

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

As Engrossed: S3/23/17  
**A Bill**

SENATE BILL 196

5 By: Joint Budget Committee  
6

7 **For An Act To Be Entitled**

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES  
9 AND OPERATING EXPENSES FOR THE DEPARTMENT OF HUMAN  
10 SERVICES - DIVISION OF MEDICAL SERVICES FOR THE  
11 FISCAL YEAR ENDING JUNE 30, 2018; AND FOR OTHER  
12 PURPOSES.  
13  
14

15 **Subtitle**

16 AN ACT FOR THE DEPARTMENT OF HUMAN  
17 SERVICES - DIVISION OF MEDICAL SERVICES  
18 APPROPRIATION FOR THE 2017-2018 FISCAL  
19 YEAR.  
20  
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

24 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established  
25 for the Department of Human Services - Division of Medical Services for the  
26 2017-2018 fiscal year, the following maximum number of regular employees.  
27

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2017-2018
32	(1) N181N	DIRECTOR OF MEDICAL SERVICES	1	GRADE N915
33	(2) L016N	REGISTERED PHARMACIST	6	GRADE N911
34	(3) N189N	DHS/DMS DEPUTY DIRECTOR	1	GRADE N908
35	(4) N080N	DHS/DMS ASSISTANT DIRECTOR - FISCAL	1	GRADE N907
36	(5) N099N	DHS/DMS ADD - LONG TERM CARE	1	GRADE N906



1	(6)	N167N	DHS POLICY & RESEARCH DIRECTOR	1	GRADE N901
2	(7)	A010C	AGENCY CONTROLLER II	1	GRADE C128
3	(8)	D007C	INFORMATION SYSTEMS MANAGER	2	GRADE C128
4	(9)	A016C	DHS DMS BUSINESS OPERATIONS MANAGER	9	GRADE C127
5	(10)	L010C	DHS DMS MEDICAL ASSISTANCE MANAGER	3	GRADE C125
6	(11)	L009C	NURSE MANAGER	4	GRADE C125
7	(12)	S094C	ADC CONSTRUCTION/MAINTENANCE COORD	1	GRADE C124
8	(13)	G076C	ADMINISTRATIVE SERVICES MANAGER	1	GRADE C124
9	(14)	D030C	INFORMATION SYSTEMS COORDINATOR	2	GRADE C124
10	(15)	L020C	NURSING SERVICES UNIT MANAGER	2	GRADE C123
11	(16)	L019C	REGISTERED NURSE COORDINATOR	5	GRADE C123
12	(17)	D038C	SENIOR SOFTWARE SUPPORT ANALYST	1	GRADE C123
13	(18)	A044C	AUDIT COORDINATOR	1	GRADE C122
14	(19)	G099C	DHS PROGRAM ADMINISTRATOR	18	GRADE C122
15	(20)	L027C	REGISTERED NURSE SUPERVISOR	10	GRADE C122
16	(21)	D058C	COMPUTER OPERATIONS COORDINATOR	1	GRADE C120
17	(22)	L040C	DIETARY SERVICES DIRECTOR	1	GRADE C120
18	(23)	P013C	PUBLIC INFORMATION COORDINATOR	1	GRADE C120
19	(24)	L038C	REGISTERED NURSE	68	GRADE C120
20	(25)	E023C	TRAINING PROJECT MANAGER	1	GRADE C120
21	(26)	D063C	COMPUTER SUPPORT SPECIALIST	2	GRADE C119
22	(27)	G152C	DHS PROGRAM MANAGER	13	GRADE C119
23	(28)	X067C	HEALTH FACILITIES SURVEYOR	21	GRADE C119
24	(29)	D061C	INFORMATION SYSTEMS COORDINATION SPEC	2	GRADE C119
25	(30)	A081C	AUDITOR	2	GRADE C117
26	(31)	R027C	BUDGET SPECIALIST	2	GRADE C117
27	(32)	G183C	DHS PROGRAM COORDINATOR	10	GRADE C117
28	(33)	G180C	GRANTS ANALYST	1	GRADE C117
29	(34)	R025C	HUMAN RESOURCES ANALYST	1	GRADE C117
30	(35)	D068C	INFORMATION SYSTEMS ANALYST	2	GRADE C117
31	(36)	M039C	MEDICAID SERVICES SUPERVISOR	2	GRADE C117
32	(37)	C013C	MEDICAL SERVICES REPRESENTATIVE	1	GRADE C117
33	(38)	G178C	POLICY DEVELOPMENT COORDINATOR	2	GRADE C117
34	(39)	G198C	DHS/DAAS PROGRAM SPECIALIST	1	GRADE C116
35	(40)	X124C	HEALTH FACILITY REVIEWER	1	GRADE C116
36	(41)	C037C	ADMINISTRATIVE ANALYST	6	GRADE C115

