

**REQUEST FOR SPECIAL LANGUAGE
IN APPROPRIATION ACT**

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EXECUTIVE RECOMMENDATION

DIRECTOR'S OFFICE/OFFICE OF CHIEF COUNSEL - PURCHASE OF EVIDENCE.
Upon approval by the Chief Fiscal Officer of the State, the Chief Counsel for the Department of Human Services may transfer an amount up to but not to exceed \$12,000 and deposit same in a bank account for the purpose of purchasing evidence in the course of investigating the illegal use of food stamps/Electronic Benefit Transfer (EBT) cards. The funds so transferred shall be subject to accounting in a manner substantially similar to that employed by the Arkansas State Police for such transactions; provided however, that information tending to identify participants in such transactions shall be exempt from the Arkansas Freedom of Information Act.

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

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EXECUTIVE RECOMMENDATION

HUMAN SERVICES RENOVATION FUND. Department of Human Services Renovation Fund.

AGENCY REQUEST

(a) There is established on the books of the Treasurer of State, Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the Department of Human Services Renovation Fund.

(b) This fund shall be used for constructing, acquiring, renovating, maintaining, repairing, and equipping facilities of the Department of Human Services and for paying disallowances by the federal government.

(c) The fund shall consist of:

(1) Federal reimbursement received by the Department of Human Services and deposited in the various fund accounts of the department; and

(2) General revenues transferred from the Division of Youth Services, the Division of Behavioral Health Services, and the Division of Developmental Disabilities Services for the purposes of repairing, renovating, equipping, acquiring and constructing Department of Human Services facilities with an annual maximum of five million dollars (\$5,000,000). The projects for which these transfers are authorized must be projects which were unanticipated during the preceding regular session of the Arkansas General Assembly and must be projects which, if not carried out in the interim period between regular sessions of the Arkansas General Assembly would cause greater harm to the facilities, clients or programs of the Department of Human Services than to wait until the next regular session.

(3) Other non-general revenue funds as may be available within the Department of Human Services that can be used for the purposes of this fund.

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(d)(1) At the request of the Director of the Department of Human Services, and upon certification of the availability of such funds, the Chief Fiscal Officer of the State shall initiate the necessary transfer documents to reflect the transfer on the books of record of the Treasurer of State, the Auditor of State, the Chief Fiscal Officer of the State, and the Department of Human Services.

(2) The Director of the Department of Human Services shall submit any transfer plan to and must receive approval of the plan from the Chief Fiscal Officer of the State, the Governor and the Arkansas Legislative Council prior to the effective date of the transfer.

(e) Provided, that any non-general revenue funding that may remain in the fund at the end of any fiscal year shall be carried over into the next fiscal year and all obligated general revenue funding that may remain in the fund at the end of any fiscal year shall be carried over into the next fiscal year to satisfy such legal and contractual obligations that have been entered into prior to the end of the fiscal year.

(f) Determining the amount of funds appropriated to a state agency is the prerogative of the General Assembly and is usually accomplished by delineating specific line items and by identifying the appropriation and funding attached to that line item. The General Assembly has determined that the Department of Human Services could be operated more efficiently if some flexibility is given to that agency. That flexibility is being accomplished by providing transfer authority in subsection (d) of this section, and since the General Assembly has granted the agency broad powers under the transfer authority concept, it is both necessary and

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appropriate that the General Assembly maintain oversight of the utilization of the transfer authority by requiring prior approval of the Legislative Council in the utilization of this transfer authority. Therefore, the requirement of approval by the Legislative Council is not a severable part of this section. If the requirement of approval by the Legislative Council is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

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

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EXECUTIVE RECOMMENDATION

TRANSFER AUTHORITY. The Director of the Department of Human Services shall have transfer authority provided by the following:

(a) DEPARTMENT OF HUMAN SERVICES RENOVATION FUND. The Director of the Department of Human Services is authorized to request fund transfers according to the provisions established by Arkansas Code Ann. 19-5-1020, Department of Human Services Renovation Fund, as amended herein; and

(b) MATCH TRANSFER. The Director of the Department of Human Services, with the approval of the Chief Fiscal Officer of the State, is authorized to effect inter-agency and inter-divisional fund transfers for the purpose of providing the State's matching share for payments made to that Division or Office or its service providers for services eligible for federal reimbursement under programs administered by the Department of Human Services. The Department of Human Services shall report to the Legislative Council or Joint Budget Committee on a quarterly basis all fund transfers made in accordance with the authority granted by this section; and

