

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 2209 of the Regular Session

As Engrossed: H3/17/05 H3/24/05 S4/7/05

A Bill

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

HOUSE BILL 2535

4
5 By: Representative Roebuck
6
7

8 **For An Act To Be Entitled**

9 *AN ACT TO CREATE THE COMPREHENSIVE CHILDREN'S*
10 *BEHAVIORAL HEALTH SYSTEM OF CARE PLAN; AND FOR*
11 *OTHER PURPOSES.*

12
13 **Subtitle**

14 *AN ACT TO CREATE THE COMPREHENSIVE*
15 *CHILDREN'S BEHAVIORAL HEALTH SYSTEM OF*
16 *CARE PLAN.*

17
18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20
21 SECTION 1. Arkansas Code § 20-47-502 is amended to read as follows:
22 20-47-502. Definitions.

23 As used in this subchapter, unless the context otherwise requires:

24 (1)(A) "Case management" means those efforts that ~~assure~~ ensure
25 that necessary services for the child and family are obtained and monitored.

26 (B) Such efforts shall include coordination across
27 agencies for evaluations, the provision of services based on assessments and
28 evaluations that result in the development of an interagency service plan,
29 the review for adequacy of services through client progress, and maintaining
30 cooperation among agencies;

31 (2)(A) "Case review" means a multiagency effort to design and
32 provide a service delivery plan for difficult-to-serve children who may
33 require unusual services or service configurations.

34 (B) When utilizing a group process for reaching service
35 delivery decisions, the group shall be composed of those who carry sufficient



1 authority to ~~assure~~ ensure timely provision of services;

2 (3) "CASSP" means the Child and Adolescent Service System
3 Program;

4 (4) "Child with emotional disturbance" means an individual who
5 has been diagnosed with a mental, behavioral, or emotional disorder of a
6 long-term nature under the age of eighteen (18), or under the age of twenty-
7 one (21) if program services began ~~prior to~~ before the age of eighteen (18);

8 (A) ~~who~~ Who is exhibiting inappropriate emotional,
9 interpersonal, or behavioral problems within the home, preschool program,
10 school, or community given his or her age, intellectual level, and cultural
11 background;

12 (B) ~~whose~~ Whose degree of dysfunction is at least
13 disruptive and often disabling;

14 (C) ~~whose~~ Whose problems persist after efforts to deal
15 with the problems have been made by significant others in the child's social
16 environment; ~~and~~

17 (D) ~~who~~ Who meets specific criteria established by the
18 Child and Adolescent Service System Program Coordinating Council; and

19 (E) Who has multi-agency needs exhibited by one (1) or
20 more of the following characteristics:

21 (i) The behavior occurs with a sufficient frequency
22 to be considered a pattern of response or to be so intense that the
23 consequences lead to a severe measure of control, including, but not limited
24 to:

25 (a) Seclusion;

26 (b) Restraint;

27 (c) Hospitalization; or

28 (d) Chemical intervention;

29 (ii) The behaviors, although provoked, are judged to
30 be extreme or inappropriate for the age, including, but not limited to:

31 (a) Very aggressive; or

32 (b) Self-withdrawn;

33 (iii) The behaviors are sufficiently disruptive as
34 to lead to exclusion from school, home, therapeutic, or recreational
35 settings; or

36 (iv) The behaviors are sufficiently intense or

1 severe to be considered seriously detrimental to the child's growth,
 2 development, or welfare or seriously detrimental to the safety or welfare of
 3 others.

4 ~~(5) "Collaborative evaluation" means an intensive appraisal of a~~
 5 ~~child that provides more of an in-depth analysis than a screening and~~
 6 ~~assessment. The evaluation shall be designed, obtained, and utilized~~
 7 ~~collaboratively by those agencies identifying a need for the information;~~

8 (5) "Comprehensive Children's Behavioral Health System of Care
 9 Plan" means a plan to assist the division of behavioral health services for
 10 providing oversight for the Child and Adolescent Service System Program.

11 (6)(A) "Flexible funds" means a specific fiscal allocation
 12 designated for atypical expenditures to meet extraordinary needs of a child
 13 and family identified in the ~~service plan~~ multi-agency plan of services.

14 (B) Decisions for expenditure of flexible funds shall be
 15 made at the regional or local level and ~~must~~ shall be approved by all
 16 involved service providers;

17 ~~(7) "Interagency service plan" means the integrated plan of care~~
 18 ~~that is individualized for each child or adolescent receiving program~~
 19 ~~services and is developed through the collaboration of all agencies providing~~
 20 ~~services for that child;~~

21 (7) "Multi-agency plan of services" means the integrated,
 22 individualized plan of care that is developed through the collaboration of
 23 all agencies providing services for that child and based on evaluations
 24 shared by each involved agency with the Child and Adolescent Service System
 25 Program local service team;

26 (8)(A) "Regional plan" means a written strategy developed by
 27 regional program teams that specifies the kind, mix, and priority of services
 28 to be provided in each community mental health center catchment area.