1	(42)	C050C	ADMINISTRATIVE SUPPORT SUPERVISOR	1	GRADE C113
2	(43)	L070C	HEALTH CARE ANALYST	15	GRADE C113
3	(44)	C056C	ADMINISTRATIVE SPECIALIST III	24	GRADE C112
4	(45)	C073C	ADMINISTRATIVE SPECIALIST II	7	GRADE C109
5	(46)	C087C	ADMINISTRATIVE SPECIALIST I	<u>2</u>	GRADE C106
6			MAX. NO. OF EMPLOYEES	<u>261</u>	

7

8 SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for  
 9 the Department of Human Services - Division of Medical Services for the 2017-  
 10 2018 fiscal year, the following maximum number of part-time or temporary  
 11 employees, to be known as "Extra Help", payable from funds appropriated  
 12 herein for such purposes: eight (8) temporary or part-time employees, when  
 13 needed, at rates of pay not to exceed those provided in the Uniform  
 14 Classification and Compensation Act, or its successor, or this act for the  
 15 appropriate classification.

16

17 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated,  
 18 to the Department of Human Services - Division of Medical Services, to be  
 19 payable from the paying account as determined by the Chief Fiscal Officer of  
 20 the State, for personal services and operating expenses of the Department of  
 21 Human Services - Division of Medical Services - Operations for the fiscal  
 22 year ending June 30, 2018, the following:

24	ITEM	FISCAL YEAR
25	<u>NO.</u>	<u>2017-2018</u>
26	(01) REGULAR SALARIES	\$12,975,326
27	(02) EXTRA HELP	201,892
28	(03) PERSONAL SERVICES MATCHING	4,426,208
29	(04) OVERTIME	5,000
30	(05) MAINT. & GEN. OPERATION	
31	(A) OPER. EXPENSE	4,045,031
32	(B) CONF. & TRAVEL	223,298
33	(C) PROF. FEES	755,132
34	(D) CAP. OUTLAY	0
35	(E) DATA PROC.	0
36	(06) DATA PROCESSING SERVICES	<u>1,499,600</u>

1 TOTAL AMOUNT APPROPRIATED \$24,131,487

2

3 SECTION 4. APPROPRIATION - GRANTS. There is hereby appropriated, to  
4 the Department of Human Services - Division of Medical Services, to be  
5 payable from the paying account as determined by the Chief Fiscal Officer of  
6 the State, for grant payments of the Department of Human Services - Division  
7 of Medical Services for the fiscal year ending June 30, 2018, the following:

8

9	ITEM	FISCAL YEAR
10	<u>NO.</u>	<u>2017-2018</u>
11	(01) ARKIDS B PROGRAM	\$132,222,020
12	(02) HOSPITAL AND MEDICAL SERVICES	6,660,893,014
13	(03) PRESCRIPTION DRUGS	517,701,197
14	(04) PRIVATE NURSING HOME CARE	703,607,064
15	(05) CHILD AND FAMILY LIFE INSTITUTE	2,100,000
16	(06) INFANT INFIRMARY	28,453,344
17	(07) PUBLIC NURSING HOME	<u>211,265,379</u>
18	TOTAL AMOUNT APPROPRIATED	<u>\$8,256,242,018</u>