(c) YOUTH SERVICES - HOUSING AND SEPARATION APPROPRIATION PROVISIONS. The Division of Youth Services (DYS) is authorized to fulfill its responsibility to house offenders between the ages of 18 and 21 and to separate juvenile offenders by age and seriousness of offense by either employing additional state employees and providing the corresponding operating expenses or entering into professional services contracts. If the Division of Youth Services determines that the Division needs to employ state employees to fulfill the housing and separation requirements, they may transfer up to the total amount appropriated for the DYS - Residential

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Services Program appropriation to the appropriate DYS appropriation and line items, upon approval of the Chief Fiscal Officer of the State, and prior review by the Legislative Council; and

(d) REALLOCATION OF RESOURCES: (1) The Department of Human Services (DHS) provides hundreds of different services to over 1 million Arkansans. The specific mix of service needs and the funding and staffing required to provide them can vary significantly based on many factors, including natural disasters, changing federal mandates and funding sources, demographic shifts, fluctuating court-ordered services, social trends, and job market variations such as nursing shortages. The impact of these factors through the course of any fiscal year make it very difficult for the Department to accurately predict the exact needs for funding, appropriation and positions in each of its over 100 different appropriations. To ensure that it can respond quickly to changing client needs and make the most effective use of the resources allocated to it, the Department of Human Services shall be authorized to utilize the reallocation of resource authority to make the proper adjustments to the budgets within the Department. Therefore, upon determination by the Director of the Department of Human Services that a reallocation of resources within the department is necessary for the efficient and effective operation of the department, the director, with approval of the Governor, shall have the authority to request, from the Chief Fiscal Officer of the State, a transfer of positions, appropriations, line item appropriations, and funds within or between existing and newly created divisions, offices, sections, or units of the department. Provided, however, that no transfer of funds or

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appropriation that provides direct support or matching support for the Arkansas Medicaid Program shall be made to any other fund account or appropriation that does not directly support the Arkansas Medicaid Program. Further, no positions, funds, or appropriation authorized during the budget process for the Division of Children and Family Services compliance with initiatives established under the Angela R. consent decree shall be transferred to any other division. Nothing in this provision is intended to prevent the one-time transfers of savings in any other program to the Arkansas Medicaid Program, with the exception of the provisions previously cited for the Division of Children and Family Services - Angela R. consent decree. The Division of Developmental Disabilities - Grants to Community Providers line item of the Developmental Disabilities Services - Grants-in-Aid appropriation may not be decreased. The appropriation, funding, and positions provided for the five Human Development Centers shall remain at a level sufficient to ensure quality care for the Centers' residents. The exemptions provided in this subsection whereby certain DHS Programs and Divisions are protected from appropriation, fund, or position transfers are applicable only to the reallocation or transfer authority granted herein, and not by any reductions which are applicable to all state programs.

The Director of the Department of Human Services shall submit any requests for transfers to and must receive approval of the requests for transfers from the Chief Fiscal Officer of the State, the Governor, and the Arkansas Legislative Council prior to the effective date of the transfers. Provided, however, that the Department of Human Services shall be limited

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to submitting no more than two reallocation of resources transfer requests during any fiscal year. In each Departmental request no single division will request reallocation for more than one purpose as listed in this section. Transfer authority for unforeseen purposes shall further be limited to no more than 5% of the total appropriation, funding, and positions authorized for the Department. Reallocation of resources transfers may include multiple items but shall be limited to the following purposes:

- i). Medicaid Program
- ii). Facilities and institutions costs, including operational expenses and construction/renovation/equipping expenses
- iii). Departmental grants and contracts
- iv). Court ordered settlements and payments
- v). Payment of administrative expenses, including but not limited to, overtime and other costs of personnel for critical services or functions necessary to carry out the mission of the agency
- vi). Restructuring efforts as deemed necessary to comply with new and/or unanticipated federal or state mandates
- vii). Redirecting internal resources, both direct and/or indirect, to meet client needs and services

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

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Further, the General Assembly has determined that the Department of Human Services may operate more efficiently if some flexibility is provided to the Department of Human Services authorizing broad powers under the Reallocation of Resources provisions herein. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

(2) If it is determined that the requested reallocation of resources transfers should be made, the Chief Fiscal Officer of the State shall then initiate the necessary transfer documents to reflect the transfers upon the fiscal records of the Treasurer of State, the Auditor of State, the Chief Fiscal Officer of the State, and the Department of Human Services. In addition, the Chief Fiscal Officer of the State, together with the Co-Chairpersons of the Legislative Council or Joint Budget Committee, may approve, on an emergency basis, requests for utilization of this Section without prior approval of the Arkansas Legislative Council, with any such actions reported at the next meeting of the Arkansas Legislative Council.

