDE HEALTH INSURANCE OR MEDICAL ASSISTANCE, OR BOTH, TO CERTAIN ELIGIBLE INDIVIDUALS AS AUTHORIZED BY FEDERAL LAW, THE STATE SHALL UNDERTAKE AUDITS AND PUT INTO PLACE OTHER MECHANISMS NECESSARY TO ENSURE THAT INDIVIDUALS PARTICIPATING IN THE PROGRAM MEET ALL NECESSARY REQUIREMENTS; AND PROVIDING THAT IF AN INDIVIDUAL ENROLLED IN THE PROGRAM IS LATER FOUND TO BE INELIGIBLE, THE STATE SHALL RECOUP THE ACTUAL COSTS INCURRED AS A RESULT OF THE INDIVIDUAL BEING ELIGIBLE FOR OR RECEIVING BENEFITS.

Subtitle

A PROPOSED CONSTITUTIONAL AMENDMENT CONCERNING STATE-PROVIDED HEALTH INSURANCE OR MEDICAL ASSISTANCE, OR BOTH, FOR CERTAIN ELIGIBLE INDIVIDUALS AND THE RECOUPMENT OF ACTUAL COSTS INCURRED BY INELIGIBLE INDIVIDUALS.

BE IT RESOLVED BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ARKANSAS, AND BY HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

1 THAT the following is proposed as an amendment to the Constitution of the State of Arkansas,
2 and upon being submitted to the electors of the state for approval or rejection at the next general election
3 for Representatives and Senators, if a majority of the electors voting thereon at the election adopt the
4 amendment, the amendment shall become a part of the Constitution of the State of Arkansas, to wit:

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6 SECTION 1. The Arkansas Constitution is amended to read as follows:

7 § 1. Improper receipt of benefits - Recoupment.

8 (a) As used in this amendment:

9 (1) "Benefits" means:

10 (A) Health insurance;

11 (B) Medical assistance; or

12 (C) Both health insurance and medical assistance; and

13 (2) "Eligible individual" means an individual who is in the eligibility category created by
14 section 1902(a)(10)(A)(i)(VIII) of the Social Security Act, 42 U.S.C. § 1396a or a successor category
15 established under federal law.

16 (b)(1) If the state operates a program to provide benefits to an eligible individual, the state shall
17 undertake audits and put into place other mechanisms necessary to ensure that the eligible individual
18 receiving benefits meets all requirements necessary to participate in the program.

19 (2) If the state determines that an individual is enrolled in the program as though he or
20 she is an eligible individual but is in fact not eligible to participate in the program, the state shall:

21 (A) Remove the individual from the program; and

22 (B)(i) Recoup the actual costs incurred as a result of the individual being eligible
23 for or receiving benefits.

24 (ii) The state shall return to the federal government any federal funds
25 recouped under subdivision (b)(2)(B)(i) of this amendment.

26 (c) The General Assembly shall provide for the implementation of this amendment by law,
27 including without limitation the process for recouping the actual costs incurred as a result of an individual
28 being eligible for or receiving benefits if the state determines that the individual was enrolled in the
29 program as though he or she was an eligible individual but was in fact not eligible to participate in the
30 program.

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32 SECTION 2. EFFECTIVE DATE. This amendment is effective on and after January 1, 2020.

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34 SECTION 3. BALLOT TITLE AND POPULAR NAME. When this proposed amendment is
35 submitted to the electors of the state on the general election ballot:

36 (1) The title of this joint resolution shall be the ballot title; and

1 (2) The popular name shall be “A Proposed Constitutional Amendment Concerning the
2 Provision of Health Insurance or Medical Assistance, or Both, to Certain Eligible Individuals Through a
3 Program Operated by the State of Arkansas and the Recoupment of Actual Costs Incurred as a Result of
4 an Individual Being Eligible For or Receiving Benefits if the State Determines that the Individual was
5 Enrolled in the Program As Though He or She was an Eligible Individual but was in fact Not Eligible to
6 Participate in the Program.”

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9 Referred by Senator B. King

10 Prepared by: MBM/PKD

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