19

20 SECTION 5. APPROPRIATION - NURSING HOME CLOSURE COSTS. There is hereby  
21 appropriated, to the Department of Human Services - Division of Medical  
22 Services, to be payable from the Long-Term Care Trust Fund, for the payment  
23 of relocation costs of residents in long-term care facilities, maintenance  
24 and operation of a facility pending correction of deficiencies or closure,  
25 and reimbursement of residents for personal funds lost for the fiscal year  
26 ending June 30, 2018, the following:

27

28	ITEM	FISCAL YEAR
29	<u>NO.</u>	<u>2017-2018</u>
30	(01) EXPENSES	<u>\$50,000</u>

31

32 SECTION 6. APPROPRIATION - LONG-TERM CARE FACILITY RECEIVERSHIP. There  
33 is hereby appropriated, to the Department of Human Services - Division of  
34 Medical Services, to be payable from the Long Term Care Facility Receivership  
35 Fund Account, for the payment of expenses of long-term care facility  
36 receivers as authorized by law of the Department of Human Services - Division

1 of Medical Services - Long-Term Care Facility Receivership for the fiscal  
2 year ending June 30, 2018, the following:

3		
4	ITEM	FISCAL YEAR
5	<u>NO.</u>	<u>2017-2018</u>
6	(01) EXPENSES	<u>\$100,000</u>
7		

8 SECTION 7. APPROPRIATION - NURSING HOME QUALITY GRANTS. There is  
9 hereby appropriated, to the Department of Human Services - Division of  
10 Medical Services, to be payable from the Long-Term Care Trust Fund, for  
11 Nursing Home Quality Care Grants of the Department of Human Services -  
12 Division of Medical Services - Nursing Home Quality Grants for the fiscal  
13 year ending June 30, 2018, the following:

14		
15	ITEM	FISCAL YEAR
16	<u>NO.</u>	<u>2017-2018</u>
17	(01) NURSING HOME QUALITY GRANTS AND AID	<u>\$1,000,000</u>
18		

19 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL  
21 SERVICES - PHARMACEUTICAL DISPENSING FEE SURVEY. No more than two years prior  
22 to making any changes to the current pharmaceutical dispensing fee, the State  
23 shall conduct an independent survey utilizing generally accepted accounting  
24 principles, to determine the cost of dispensing a prescription by pharmacists  
25 in Arkansas. Only factors relative to the cost of dispensing shall be  
26 surveyed. These factors shall not include actual acquisition costs or average  
27 profit or any combination of actual acquisition costs or average profit. The  
28 survey results shall be the basis for establishing the dispensing fee paid to  
29 participating pharmacies in the Medicaid prescription drug program in  
30 accordance with Federal requirements. The dispensing fee shall be no lower  
31 than the cost of dispensing as determined by the survey. Nothing in this  
32 section shall be construed to prohibit the State from increasing the  
33 dispensing fee at any time.

34 The provisions of this section shall be in effect only from July 1, ~~2016~~  
35 2017 through June 30, ~~2017~~ 2018.

36

1 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL  
3 SERVICES - GENERAL MEDICAID RATE METHODOLOGY PROVISIONS.

4 (a) Rates established by the Division of Medical Services for the services  
5 or programs covered by this Act shall be calculated by the methodologies  
6 approved by the Centers for Medicare and Medicaid Services (CMS). The  
7 Division of Medical Services shall have the authority to reduce or increase  
8 rates based on the approved methodology. Further, the Division of Medical  
9 Services shall have the authority to increase or decrease rates for good  
10 cause including, but not limited to: (1) Identification of provider(s) who  
11 can render needed services of equal quality at rates less than traditionally  
12 charged and who meet the applicable federal and state laws, rules and  
13 regulations pertaining to the provision of a particular service;  
14 (2) Identification that a provider or group of providers has consistently  
15 charged rates to the Arkansas Medicaid Program greater than to other  
16 purchasers of medical services of similar size;  
17 (3) The Division determines that there has been significant changes in the  
18 technology or process by which services are provided by a provider or group  
19 of providers which has affected the costs of providing services, or;  
20 (4) A severe economic downturn in the Arkansas economy which has affected the  
21 overall state budget of the Division of Medical Services.