29 (B) The regional plan shall:

30 (i) ~~address~~ Address all components of the system of
 31 care;

32 (ii) ~~shall be~~ Be based on the principles for the
 33 system of care provided in this section and on the service needs of the
 34 children with emotional disturbance in the region;

35 (iii) ~~shall include~~ Include procedures for
 36 evaluating services provided to children with emotional disturbance and their

1 families ~~and,~~

2 (iv) ~~shall be~~ Be reviewed annually by the council;^{r;}

3 and

4 (v) ~~upon~~ Upon approval ~~shall~~ be incorporated into
5 the statewide plan;

6 (9) "Screening and assessment" means an initial appraisal of a
7 child identified or suspected of having emotional disturbance that provides
8 sufficient information to make decisions about service needs;

9 (10) "Service array" means those services in the system of care
10 that address the varying areas of needs of children with emotional
11 disturbance and their families and shall include, but not be limited to:

12 (A) ~~mental~~ Behavioral health services;^{r;}

13 (B) ~~substance~~ Substance abuse services;^{r;}

14 (C) ~~social~~ Social services;^{r;}

15 (D) ~~education~~ Education services;^{r;}

16 (E) ~~health~~ Health services;^{r;}

17 (F) ~~vocational~~ Vocational services;^{r;}

18 (G) ~~recreational~~ Recreational services;^{r;} ~~operational~~
19 ~~services,~~

20 (H) ~~case~~ Case management;^{r;}

21 (I) ~~advocacy,~~ Advocacy; and

22 (J) ~~other~~ Other necessary services;

23 (11) "Single point of entry" means a unit, agency, or group
24 *designated as the gatekeeper for the CASSP service system for children with*
25 emotional disturbance and their families;

26 (12) "Statewide plan" means a comprehensive strategy that
27 identifies the procedures for developing and implementing the system of care
28 that is prepared by the council incorporating all regional plans; and

29 (13) "System of care" means a comprehensive spectrum of ~~mental~~
30 behavioral health and other necessary services organized into a coordinated
31 network to meet the multiple and changing needs of children with emotional
32 disturbance, based on principles set forth in this subchapter.

33

34 SECTION 2. Arkansas Code § 20-47-505 is amended to read as follows:

35 20-47-505. Child and Adolescent Service System Program Coordinating
36 Council.

1 (a)(1) There is ~~hereby~~ created a Child and Adolescent Service System
2 Program Comprehensive Child and Adolescent System of Care Plan Coordinating
3 Council ~~which~~ that shall meet on a quarterly basis and at other times deemed
4 necessary to perform its functions.

5 (2) The coordinating council shall include the following persons
6 to be selected and appointed by the directors of the Department of Education,
7 the Department of Health, and the Department of Human Services:

8 (A) At least three (3) parents, parent surrogates, or
9 family members of a child or children with emotional disturbance;

10 (B) A member of an ethnic minority;

11 (C) A child advocate;

12 (D) Child and Adolescent Service System Program
13 coordinators from each of the certified community mental health centers;

14 (E)(i) One (1) or more representatives from specific
15 divisions or agencies in the Department of Human Services, the Department of
16 Health, and the Department of Education.

17 (ii) Each representative shall have official duties
18 related to the delivery of ~~mental~~ behavioral health services for children and
19 adolescents with emotional disturbances.

20 (iii) Specific designations of membership of the
21 coordinating council shall be determined through interdepartmental and
22 intradepartmental agreements that will be renewed on an annual basis; and

23 (F)(i) At least ~~two (2)~~ seven (7) representatives from
24 private or public agencies or organizations that are stakeholders in ~~mental~~
25 behavioral health services for children and adolescents with emotional
26 disturbances.

27 (ii) The directors ~~will~~ shall jointly appoint an
28 appropriate number of stakeholders.

29 (b) The coordinating council shall:

30 (1) Advise and report to the directors on matters of policy and
31 programs related to children with emotional disturbance and their families;

32 (2) Identify and recommend fiscal, policy, training, and program
33 initiatives and revisions based on needs identified in the planning process;

34 (3) Provide specific guidelines for the development of regional
35 services and plans based on the guiding principles of the system of care;

36 (4) Review and approve regional plans developed by regional

1 program teams and incorporate the regional plans into the statewide plan;

2 (5) ~~Assure~~ Ensure that mechanisms for accountability are
3 developed and implemented;

4 (6) Submit a statewide plan and budget recommendations to the
5 directors on or before March 15 of each even-numbered year thereafter
6 preceding the legislative session;

7 (7) Develop and recommend special projects to the directors;

8 (8) Provide a written report on a quarterly basis to the ~~Senate~~
9 ~~Interim Committee on Children and Youth~~ House Interim Committee on Aging,
10 Children, and Youth, Legislative and Military Affairs Committee and the
11 Senate Interim Committee on Children and Youth that summarizes progress
12 implementing this subchapter;