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

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

NURSING/DIRECT CARE EDUCATION STIPEND PROGRAM. Special provision for a Nursing/Direct Care Education Stipend Program for the Department of Human Services is hereby authorized to pay from State and Federal Funds appropriated in each division Act. This program is for eligible nursing students who are attending accredited nursing institutions to become Registered or Licensed Practical Nurses, as well as Certified Nursing Assistants, Residential Care Assistants, Residential Care Technicians, Residential Care Supervisors and Behavioral Health Aides.

The stipend is \$5,000 per person per year. Any student who is awarded and accepts a stipend is under employment commitment to the respective DHS Division and is required to work for that division, in a full-time employee status effective immediately upon graduation. The student employment commitment is equal to the number of years the stipend was awarded and accepted. In the event of Employee/Student default of the employment commitment, the Employee/Student will be considered in breach of contract and repayment of the stipend will be required as specified in the Stipend Contract.

Each division participating in the Education Stipend Program shall determine on an annual basis, the number of student stipends available.

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

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EXECUTIVE RECOMMENDATION

NURSING/DIRECT CARE RECRUITMENT/RETENTION BONUSES. Special provision to provide Nursing/Direct Care Recruitment and Retention Bonuses for the Department of Human Services is hereby authorized to pay from State and Federal funds appropriated for each respective division. Nursing/direct care service recruitment/retention bonuses are in addition to the maximum annual amounts provided in the Regular Salaries Section of the respective Division Act for Registered Nurse, Licensed Practical Nurse, Certified Nursing Assistant, Residential Care Assistant, Residential Care Technician, Residential Care Supervisor and Behavioral Health Aide. New hire nurses must be licensed by the Arkansas State Board of Nursing. The total recruitment/retention bonus payment commitment for eligible nurses shall not exceed \$4,000 per Registered Nurse and \$2,000 per Licensed Practical Nurse and \$1,000 per Certified Nursing Assistant, Residential Care Assistant, Residential Care Technician, Residential Care Supervisor and Behavioral Health Aide.

The lump sum bonus payments and employment commitment to the State will be made in partial payments as follows:

Registered Nurse Classifications

\$1,000 after completing 6 months probationary employment

\$1,500 after completing 1st year employment

\$1,500 after completing 2nd year employment

Licensed Practical Nurse Classifications

\$ 500 after completing 6 months probationary employment

\$ 500 after completing 1st year employment

\$1,000 after completing 2nd year employment

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EXECUTIVE RECOMMENDATION

Certified Nursing Assistant/Residential Care Assistant/Residential Care Technician/Residential Care Supervisor/Behavioral Health Aide
Classifications

\$ 500 after completing 6 month probationary employment

\$ 500 after completing 1st year employment

Any qualified person hired and offered bonus payment described herein will forfeit the balance of the payments if he/she voluntarily resigns or is terminated for cause from employment from the Department of Human Services prior to completing the required employment commitment time periods outlined above.

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

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

FUND TRANSFER PROVISION - HEALTH CARE INDEPENDENCE PROGRAM TRUST FUND. Notwithstanding any other provisions of law to the contrary, the entire amount received and retained in the Medicaid Trust Fund from the Pulaski County Circuit Court Case No. CV2007-15345 shall be transferred from the Medicaid Trust Fund to the Health Care Independence Program Trust Fund to be used exclusively as authorized by Ark. Code 19-5-1141.

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

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0710 DHS - Aging & Adult Services Division

ACT#: 193

SECTION#: 7

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

AGING AND ADULT SERVICES - MATCHING FUNDS. The funds appropriated for state match for the Arkansas Senior Olympics Program in this Act shall be paid on a two-to-one state/local matching basis. The Senior Arkansas Sports Organization must certify its portion of the match to the Division of Aging and Adult Services before any funds appropriated for state match for the Arkansas Senior Olympics Program in this Act are disbursed.