22 The Division of Medical Services shall make available to requesting  
23 providers, the CMS's inflationary forecasts (CMS Market Basket Index). Rates  
24 established with cost of living increases based on the CMS Market Basket  
25 Index or other indices will be adjusted annually except when the state budget  
26 does not provide sufficient appropriation and funding to affect the change or  
27 portion thereof.

28 (b) Any rate methodology changes proposed by the Division of Medical  
29 Services both of a general and specific nature, shall be subject to prior  
30 approval by the Legislative Council or Joint Budget Committee.

31 Determining the maximum number of employees and the maximum amount of  
32 appropriation and general revenue funding for a state agency each fiscal year  
33 is the prerogative of the General Assembly. This is usually accomplished by  
34 delineating such maximums in the appropriation act(s) for a state agency and  
35 the general revenue allocations authorized for each fund and fund account by  
36 amendment to the Revenue Stabilization law. Further, the General Assembly has

1 determined that the Department of Human Services – Division of Medical  
2 Services may operate more efficiently if some flexibility is provided to the  
3 Department of Human Services – Division of Medical Services authorizing broad  
4 powers under this section. Therefore, it is both necessary and appropriate  
5 that the General Assembly maintain oversight by requiring prior approval of  
6 the Legislative Council or Joint Budget Committee as provided by this  
7 section. The requirement of approval by the Legislative Council or Joint  
8 Budget Committee is not a severable part of this section. If the requirement  
9 of approval by the Legislative Council or Joint Budget Committee is ruled  
10 unconstitutional by a court of competent jurisdiction, this entire section is  
11 void.

12 The provisions of this section shall be in effect only from July 1, ~~2016~~  
13 2017 through June 30, ~~2017~~ 2018.

14

15 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND  
17 USAGE AUTHORIZED. The Arkansas Children's Hospital may request the Department  
18 of Human Services - Division of Medical Services to retain in the Department  
19 of Human Services Grant Fund account an amount not to exceed \$2,100,000 from  
20 funds made available by this Act in the Child and Family Life Institute line  
21 item of the Grants appropriation to be used to match federal funds used for  
22 supplemental Medicaid payments to Arkansas Children's Hospital. These  
23 retained funds shall not be recovered to transfer to the General Revenue  
24 Allotment Reserve Fund.

25 The provisions of this section shall be in effect only from July 1, ~~2016~~  
26 2017 through June 30, ~~2017~~ 2018.

27

28 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STATE  
30 PLAN. The State Plan must include the provision of EPSDT services as those  
31 services are defined in 42 U.S.C. §1396d(r). See 42 U.S.C. §§  
32 1396a(a)(10)(A), 1396d(a)(4)(B); see also 1396a(a)(43). Section 1396d(r)  
33 lists in detail the screening services, vision services, dental services, and  
34 hearing services that the State Plan must expressly include, but with regard  
35 to treatment services, it states that EPSDT means "[s]uch other necessary  
36 health care, diagnostic services, treatment, and other measures described in

1 subsection (a) of this section to correct or ameliorate defects and physical  
2 and mental illnesses and conditions discovered by the screening services,  
3 whether or not such services are covered under the State Plan." 42 U.S.C. §  
4 1396d(r)(5) (emphasis added). Reading 42 U.S.C. § 1396a, 42 U.S.C. §  
5 1396d(a), and 42 U.S.C. § 1396d(r) together, we believe that the State Plan  
6 need not specifically list every treatment service conceivably available  
7 under the EPSDT mandate.

