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2 94th General Assembly

A Bill

3 Regular Session, 2023

SENATE BILL 465

4

5 By: Senator J. Dotson

6 By: Representative Bentley

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For An Act To Be Entitled

9 AN ACT TO CREATE THE CONTINUUM OF CARE PROGRAM WITHIN
10 THE DEPARTMENT OF HUMAN SERVICES; TO AMEND THE LIFE
11 CHOICES LIFELINE PROGRAM TO CLARIFY LANGUAGE AND
12 ENSURE PROPER ADMINISTRATION OF THE PROGRAM; TO
13 TRANSFER THE RESOURCE ACCESS ASSISTANCE OFFERS UNDER
14 THE EVERY MOM MATTERS ACT TO THE DEPARTMENT OF HUMAN
15 SERVICES; AND FOR OTHER PURPOSES.

16

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Subtitle

19 TO CREATE THE CONTINUUM OF CARE PROGRAM
20 WITHIN THE DEPARTMENT OF HUMAN SERVICES;
21 AND TO AMEND THE LIFE CHOICES LIFELINE
22 PROGRAM TO CLARIFY LANGUAGE AND ENSURE
23 PROPER ADMINISTRATION OF THE PROGRAM.

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25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

27

28 SECTION 1. Arkansas Code § 20-8-1001(a), concerning the creation of
29 the Life Choices Lifeline Program, is amended to read as follows:

30 (a) *The Department of Health and the Department of Human Services may*
31 implement the Life Choices Lifeline Program as a statewide care program to
32 provide direct services, support, social services case management, and
33 referrals to individuals listed in subsection (f) of this section.

34

35 SECTION 2. Arkansas Code § 20-8-1001(d)(2), concerning the components
36 of the Life Choices Lifeline Program, is amended to read as follows:



1 (2) The use of licensed nurses, community health workers, or
2 other individuals of equivalent experience to offer healthy pregnancy program
3 services to participants in the Life Choices Lifeline Program, including:

4 (A) An assessment and evaluation of needs related to
5 pregnancy or parenting;

6 (B) Medically accurate pregnancy-related medical
7 information; ~~and~~

8 (C) Assistance obtaining obstetric care, primary care,
9 mental health or behavioral health counseling, or postpartum care; and

10 (D) Assistance for program participants in obtaining
11 medical and mental health care;

12
13 SECTION 3. Arkansas Code Title 20, Chapter 8, Subchapter 10, is
14 amended to add additional sections to read as follows:

15 20-8-1002. Administration.

16 (a)(1) The Department of Human Services may contract with one (1) or
17 more organizations to deliver one (1) or more of the services described in §
18 20-8-1001 but may not contract with an organization that:

19 (A) Is an abortion provider;

20 (B) Assists women in obtaining an abortion, refers women
21 to an abortion provider, recommends abortion, or promotes abortion;

22 (C) Owns or operates an abortion provider or an entity
23 that assists women in obtaining an abortion, refers women to an abortion
24 provider, recommends abortion, or promotes abortion;

25 (D) Employs a person who has performed an abortion in the
26 last two (2) years; or

27 (E) Has as a director, board member, officer, or employee
28 a person who serves in any of these roles for an entity described in
29 subdivisions (a)(1)(A)-(E) of this section.

30 (2)(A) The procurement of one (1) or more vendors to serve as
31 organizations shall be done through the Arkansas Procurement Law, § 19-11-201
32 et seq., by the Office of State Procurement.

33 (B) If by July 1, 2024, the Department of Human Services
34 has not contracted with one (1) or more organizations to deliver one (1) or
35 more of the services described in § 20-8-1001, the Department of Human
36 Services shall submit a written report to the Legislative Council documenting

1 the reasons why no contract has been procured and the status of the provision
2 of the services required by § 20-8-1001.

3 (b) An organization contracting with the department shall report to
4 the department on no more frequent than a monthly basis the following
5 information:

6 (1) The number of unique individuals who contacted the Life
7 Choices Lifeline Program;

8 (2) The number of individuals who obtained care plan
9 coordination services;

10 (3) The number of individuals who obtained healthy pregnancy
11 program services;

12 (4) The number of pregnant women who indicated a need for
13 assistance as victims of assault, sexual assault, abuse, neglect, or human
14 trafficking;

15 (5) The number of individuals receiving services who identified
16 a need for support in one (1) or more of the following areas:

17 (A) Abuse, assault, sexual assault, coercion, or neglect;

18 (B) Education or training for a professional
19 certification;

20 (C) Housing assistance;

21 (D) Employment assistance;

22 (E) Resume development;

23 (F) Childcare;

24 (G) Adoption services;

25 (H) Financial assistance;

26 (I) Substance abuse treatment and alcohol abuse treatment;

27 (J) Mental health care;

28 (K) Medical care;

29 (L) Human trafficking; or

30 (M) Health benefit plan coverage; and

31 (6) The resources, services, and referrals provided by the
32 organization.