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

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0710 DHS - Aging & Adult Services Division

ACT#: 193

SECTION#: 8

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

AGING AND ADULT SERVICES - STATE MATCH AUTHORIZED. The Director of the Department of Human Services is authorized to use State funds appropriated in this Act to match Federal funds available under Title III and Title V of the Older Americans Act, Social Services Block Grant, or such other federal funds as may become available.

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

AGENCY REQUEST

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0710 DHS - Aging & Adult Services Division

ACT#: 193

SECTION#: 9

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)	EXECUTIVE RECOMMENDATION
<p>AGING AND ADULT SERVICES - GRANT/CONTRACT DISBURSEMENT GUIDELINES. All appropriations for state and federal funding contained herein for the Division of Aging and Adult Services and that are distributed under grant or contract methodologies may be disbursed by the Department of Human Services in the same manner as authorized under federal regulations for the disbursement of Title III Older Americans Act funds. Otherwise, all disbursements shall comply with the provisions of this Act.</p> <p>The provisions of this section shall be in effect only from July 1, 2016 <u>2017</u> through June 30, 2017 <u>2018</u>.</p>	<p align="center">AGENCY REQUEST</p>

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0710 DHS - Aging & Adult Services Division

ACT#: 193

SECTION#: 10

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

AGING AND ADULT SERVICES - NURSING HOME CARE ALTERNATIVES.
Funding for "Nursing Home Care Alternatives", as it appears in the Aging and Adult Services - Operations appropriation may be used for home delivered meals, adult day care, homemaker/chore, respite care, personal care, health promotion, and other community-based activities. These funds may also be used to match Medicaid community-based programs.

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

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0710 DHS - Aging & Adult Services Division

ACT#: 193

SECTION#: 11

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

SENIOR CITIZEN CENTERS. The appropriation in this act for Senior Citizen Centers shall be distributed in the same manner as the funding formula requirements set out in the federal Older Americans Act funding law. The additional funding provided by this provision shall supplement and not supplant any monies currently funding services for Senior Citizen Centers.

The requirements in this section shall only be implemented in accordance with any necessary approval by the Centers for Medicare and Medicaid Services and in the event that additional general revenue funding is provided by the General Assembly for these purposes. Should additional funding provided for these purposes be insufficient to provide for the increases in full, the increases shall be provided to the extent that funding is made available.

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

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0710 DHS - Behavioral Health Services Division

ACT#: 93

SECTION#: 12

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

BEHAVIORAL HEALTH SERVICES - ALLOCATION RESTRICTIONS. There is hereby allocated to the Community Mental Health Centers, as set out herein, the following amounts of the funds appropriated for State Assistance in the Behavioral Health Services - Community Mental Health Centers appropriation, to the Department of Human Services - Division of Behavioral Health Services, there to be used as provided by law, for the fiscal year ending June 30, ~~2017~~ 2018, the following:

AGENCY REQUEST

Item	Maximum Allocation Fiscal Year
No. Mental Health Center	2016-2017 <u>2017-2018</u>
(01) OZARK GUIDANCE CENTER, INC.	\$1,407,968
(02) HEALTH RESOURCES OF ARKANSAS, INC\OCS	1,052,251
(03) DELTA COUNSELING ASSOCIATES, INC.	230,898
(04) SOUTH ARKANSAS REGIONAL HEALTH CENTER	345,669
(05) SOUTHEAST ARKANSAS BEHAVIORAL HEALTHCARE SYS. INC.	412,935
(06) SOUTHWEST ARKANSAS COUNSELING & MENTAL HEALTH CENTER, INC.	354,528
(07) COMMUNITY COUNSELING SERVICES, INC.	520,106
(08) WESTERN ARK. COUNSELING & GUIDANCE CENTER	783,125
(09) COUNSELING ASSOCIATES, INC.	766,168
(10) COUNSELING CLINIC, INCORPORATED	322,561
(11) PROFESSIONAL COUNSELING ASSOCIATES	722,207
(12) LITTLE ROCK CMHC	662,430
(13) MID-SOUTH HEALTH SYSTEMS	<u>1,199,757</u>

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SECTION#: 12

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

TOTAL AMOUNT ALLOCATED \$8,780,603

The additional funding provided by this provision shall supplement and not supplant any monies currently funding state assistance to Community Mental Health Centers.