8 The State Plan, however, must pay part or all of the cost of treatments to  
9 ameliorate conditions discovered by the screening process when those  
10 treatments meet the definitions set forth in 42 U.S.C. § 1396a. See 42 U.S.C.  
11 § 1396d(r)(5); see also 42 U.S.C. §§ 1396a(a)(10), 1396a(a)(43), and  
12 1396d(a)(4)(B). The Arkansas State Plan states that the "State will provide  
13 other health care described in [42 U.S.C. 1396d(a)] that is found to be  
14 medically necessary to correct or ameliorate defects and physical and mental  
15 illnesses and conditions discovered by the screening services, even when such  
16 health care is not otherwise covered under the State Plan." See State Plan  
17 Under Title XIX of the Social Security Act, State Of Arkansas at §4.b. This  
18 provision meets the EPSDT mandate of the Medicaid Act.

19 We affirm the district court's decision to the extent that it holds that a  
20 Medicaid-Eligible individual has a federal right to early intervention day  
21 treatment when a physician recommends such treatment. Section 1396d(r)(5)  
22 states that EPSDT includes any treatments or measures outlined in 42 U.S.C.  
23 §1396d(a). There are twenty-seven sub-parts to 42 U.S.C. §1396d(a), and we  
24 find that sub-part (a)(13), in particular, when read with the other sections  
25 of the Medicaid Act listed above, mandates that early intervention day  
26 treatment be provided when it is prescribed by a physician. See 42 U.S.C.  
27 §1396d(a)(13) (defining medical assistance reimbursable by Medicaid as "other  
28 diagnostic, screening, preventive, and rehabilitative services, including any  
29 medical or remedial services recommended by a physician...for the maximum  
30 reduction of physical and mental disability and restoration of an individual  
31 to the best possible functional level"). Therefore, after CHMS clinic staff  
32 perform a diagnostic evaluation of an eligible child, if the CHMS physician  
33 prescribes early intervention day treatment as a service that would lead to  
34 the maximum reduction of medical and physical disabilities and restoration of  
35 the child to his or her best possible functional level, the Arkansas State  
36 Plan must reimburse the treatment. Because CHMS clinics are the only



1 providers of early intervention day treatment, Arkansas must reimburse those  
2 clinics.

3 The provisions of this section shall be in effect only from July 1, ~~2016~~  
4 2017 through June 30, ~~2017~~ 2018.

5

6 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL  
8 SERVICES - STATE MEDICAID PROGRAM/PERSONAL CARE PROGRAM.

9 (a) It is the legislative intent that the Department of Human Services in  
10 its administration of the Arkansas Medicaid Program set forth Medicaid  
11 provider participation requirements for "personal care providers" that will  
12 insure sufficient available providers to meet the required needs of all  
13 eligible recipients, to include insuring available in home services twenty-  
14 four (24) hours a day and seven (7) days a week for personal care.

15 (b) For the purposes of this section, "private care agencies" are defined  
16 as those providers licensed by the Department of Labor, certified as  
17 ElderChoices Providers and who furnish in home staffing services for respite,  
18 chore services, and homemaker services, and are covered by liability  
19 insurance of not less than one million dollars (\$1,000,000) covering their  
20 employees and independent contractors while they are engaged in providing  
21 services, such as personal care, respite, chore services, and homemaker  
22 services.

23 (c) The purpose of this section is to allow the private care agencies  
24 defined herein to be eligible to provide Medicaid reimbursed personal care  
25 services seven (7) days a week, and does not supercede Department of Human  
26 Services rules establishing monthly benefit limits and prior authorization  
27 requirements.

28 (d) The availability of providers shall not require the Department of  
29 Human Services to reimburse for twenty-four (24) hours per day of personal  
30 care services.

31 (e) The Arkansas Department of Human Services, Medical Services Division  
32 shall take such action as required by the Centers for Medicare and Medicaid  
33 Services to amend the Arkansas Medicaid manual to include private care  
34 agencies as qualified entities to provide Medicaid reimbursed personal care  
35 services.

