

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas  
2 90th General Assembly  
3 Second Extraordinary Session, 2016  
4

# A Bill

DRAFT MBM/MBM  
SENATE BILL

5 By: Senator <NA>  
6

## For An Act To Be Entitled

8 SPECIAL LANGUAGE FOR REVIEW  
9

## Subtitle

12 SPECIAL LANGUAGE FOR REVIEW  
13  
14

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
16

17 This is special language to be included in Division of Medical Services  
18 appropriation.  
19

20 SECTION \_\_. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE  
21 ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL, AND TEMPORARY LAW.  
22 Uncodified Section 15 of Acts 2015, No. 41 is repealed, any previously  
23 enacted provisions of substantially identical special language applicable to  
24 the Department of Human Services that were duplicated, suspended, or  
25 impliedly repealed by Section 15 of Acts 2015, No. 41 are repealed, and the  
26 Arkansas Code Revision Commission may remove any Code provisions and  
27 annotations to the Arkansas Code of 1987 repealed by this section.

28 ~~SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS~~  
29 ~~CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REVIEW OF~~  
30 ~~RULES IMPACTING STATE MEDICAID COSTS. (a) In light of the rapidly rising~~  
31 ~~potential costs to the State attributable to the Medicaid program and the~~  
32 ~~importance of Medicaid expenditures to the health and welfare of the citizens~~  
33 ~~of this State, the General Assembly finds it desirable to exercise more~~  
34 ~~thorough review of future proposed changes to rules that might impact those~~  
35 ~~costs or expenditures.~~

36 ~~(b) As used in this section, "rule impacting state Medicaid costs"~~

DRAFT

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1 means a proposed rule, as defined by § 25-15-202(9)(A), or a proposed  
 2 amendment to an existing rule, as defined by § 25-15-202(9)(A), that would,  
 3 if adopted, adjust Medicaid reimbursement rates, Medicaid eligibility  
 4 criteria, or Medicaid benefits, including without limitation a proposed rule  
 5 or a proposed amendment to an existing rule seeking to accomplish the  
 6 following:

7           (1) ~~Reduce the number of individuals covered by Arkansas~~  
 8 ~~Medicaid;~~

9           (2) ~~Limit the types of services covered by Arkansas Medicaid;~~

10           (3) ~~Reduce the utilization of services covered by Arkansas~~  
 11 ~~Medicaid;~~

12           (4) ~~Reduce provider reimbursement;~~

13           (5) ~~Increase consumer cost sharing;~~

14           (6) ~~Reduce the cost of administering Arkansas Medicaid;~~

15           (7) ~~Increase Arkansas Medicaid revenues;~~

16           (8) ~~Reduce fraud and abuse in the Arkansas Medicaid program;~~

17           (9) ~~Change any of the methodologies used for reimbursement of~~  
 18 ~~providers;~~

19           (10) ~~Seek a new waiver or modification of an existing waiver of~~  
 20 ~~any provision under Medicaid, Title XIX, of the Social Security Act,~~  
 21 ~~including a waiver that would allow a demonstration project;~~

22           (11) ~~Participate or seek to participate in Social Security Act~~  
 23 ~~Section 1115(a)(1) waiver authority that would allow operation of a~~  
 24 ~~demonstration project or program;~~

25           (12) ~~Participate or seek to participate in a Social Security Act~~  
 26 ~~Section 1115(a)(2) request for the Secretary of the Department of Health and~~  
 27 ~~Human Services to provide federal financial participation for costs~~  
 28 ~~associated with a demonstration project or program;~~

29           (13) ~~Implement managed care provisions under Section 1932 of~~  
 30 ~~Medicaid, Title XIX of the Social Security Act; or~~

31           (14) ~~Participate or seek to participate in the Centers for~~  
 32 ~~Medicare and Medicaid Services Innovation projects or programs.~~

33           (c)(1) ~~In addition to filing requirements under the Arkansas~~  
 34 ~~Administrative Procedure Act, § 25-15-201 et seq., and § 10-3-309, the~~  
 35 ~~Department of Human Services shall, at least thirty (30) days before the~~  
 36 ~~expiration of the period for public comment, file a proposed rule impacting~~

1 ~~state Medicaid costs or a proposed amendment to an existing rule impacting~~  
2 ~~state Medicaid costs with the Senate Interim Committee on Public Health,~~  
3 ~~Welfare, and Labor and the House Interim Committee on Public Health, Welfare,~~  
4 ~~and Labor, or, when the General Assembly is in session, with the Senate~~  
5 ~~Committee on Public Health, Welfare, and Labor and the House Committee on~~  
6 ~~Public Health, Welfare and Labor.~~

7 ~~(2) Any review of the proposed rule or proposed amendment to an~~  
8 ~~existing rule by the Senate and House Interim Committees on Public Health,~~  
9 ~~Welfare and Labor or the Senate and House Committees on Public Health,~~  
10 ~~Welfare, and Labor shall occur within forty five (45) days of the date the~~  
11 ~~proposed rule or proposed amendment to an existing rule is filed with the~~  
12 ~~committees.~~

13 ~~(d)(1) If adopting an emergency rule impacting state Medicaid costs,~~  
14 ~~in addition to the filing requirements under the Arkansas Administrative~~  
15 ~~Procedure Act, § 25-15-201 et seq. and § 10-3-309, the Department of Human~~  
16 ~~Services shall notify the Speaker of the House of Representatives, the~~  
17 ~~President Pro Tempore of the Senate, the chair of the Senate Committee on~~  
18 ~~Public Health, Welfare, and Labor, and the chair of the House Committee on~~  
19 ~~Public Health, Welfare and Labor of the emergency rule and provide each of~~  
20 ~~them a copy of the rule within five (5) business days of adopting the rule.~~

21 ~~(2) Any review of the emergency rule by the Senate and House~~  
22 ~~Interim Committees on Public Health, Welfare and Labor or the Senate and~~  
23 ~~House Committees on Public Health, Welfare, and Labor shall occur within~~  
24 ~~forty five (45) days of the date the emergency rule is provided to the~~  
25 ~~chairs.~~

26 ~~(e)(1) The Joint Budget Committee may review a rule impacting state~~  
27 ~~Medicaid costs during a regular, fiscal, or special session of the General~~  
28 ~~Assembly.~~

29 ~~(2) Actions taken by the Joint Budget Committee when reviewing a~~  
30 ~~rule impacting state Medicaid costs shall have the same effect as actions~~  
31 ~~taken by the Legislative Council under § 10-3-309.~~

32 ~~(3) If the Joint Budget Committee reviews a rule impacting state~~  
33 ~~Medicaid costs, it shall file a report of its actions with the Legislative~~  
34 ~~Council as soon as practicable.~~

35 ~~(f) This section expires on June 30, 2016.~~

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