The requirements in this section shall only be implemented in accordance with any necessary approval by the Centers for Medicare and Medicaid Services, and in the event that additional general revenue funding is provided by the General Assembly for these purposes. Should additional funding provided for these purposes be insufficient to provide for the increases in full, the increases shall be provided to the extent that funding is made available.

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

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0710 DHS - Behavioral Health Services Division

ACT#: 93

SECTION#: 13

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

BEHAVIORAL HEALTH SERVICES - ALLOCATION RESTRICTION AND TRANSFER PROVISION. Of the amounts allocated in the BEHAVIORAL HEALTH SERVICES - ALLOCATION RESTRICTIONS section above, it is the intent of the General Assembly that such amounts are to be the maximum expended in the applicable fiscal year from the funds as appropriated for State Assistance in the Behavioral Health Services - Community Mental Health Centers appropriation for the benefit of the appropriate program so enumerated. Provided, however, in the event that unforeseen circumstances occur in the fiscal year which would necessitate a transfer of the maximum allocation provided the BEHAVIORAL HEALTH SERVICES - ALLOCATION RESTRICTIONS section above from one or more programs to another program or programs as enumerated in the BEHAVIORAL HEALTH SERVICES - ALLOCATION RESTRICTIONS section above, the Division of Behavioral Health Services with the approval of the Director of the Department of Human Services shall make its request known, and the reasons thereof, to the Office of Budget, Department of Finance and Administration in such form and detail as may be required by the Chief Fiscal Officer of the State. If approved, such transfer approval shall be transmitted to the Bureau of Legislative Research who shall make a report of the transfer and the reasons thereof to the Arkansas Legislative Council at least quarterly.

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

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0710 DHS - Behavioral Health Services Division

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SECTION#: 14

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

BEHAVIORAL HEALTH SERVICES - LEGISLATIVE AUDIT OF MENTAL HEALTH CENTERS. Every Mental Health Center eligible to receive any of the funds appropriated for State Assistance in the Behavioral Health Services - Community Mental Health Centers appropriation in this Act shall, as a condition of receiving any such funds, be subject to an annual audit of the overall operation of such Mental Health Center by the Division of Legislative Audit. The Mental Health Centers shall submit a budget to the Department of Human Services - Division of Behavioral Health Services, and the Arkansas Legislative Council and go through the budget procedures process in the same manner as State departments, agencies, institutions, boards and commissions. Budgets shall be submitted based on operating revenues and expenses of each Center and each Center shall provide information related to financial status requested by the Legislative Council and/or Joint Budget Committee.

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

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0710 DHS - Behavioral Health Services Division

ACT#: 93

SECTION#: 15

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EXECUTIVE RECOMMENDATION

BEHAVIORAL HEALTH SERVICES - APPORTIONMENT OF FUNDS. All funds appropriated under the provisions of the State Assistance line item in the Behavioral Health Services - Community Mental Health Centers appropriation in this Act shall be apportioned on the basis of three dollars and six cents (\$3.06) per capita for fiscal year ~~2016-2017~~2017-2018 or so much thereof as funds shall become available. Additional funds shall be apportioned on the basis of fifty cents (\$.50) per capita or a one-to-one State/Local funds matching basis for the fiscal year ending June 30, ~~2017~~2018. The total \$8,780,603 allocated for FY ~~2016-2017~~2017-2018 shall be distributed to the community mental health centers as described in this section.

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

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0710 DHS - Behavioral Health Services Division

ACT#: 93

SECTION#: 16

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

BEHAVIORAL HEALTH SERVICES - GRANTS-IN-AID CONDITIONS FOR RECEIVING FUNDS. Only locally-operated Centers and Clinics licensed or certified by the Division of Behavioral Health Services are eligible to receive funds appropriated for State Assistance in the Behavioral Health Services - Community Mental Health Centers appropriation in this Act, and as a condition of receiving such funds they shall:

(1) Meet minimum standards of performance in the delivery of Mental Health Services as defined by the Department of Human Services - Division of Behavioral Health Services. Such standards will identify priority and/or target populations to be served. The standards shall describe procedures for assuring timely service delivery to clients who are within the custody of the Department of Human Services when such clients are referred to a duly certified center or clinic. Provided further, all such priorities, policies and procedures shall be reviewed by the House Aging, Children & Youth, Legislative and Military Affairs Committee and the Senate Children and Youth Committee.