36 (f) The private care agencies shall comply with rules and regulations

1 promulgated by the Arkansas Department of Health which shall establish a  
2 separate licensure category for the private care agencies for the provision  
3 of Medicaid reimbursable personal care services seven (7) days a week.

4 (g) The Arkansas Department of Health shall supervise the conduct of the  
5 personal care agencies defined herein.

6 (h) The purpose of this section is to insure the care provided by the  
7 private care agencies is consistent with the rules and regulations of the  
8 Arkansas Department of Health.

9 The provisions of this section shall be in effect only from July 1, 2016  
10 2017 through June 30, ~~2017~~ 2018.

11  
12 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ~~HEALTH~~  
14 ~~CARE INDEPENDENCE PROGRAM~~ ARKANSAS WORKS AND ARKANSAS HEALTH INSURANCE  
15 MARKETPLACE RESTRICTIONS. (a) As used in this section, "~~Health Care~~  
16 ~~Independence Program~~ Arkansas Works" means ~~the Health Care Independence~~  
17 ~~Program~~ Arkansas Works established under the ~~Health Care Independence Act of~~  
18 ~~2013, Arkansas Code § 20-77-2401 et seq.~~ Arkansas Works Act of 2016, Arkansas  
19 Code § 23-61-1001 et seq.

20 (b)(1) Determining the maximum number of employees, the maximum amount  
21 of appropriation, for what purposes an appropriation is authorized, and  
22 general revenue funding for a state agency each fiscal year is the  
23 prerogative of the General Assembly.

24 (2) The purposes of subdivision (b)(1) of this section are  
25 typically accomplished by:

26 (A) Identifying the purpose in the appropriation act;

27 (B) Delineating such maximums in the appropriation act for  
28 a state agency; and

29 (C) Delineating the general revenue allocations authorized  
30 for each fund and fund account by amendment to the Revenue Stabilization Law,  
31 Arkansas Code § 19-5-101 et seq.

32 (3) It is both necessary and appropriate that the General  
33 Assembly restrict the use of appropriations authorized in this act.

34 (c)(1) Except as provided in this subsection, the Department of Human  
35 Services shall not allocate, budget, expend, or utilize any appropriation  
36 authorized by the General Assembly for the purpose of advertisement,

1 promotion, or other activities designed to promote or encourage enrollment in  
2 the Arkansas Health Insurance Marketplace or ~~the Health Care Independence~~  
3 ~~Program~~ Arkansas Works, including without limitation:

4 (A) Unsolicited communications mailed to potential  
5 recipients;

6 (B) Television, radio, or online commercials;

7 (C) Billboard or mobile billboard advertising;

8 (D) Advertisements printed in newspapers, magazines, or  
9 other print media; and

10 (E) Internet websites and electronic media.

11 (2) This subsection does not prohibit the department from:

12 (A) Direct communications with:

13 (i) Licensed insurance agents; and

14 (ii) Persons licensed by the department;

15 (B) Solicited communications with potential recipients;

16 (C)(i) Responding to an inquiry regarding the coverage for  
17 which a potential recipient might be eligible, including without limitation  
18 providing educational materials or information regarding any coverage for  
19 which the individual might qualify.

20 (ii) Educational materials and information  
21 distributed under subdivision (c)(2)(C)(i) of this section shall contain only  
22 factual information and shall not contain subjective statements regarding the  
23 coverage for which the potential recipient might be eligible; and

24 (D) Using an Internet website for the exclusive purpose of  
25 enrolling individuals in the Arkansas Health Insurance Marketplace or ~~the~~  
26 ~~Health Care Independence Program~~ Arkansas Works.

27 (d) The Department of Human Services shall not apply for or accept any  
28 funds, including without limitation federal funds, for the purpose of  
29 advertisement, promotion, or other activities designed to promote or  
30 encourage enrollment in the Arkansas Health Insurance Marketplace or ~~the~~  
31 ~~Health Care Independence Program~~ Arkansas Works.