33 (c) The department shall not:

34 (1) Require any contracted organization, or its employees, to
35 refer a woman for any social or medical service to which the employee or
36 agency has a conscience objection;

1 (2) Prohibit a contracted organization or its employees from
2 discussing abortion or related topics;

3 (3) Prevent a contracted organization from recording information
4 voluntarily disclosed by the participant for the purposes of supporting the
5 participant or providing the participant ongoing support;

6 (4) Require the contract organization to report data on a basis
7 more frequent than monthly; and

8 (5) Require the vendor to maintain an answer rate greater than
9 eighty percent (80%) of calls within twenty (20) seconds.

10
11 20-8-1003. Continuum of Care Program.

12 (a)(1) The Department of Human Services shall establish the "Continuum
13 of Care Program" for certain pregnant women and parents.

14 (2) The department may contract with entities to operate the
15 program.

16 (3) The procurement of a vendor shall be done through the
17 Arkansas Procurement Law, § 19-11-201 et seq., by the Office of State
18 Procurement.

19 (b)(1) The purpose of the program is to facilitate the operation of a
20 statewide telemedicine support network that provides community outreach,
21 consultations, and care coordination for women who are challenged with
22 unexpected pregnancies.

23 (2) The program shall:

24 (A) Encourage healthy childbirth;

25 (B) Support childbirth as an alternative to abortion;

26 (C) Promote family formation;

27 (D) Assist parents in establishing successful parenting
28 techniques; and

29 (E) Increase the economic self-sufficiency of families.

30 (c)(1) The program shall utilize a statewide telemedicine support
31 network to facilitate the services and resources described under subsection
32 (e) of this section.

33 (2) The department shall provide by rule for the functions and
34 administration of the telemedicine support network.

35 (d) The department shall finance the program with funds appropriated
36 to the department by the General Assembly for operation of the program.

1 (e)(1) The program shall provide direct services, supports, social
2 services case management, and referrals to biological parents of unborn
3 children and biological or adoptive parents of children under two (2) years
4 of age.

5 (2) The program shall include:

6 (A) Outreach to at-risk populations eligible for the
7 program;

8 (B) Use of licensed nurses, community health workers, or
9 other individuals of equivalent expertise to:

10 (i) Assess and evaluate program participant needs
11 related to pregnancy or parenting;

12 (ii) Assist program participants in obtaining
13 medical and mental health care; and

14 (iii) Provide medically accurate, pregnancy-related
15 medical information to program participants; and

16 (C) Use of licensed social workers, nurses, community
17 health workers, licensed professional counselors, or other individuals of
18 equivalent experience to:

19 (i) Develop a care plan, resources, and supports for
20 program participants to address identified needs;

21 (ii) Refer program participants to local resources
22 including without limitation state and federal benefits programs and local
23 charitable organizations; and

24 (iii) Assist program participants in:

25 (a) Applying for state and federal benefits
26 programs; and

27 (b) Accomplishing elements of the care plan.

28 (f) Any organization contracted by the department to provide services
29 under this section and any of its subcontractors or agents providing services
30 under this section shall:

31 (1) Maintain the confidentiality of information obtained while
32 performing program services, including complying with state law;

33 (2) Not provide or prescribe abortion services or abortion aid;

34 (3) Not promote, refer for, facilitate, or assist women in
35 obtaining abortion services or abortion aid;

36 (4) Not own or operate an abortion provider;

1 (5) Not own or operate with a person who promotes, refers for,
2 facilitates, or assists women in obtaining an abortion;

3 (6) Not employ an individual who has performed or induced an
4 abortion in the last two (2) years; and

5 (7) Not have a director, board member, officer, volunteer, or
6 employee who performed or induced an abortion in the last two (2) years or
7 who serves in any of these roles described in this subsection.

8 (g) Any program participant who terminates a pregnancy shall be
9 eligible to continue receiving services through the program for a period of
10 six (6) months from the date of the pregnancy termination.

11 (h)(1) On or before October 1, 2024, and annually thereafter, the
12 department shall submit to the Legislative Council a report on the status and
13 operation of the program.

14 (2) Each report required by subdivision (h)(1) of this section
15 shall include:

16 (A) The number of individuals served by the program, and
17 for the individuals served; and

18 (B) The types of referrals and services provided to
19 program participants.

20 (3) Information provided to the department shall not include any
21 personally identifying information regarding program participants.

22 (i) The department shall promulgate rules necessary to implement this
23 section.

24
25 SECTION 4. Arkansas Code § 20-16-2402(3), concerning the definition of
26 "agency" within the Every Mom Matters Act, is amended to read as follows:

27 (3) "Agency" means an entity that contracts with the ~~Department~~
28 ~~of Health~~ Department of Human Services to provide the services required under
29 § 20-8-1001 or the resource access assistance offer;

30
31 SECTION 5. Arkansas Code § 20-16-2405(a), concerning agencies
32 providing resource access assistance offers under the Every Mom Matters Act,
33 is amended to read as follows:

34 (a) ~~The Department of Health~~ Upon the effective date of this section,
35 the Department of Human Services shall:

36 (1)(A) Contract with a number of agencies sufficient to ensure

1 that each pregnant woman seeking an abortion in Arkansas receives a resource
2 access assistance offer and has the opportunity to receive care plan
3 coordination services and healthy pregnancy program services.