(2) Supply statistical data to the Department of Human Services - Division of Behavioral Health Services.

(3) Establish and maintain a sound financial management system in accordance with guidelines as set forth by the Department of Human Services - Division of Behavioral Health Services.

(4) Establish and maintain community support programs designed to provide coordinated care and treatment to ensure ongoing therapeutic involvement and individualized treatment for persons with long-term, severe mental illness. Every community support program shall use a

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coordinated case management system and shall provide or assure access to services for persons with long-term, severe mental illness who reside within the respective catchment area of the Center. At a minimum, each community support program shall provide assessment, diagnosis, identification of persons in need of services, case management, crisis intervention, psychiatric treatment including medication services and supervision, counseling and psychotherapy, activities of daily living, housing, protection and advocacy, and psychosocial rehabilitation which may include services provided by day treatment programs.

(5) The Board of Directors of each Center or Clinic licensed or certified by the Department of Human Services - Division of Behavioral Health Services, shall adopt and submit to the Director of the Division of Behavioral Health Services, in the form and according to the procedures specified by the Director of the Division of Behavioral Health Services, an annual plan for the delivery of community support services for persons with long-term, severe mental illness. Each Center's plan must be approved by the Director of the Division of Behavioral Health Services.

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

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BEHAVIORAL HEALTH SERVICES - FEDERAL FUNDS. It is the specific intent of the General Assembly that in the event of the availability of federal funding for the Division of Behavioral Health Services during the fiscal year ending June 30, ~~2017~~ 2018, that such funding be utilized to conserve or reduce the expenditure of general revenue except where prohibited by law.

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

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BEHAVIORAL HEALTH SERVICES. Pay rates for physicians and chief psychologists within the Division of Behavioral Health Services may include the special allowances available to UAMS physicians and professional faculty as described in the special language of the UAMS appropriation. Part of the salaries of such staff will come from the receipt of professional income in the care of patients and/or funds received from federal agencies, foundations and other private sponsors in the support of research. Provided that any such allowance shall not exceed, for any employee, an amount equal to two and one half times the salary authorized by the General Assembly. The specific Division of Behavioral Health Services classifications covered by this language are:

Class

Code Title

L005N Psychiatric Specialist

L009N DHS Behavioral Health General Physician

L001C Psychologist Supervisor

Prior to these allowances being made available for an individual, they will be approved by the Chief Fiscal Officer of the State and reviewed by the Personnel Committee of the Arkansas Legislative Council or the Joint Budget Committee.

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

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EXECUTIVE RECOMMENDATION

BEHAVIORAL HEALTH SERVICES - VOCATIONAL TRAINEES. The Division of Behavioral Health Services of the Department of Human Services is hereby authorized to provide employment opportunities for some of the working residents who are separate from the currently authorized regular vocational trainee positions. The positions authorized herein shall not be incorporated into the present classification system but shall be provided for by each Community Mental Health Center or the State Hospital, on a cash account basis. It is the intent of the General Assembly that the authorization of these positions shall facilitate the Agency's ability to provide for residents who are not part of a regular vocational training program.

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

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BEHAVIORAL HEALTH SERVICES - JOB SHARE. The Division of Behavioral Health Services can utilize job share for positions within the nursing classification (RN, LPN/LPTN, BHA/CNA) for up to 24 hours per week per individual. This will allow the Division to offer weekend option shifts to nursing personnel without increasing the number of positions.

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

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BEHAVIORAL HEALTH SERVICES - STATE HOSPITAL CONTINGENCY POSITIONS. If the Department of Human Services determines, and after prior review by the Legislative Council, it shall be determined that it is in the best interest of the State of Arkansas to discontinue a management contract with a private provider and it is deemed necessary to utilize Department staff to provide the required services, the Director of the Department of Human Services may request the Department of Finance and Administration to approve the establishment of one or more additional positions at salary rates not to exceed the maximum salaries established for comparable positions in the Uniform Classification and Compensation Act, the Department of Human Services' Appropriation Act, and the University of Arkansas for Medical Sciences' Appropriation Act. Upon approval by the Department of Finance and Administration and after review by the Legislative Council, the Department of Human Services, Division of Behavioral Health Services may establish such positions.