32 (e)(1) Except as provided in subdivision (e)(2) of this section, the  
33 Department of Human Services shall not:

34 (A)(i) Except as provided in subdivision (e)(1)(A)(ii) of  
35 this section, allocate, budget, expend, or utilize an appropriation  
36 authorized by the General Assembly for the purpose of funding activities of

1 navigators, guides, certified application counselors, and certified licensed  
2 producers under the Arkansas Health Insurance Marketplace Navigator, Guide,  
3 and Certified Application Counselors Act, Arkansas Code § 23-64-601 et seq.

4 (ii) Subdivision (e)(1)(A)(i) of this section does  
5 not apply to regulatory and training responsibilities related to navigators,  
6 guides, certified application counselors, and certified licensed producers;  
7 and

8 (B) Apply for or accept any funds, including without  
9 limitation federal funds, for the purpose of funding activities of  
10 navigators, guides, certified application counselors, and certified licensed  
11 producers under the Arkansas Health Insurance Marketplace Navigator, Guide,  
12 and Certified Application Counselors Act, Arkansas Code § 23-64-601 et seq.

13 (2) Subdivision (e)(1) of this section does not apply to  
14 certified application counselors at health related institutions, including  
15 without limitation the University of Arkansas for Medical Sciences.

16 (f) An appropriation authorized by the General Assembly shall not be  
17 subject to the provisions allowed through reallocation of resources or  
18 transfer of appropriation authority for the purpose of transferring an  
19 appropriation to any other appropriation authorized for the Department of  
20 Human Services to be allocated, budgeted, expended, or utilized in a manner  
21 prohibited by this section.

22 (g) The provisions of this section are severable, and the invalidity  
23 of any subsection or subdivision of this section shall not affect other  
24 provisions of the section that can be given effect without the invalid  
25 provision.

26 (h) This section expires on June 30, ~~2017~~ 2018.

27  
28 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

30 SEVERABILITY. If any provisions of this act or the application of this act  
31 to any person or circumstance is held invalid, such invalidity shall not  
32 affect other provisions or applications of the act which can be given effect  
33 without the invalid provision or application, and to this end the provisions  
34 of this act are declared to be severable.

35  
36 SECTION 15. COMPLIANCE WITH OTHER LAWS. Disbursement of funds

1 authorized by this act shall be limited to the appropriation for such agency  
2 and funds made available by law for the support of such appropriations; and  
3 the restrictions of the State Procurement Law, the General Accounting and  
4 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
5 Procedures and Restrictions Act, or their successors, and other fiscal  
6 control laws of this State, where applicable, and regulations promulgated by  
7 the Department of Finance and Administration, as authorized by law, shall be  
8 strictly complied with in disbursement of said funds.

9  
10 SECTION 16. LEGISLATIVE INTENT. It is the intent of the General  
11 Assembly that any funds disbursed under the authority of the appropriations  
12 contained in this act shall be in compliance with the stated reasons for  
13 which this act was adopted, as evidenced by the Agency Requests, Executive  
14 Recommendations and Legislative Recommendations contained in the budget  
15 manuals prepared by the Department of Finance and Administration, letters, or  
16 summarized oral testimony in the official minutes of the Arkansas Legislative  
17 Council or Joint Budget Committee which relate to its passage and adoption.

18  
19 SECTION 17. EMERGENCY CLAUSE. It is found and determined by the  
20 General Assembly, that the Constitution of the State of Arkansas prohibits  
21 the appropriation of funds for more than a one (1) year period; that the  
22 effectiveness of this Act on July 1, 2017 is essential to the operation of  
23 the agency for which the appropriations in this Act are provided, and that in  
24 the event of an extension of the legislative session, the delay in the  
25 effective date of this Act beyond July 1, 2017 could work irreparable harm  
26 upon the proper administration and provision of essential governmental  
27 programs. Therefore, an emergency is hereby declared to exist and this Act  
28 being necessary for the immediate preservation of the public peace, health  
29 and safety shall be in full force and effect from and after July 1, 2017.

30  
31 */s/ Joint Budget Committee*

32  
33  
34 **APPROVED: 04/06/2017**