4 (B) The procurement of a vendor to serve as an agency
5 shall be done through the Arkansas Procurement Law, § 19-11-201 et seq., by
6 the Office of State Procurement;

7 (2) Annually, designate the proportion of resource access
8 assistance offers to be provided by each agency's share of participants in
9 care plan coordination services or healthy pregnancy program services; and

10 (3) Contract only with agencies that are capable of offering all
11 of the services required under § 20-8-1001 or the resource access assistance
12 offer.

13
14 SECTION 6. Arkansas Code § 20-16-2407(a), concerning the
15 administration of the resource access assistance offer program under the
16 Every Mom Matters Act, is amended to read as follows:

17 (a) ~~The Department of Health~~ Department of Human Services shall:

18 (1)(A) Before implementation of the services under § 20-8-1001
19 or the resource access assistance offer, create a program-specific website
20 that describes the services offered by § 20-8-1001 and the resource access
21 assistance offer.

22 (B) The department may also create materials using other
23 media, including print and electronic media, to convey information about the
24 services under § 20-8-1001 and the resource access assistance offer to the
25 public;

26 (2)(A) Establish a single toll-free number for pregnant women
27 seeking an abortion in Arkansas to call in order to receive a resource access
28 assistance offer.

29 (B) The toll-free number shall automatically connect the
30 pregnant woman to an agency based on the proportion determined under § 20-16-
31 2405(a)(2);

32 (3)(A) Before implementation of the resource access assistance
33 offer, develop ~~Develop~~ and maintain a secure database.

34 (B) The secure database shall:

35 (i) Generate a unique identifying number;

36 (ii) Be accessible only to a person who is to perform

1 an abortion or an agent of the person performing an abortion, agencies, and
2 the department; and

3 (iii) Not transmit any information to:

4 (a) The agency or care agent concerning the
5 identity or location of the person who performs the abortion or the facility
6 at which the abortion is performed; or

7 (b) The person providing the abortion or the
8 agent of the person performing the abortion concerning the identity of the
9 agency or care agent providing the resource access assistance offer.

10 (C) The unique identifying number shall not contain
11 personally identifiable information; and

12 (4) For each agency, report on the department's website the
13 percentage of pregnant women who received a resource access assistance offer
14 from the agency and subsequently obtained an abortion in the state.

15
16 SECTION 7. Arkansas Code § 20-16-2409(e), concerning penalties within
17 the Every Mom Matters Act, is repealed.

18 ~~(e) The Department of Health shall revoke the license of an abortion~~
19 ~~facility if more than five percent (5%) of audited medical records at the~~
20 ~~abortion facility indicate noncompliance with the requirements of § 20-16-~~
21 ~~2407(b).~~

22
23 SECTION 8. Arkansas Code § 20-16-2410(a), concerning confidentiality
24 and disclosure under the Every Mom Matters Act, is amended to read as
25 follows:

26 (a) *All personally identifiable information held by the Department of*
27 *Health or Department of Human Services under this subchapter is confidential*
28 *and is not subject to the Freedom of Information Act of 1967, § 25-19-101 et*
29 *seq.*

30
31 SECTION 9. Arkansas Code § 20-16-2411 is amended to read as follows:
32 20-16-2411. Conscience protections.

33 The ~~Department of Health~~ Department of Human Services shall not require
34 any care agent or agency to refer a woman for any social or medical service
35 to which the care agent or agency has a conscience objection.

36

1 SECTION 10. DO NOT CODIFY. Contingent effective date.

2 Section 5 of this act and § 20-16-2405 shall become effective on and
3 after the certification of the Attorney General that:

4 (1) The United States Supreme Court or the Arkansas Supreme
5 Court issues a final decision that restricts, in whole or in part, the
6 authority of the State of Arkansas to prohibit abortions other than those
7 necessary to save the life of a pregnant woman in a medical emergency; or

8 (2) An amendment to the United States Constitution or Arkansas
9 Constitution is adopted that restricts, in whole or in part, the authority of
10 the State of Arkansas to prohibit abortions other than those necessary to
11 save the life of a pregnant woman in a medical emergency.

12
13 SECTION 11. DO NOT CODIFY. Rules.

14 (a) When adopting the initial rules required under this act, the
15 Department of Human Services shall file the final rules with the Secretary of
16 State for adoption under § 25-15-204(f):

17 (1) On or before January 1, 2024; or

18 (2) If approval under § 10-3-309 has not occurred by January 1,
19 2024, as soon as practicable after approval under § 10-3-309.

20 (b) The department shall file the proposed rules with the Legislative
21 Council under § 10-3-309(c) sufficiently in advance of January 1, 2024, so
22 that the Legislative Council may consider the rules for approval before
23 January 1, 2024.

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25 /s/J. Dotson

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28 **APPROVED: 4/11/23**