13 (9) Establish guidelines and procedures for the voting
14 membership, officers, and annual planning of both the coordinating council
15 and the regional program planning teams which the coordinating council will
16 review and update on an annual basis; and

17 (10) Make recommendations for corrective action plans to the
18 directors in the event that a regional program planning team does not produce
19 a timely regional plan that meets a plan of care or fails to implement the
20 *approved regional plan.*

21
22 *SECTION 3. Arkansas Code § 20-47-506(c), concerning Regional Child and*
23 *Adolescent Service System Program Coordinating Council planning teams, is*
24 *amended to read as follows:*

25 *(c) The regional program planning teams shall include agency*
26 *representatives from the community mental health centers, the Division of*
27 *Developmental Disabilities Services, the Division of Children and Family*
28 *Services, the Department of Health, ~~and~~ the local school districts or*
29 *educational cooperatives and any willing provider.*

30
31 *SECTION 4. Arkansas Code § 20-47-506(f), concerning Regional Child and*
32 *Adolescent Service System Program Coordinating Council planning teams, is*
33 *amended to read as follows:*

34 *(f) The regional program planning team shall:*

35 *(1) Advise and report to the Child and Adolescent Service System*
36 *Program Coordinating Council on matters of policies, resources, programs, and*

1 services relating to children with emotional disturbance and their families;

2 (2) Identify and recommend program initiatives and revisions
3 based on area and community-based needs;

4 (3) Submit a regional plan and guidelines for interagency
5 service delivery teams to the coordinating council on or before February 15
6 of each even-numbered year preceding the legislative session;

7 (4) Develop and implement special projects for community-based
8 services; and

9 (5)(A) Ensure that interagency service teams are established and
10 utilized in coordinating services for children and adolescents referred to
11 the program.

12 (B) Each service delivery team shall have sufficient and
13 appropriate representation from identified service providers and will
14 complete an ~~interagency service plan~~ Multi-agency Plan of Services for each
15 child or adolescent receiving program services.

16 (C) Each member of the service delivery teams shall share
17 information, evaluations and data necessary to produce an effective,
18 individualized Multi-Agency Plan of Services.

19 (C)(D) Every effort shall be made to assist parents,
20 parent surrogates, family members, and consumers to participate as members of
21 the interagency service delivery team.

22
23 SECTION 5. Arkansas Code § 20-47-507 is amended to read as follows:

24 20-47-507. Child and Adolescent Service System Program Coordinating
25 Council staff.

26 (a) The staff for the Child and Adolescent Service System Program
27 Coordinating Council shall be provided by the Child and Adolescent Service
28 System Program project for the first two (2) years and subsequently by the
29 Division of ~~Mental~~ Behavioral Health Services.

30 (b) The division ~~will~~ shall serve as the coordinating agency and shall
31 develop and support the regional program team network and the coordinating
32 council and shall provide training and technical assistance relevant to the
33 system of care.

34 (c) Annual site reviews and program evaluations of regional program
35 teams will be coordinated by the division and ~~will~~ shall involve a
36 multiagency team of professionals, family members, consumers, and advocates.

1 (d) The division's program staff shall provide an annual report
2 summarizing program regional and coordinating council activities, strategic
3 plans, and outcomes to the directors of the Department of Human Services, the
4 Department of Education, and the Department of Health each year on or before
5 October 15.

6
7 SECTION 6. Arkansas Code Title 20, Chapter 47, Subchapter 5 is amended
8 to add an additional section to read as follows:

9 20-47-510. Coordination and oversight -- Annual reports.

10 (a) The Division of Behavioral Health of the Department of Human
11 Services is designated the state agency responsible for the coordination and
12 oversight of the Comprehensive Children's Behavioral Health System of Care
13 Plan.

14 (b) All state agencies that receive funding, either state or federal,
15 shall participate in collaborative planning for the system of care to support
16 behavioral health services for children and adolescents.

17 (c) Each state agency that receives funding, either state or federal,
18 to support behavioral health services for children and adolescents shall:

19 (1)(A) Enter into an interagency collaborative agreement with
20 the Division of Behavioral Health on or before July, 2005, with regard to the
21 responsibilities of each agency in the development and implementation of the
22 Comprehensive Children's Behavioral Health System of Care Plan.

23 (B) The agreements shall be updated annually; and

24 (2) Submit all pertinent information, including expenditures and
25 programming data, to the Division of Behavioral Health in the time and manner
26 established through the collaborative agreements.

27 (d)(1) On or before April 15, 2006, for the fiscal year beginning July
28 1, 2006, and annually thereafter, the division shall submit the state plan
29 for the comprehensive child and adolescent system of care to:

30 (A) The directors of the Department of Education, the
31 Department of Health, and the Department of Human Services; and

32 (B) The House Interim Committee on Aging, Children and
33 Youth, Legislative and Military Affairs and the Senate Interim Committee on
34 Children and Youth.

35 (2) The state plan for the Child and Adolescent Service System
36 Comprehensive System of Care Plan shall include, but not be limited to:

1