

**ARKANSAS SENATE**  
86th General Assembly - Regular Session, 2007  
**Amendment Form**

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**Subtitle of Senate Bill No. 944**

"TO PROVIDE FOR THE QUALIFICATIONS AND REIMBURSEMENT OF PROVIDERS OF  
MENTAL HEALTH CARE ASSISTANCE TO INDIGENT PERSONS AND TO ESTABLISH  
CRITERIA FOR THE ADMISSION OF INDIGENT PERSONS TO MENTAL HEALTH CARE  
PROGRAMS."

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**Amendment No. 2 to Senate Bill No. 944.**

Amend Senate Bill No. 944 as originally introduced:

Page 5, delete lines 9 through 36

AND

Page 6, delete lines 1 through 10 and substitute the following:

"20-77-1806. Qualification for treatment in a psychiatric residential treatment facility.

(a) As used in this section, "medical necessity" means:

(1) The patient experiences significant impairment in psychological, emotional, or behavioral functioning that causes distress or disruption for the individual, family, educational personnel or immediate others;

(2) A condition that warrants an Axis I diagnosis from the Diagnostic and Statistical Manual of Mental Illness, as it existed on January 1, 2007, and

(3) A condition that has not been or cannot be ameliorated with less restrictive interventions."

(b) Prior authorization for admission into an in-state qualified psychiatric residential treatment services provider shall require:

(1) A finding that medical necessity criteria are met; and

(2)(A) That the child should have been engaged in at least one (1) month of outpatient counseling with a therapist who provided a written or verbal assurance to the admitting facility that his or her client needed residential treatment; or

(B) A finding that the child will be endangered in the absence of residential treatment admission.

(c) Continuing care authorization in an in-state qualified psychiatric residential treatment services provider shall require:

(1) A finding that services are medically necessary and



(2)(A) That the child's current level of functioning will continue to disrupt normal activities of daily living for the individual, family, educational personnel, or immediate others; or

(B) The patient will regress in a less restrictive setting.

(d) A participant in the Medicaid program is entitled to receive services from any willing in-state provider who is approved to participate in the program of indigent medical care for mental health services.

(e) A child who meets the definition of medical necessity shall not be denied prior or continuing care authorization if there is:"

AND

Page 6, delete lines 27 through 29 and insert the following:

"(f) If a juvenile is ordered by a court to receive psychiatric residential treatment, a program provider may make a request for prior and continuing care authorization for treatment in the following manner:"

AND

Page 7, delete lines 11 through 28 and insert the following:

(g) Only the director or the deputy director may approve in writing the placement of a patient for treatment outside the borders of the state if the out-of-state psychiatric residential treatment facility is more than fifty (50) miles from the patient's home.

20-77-1807. Conflict resolution.

In the event that any provision of this subchapter conflicts with any portion of the Arkansas Medicaid State Plan or any waivers approved by the federal government, the affected state agencies shall immediately seek to resolve the conflict by amending the Medicaid State Plan or by seeking federal approval for a change in any conflicting agreement to prevent or minimize any loss of federal funding as a result of the conflict.

20-77-1808. Construction of subchapter.

Nothing in this subchapter shall be construed to prevent the sale, merger, or transfer of stock or control of a company operating an outpatient mental health care program, or limit its right to continuously contract with Medicaid without interruption."

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator Womack  
MGF/CDS - 03-07-2007 09:01  
MGF475

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Secretary