

Hall of the House of Representatives
88th General Assembly - Regular Session, 2011
Amendment Form

Subtitle of Senate Bill No. 846

TO PROVIDE THAT PERSONS WITH DEVELOPMENTAL DISABILITIES HAVE EQUAL
ACCESS TO MEDICAID PERSONAL CARE SERVICES IN DESIGNATED RESIDENTIAL
SETTINGS.

Amendment No. 1 to Senate Bill No. 846

Amend Senate Bill No. 846 as engrossed, S3/17/11 (version: 03/17/2011 12:14:48 PM)

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 20-47-301 is amended to read as follows:
20-47-301. Legislative findings and intent.

(a)(1) The General Assembly recognizes that the state encouraged the placement of mentally ill residents into residential care facilities over a decade ago and has taken various approaches to funding since then. The General Assembly also recognizes that there are inherent problems with the current system that create disincentives for proper care and physical environments.

(2) The General Assembly further recognizes that:

(A) Individuals with developmental disabilities living in group homes, community residential housing, and apartments operated by nonprofit community programs as defined in § 20-48-101 face many of the same challenges in receiving proper care and assistance with activities of daily living as individuals with mental illness living in residential care facilities;

(B) An individual with mental illness who is Medicaid-eligible and lives in a residential care facility can receive Medicaid congregate-setting personal care services to assist with activities of daily living while an individual with developmental disabilities who is Medicaid-eligible and lives in a group home, community residential housing, or apartment operated by a nonprofit community program as defined in § 20-48-101 is not able to receive similar services through the Medicaid Personal Care Program; and

(C) This inequity must be corrected in order to provide equal access to Medicaid congregate-setting personal care services for individuals with developmental disabilities.

(b) The purpose of this subchapter is to provide short-term solutions and long-term solutions to the problem of caring for ~~mentally ill persons~~ individuals with mental illness, elderly persons, and other residents in residential care facilities and assisted living facilities and individuals



with developmental disabilities living in group homes, community residential housing, and apartments operated by nonprofit community programs as defined in § 20-48-101.

SECTION 2. Arkansas Code § 20-47-303 is amended to read as follows:
20-47-303. Per diem Multi-hour daily service rate reimbursement.

(a) As used in this section:

(1) "Congregate setting" means a location within a residential care facility, an assisted living facility, or a designated residential setting of a nonprofit community program as defined in § 20-48-101 or its nonprofit affiliates;

(2) "Designated residential setting" includes the following when operated by a nonprofit community program as defined in § 20-48-101:

(A) A group home for individuals with developmental disabilities in operation and licensed by the Division of Developmental Disabilities Services of the Department of Human Services on or before July 1, 1995;

(B) A community residential home established after July 1, 1995, that serves individuals with developmental disabilities and provides housing for no more than four (4) unrelated persons; or

(C) An apartment complex established after July 1, 1995, that serves individuals with developmental disabilities; and

(3)(A) "Intermediate care facility for individuals with developmental disabilities" means a residential institution maintained for the care and training of individuals with developmental disabilities, including without limitation individuals with intellectual disabilities.

(B) "Intermediate care facility for individuals with developmental disabilities" has the same meaning as "intermediate care facility for the mentally retarded" or "ICF/MR" under federal law.

~~(a)(b)(1)(A)~~ The Department of Human Services shall reimburse residential care facilities, ~~on a per diem basis, subject to approval by the Health Care Financing Administration, and shall develop Medicaid provider regulations appropriate for a congregate setting and per diem reimbursement assisted living facilities, and qualified nonprofit community programs with a multi-hour daily service rate for personal care services delivered in congregate settings as provided in this section and approved by the Centers for Medicare and Medicaid Services.~~

(B) The application of subdivision (b)(1)(A) to nonprofit community programs is subject to available funds.

(2) The department shall maintain Medicaid provider regulations appropriate for the delivery of personal care services in congregate settings and the related multi-hour daily service rate reimbursement methodology.

(3) The department shall make ~~the~~ best efforts to obtain and maintain approval for a multi-hour daily service rate reimbursement for personal care services delivered in congregate settings from the administration the Centers for Medicare and Medicaid Services.

~~(b)(c)~~ The department shall provide copies to the Administrative Rules and Regulations Committee of the Legislative Council, providers, and the public of all state plan amendments, documentation, and correspondence submitted to or received from ~~the administration~~ the Centers for Medicare and Medicaid Services in regard to this section and shall work jointly with provider representatives in ~~seeking administration~~ obtaining and maintaining

approval for a multi-hour daily service rate for personal care services delivered in congregate settings from the Centers for Medicare and Medicaid Services.

(d)(1) The Division of Medical Services of the Department of Human Services shall use the same multi-hour daily service rate reimbursement methodology for personal care services delivered in a congregate setting located in a designated residential setting of a nonprofit community program as defined in § 20-48-101 as for personal care services delivered in a congregate setting located in a residential care facility and an assisted living facility.

(2) Reimbursement for personal care services under this section is not available to an individual with a developmental disability who resides in an intermediate care facility for individuals with developmental disabilities."

The Amendment was read _____
By: Representative Woods
MGF/CDS - 03/22/11 09:29
MGF486

Chief Clerk