If the agency requests continuation of a "Growth Pool" position(s) as established herein, the position(s) must be requested as a new position(s) in the agency's budget request.

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

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ARKANSAS HEALTH CENTER. (A) The Department of Human Services shall not close the Arkansas Health Center that provides skilled nursing through specialized services and programs.

(B) The Department of Human Services shall continue to accept clients for whom it has determined that skilled nursing and specialized services are needed at the Arkansas Health Center.

(C) No funds shall be transferred or reduced from the Arkansas Health Center, except for use as federal matching funds, below the approved funding level on March 1, 2003 without the prior approval of the Arkansas Legislative Council or the Joint Budget Committee.

(D) Determining the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Human Services may operate more efficiently if some flexibility is provided to the Department of Human Services authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent

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jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2016~~
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EXTRA HELP - BEHAVIORAL HEALTH SERVICES. Employees in extra-help positions at the Department of Human Services - Division of Behavioral Health may receive an amount not to exceed eighty-five percent (85%) of the maximum annual salary for a comparable position as authorized under § 21-5-201 et seq. during any fiscal year, nor shall such an employee be employed for a period of time to exceed one thousand eight hundred (1,800) hours in any single fiscal year.

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

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BEHAVIORAL HEALTH SERVICES - APPORTIONMENT OF FUNDS. Each Community Mental Health Center shall contract with one or more facilities of its choice (excluding Arkansas State Hospital) to provide the inpatient care for indigent patients which the Community Mental Health Center has determined to be necessary after prompt screening by the Community Mental Health Center. Payment for patients screened and approved by the Community Mental Health Center who receive care at these inpatient facilities shall be provided to the inpatient facilities at the contract rate unless the funds available for this purpose have been exhausted. Available funding as determined by the Director of the Department of Human Services shall be apportioned on a per capita basis up to a maximum of three dollars and forty-eight cents (\$3.48) per capita for fiscal year ~~2016-2017~~2017-2018. The most recently available federal population census shall be used in determining the population of each catchment area of the thirteen Community Mental Health Centers. All amounts appropriated under this section shall be used by Community Mental Health Centers for residents of each center's catchment area and such funds shall only be accessed as the payment of last resort.

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

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REPORTING. The Division of Behavioral Health Services shall develop an evaluation and monitoring program that will assure all expenditures are made consistent with the intent of these appropriations. As a condition for receiving funds under this Act, Community Mental Health Centers (CMHCs) shall report quarterly to the Division of Behavioral Health Services the following data:

- (1) The number of involuntary commitments and medically indigent admissions referred by CMHCs to community-based settings;
- (2) The number of involuntary commitments and medically indigent admissions to community-based settings receiving assistance from the acute mental health services funds;
- (3) The total number of acute bed days utilized by these involuntary commitments;
- (4) The total number of bed days utilized by these medically indigent admissions;
- (5) The average length of stay of admissions for these involuntary commitments per catchment area;
- (6) The average length of stay of admissions for these medically indigent admissions per catchment area;
- (7) The number of medically indigent admissions per catchment area unable to receive assistance from the acute mental health services funds due to such funds being depleted by prior admissions;
- (8) The number of re-admissions per catchment area for involuntary commitments and medically indigent admissions to community-based settings receiving assistance from the acute mental health services; and

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(9) Identify any steps taken by CMHCs to improve access to acute mental health services.

The Department of Human Services - Division of Behavioral Health Services shall report quarterly the data collected from the CMHCs to the House and Senate Subcommittees on Public Health.

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

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ACUTE MENTAL HEALTH SERVICES - PER CAPITA - LEGISLATIVE FINDINGS AND INTENT. The General Assembly recognizes that the state encouraged the treatment of mentally ill residents within community-based settings over two decades ago and has taken various approaches to funding since then. The General Assembly also recognizes that there are inherent problems within the current public mental health system that create disincentives for proper treatment and care. The purpose of the Acute Mental Health Services - Per Capita appropriation is to provide an appropriation for acute mental health services to be utilized within community-based settings for the treatment and care of medically indigent persons 18 years of age and older and involuntary commitments to the public mental health system. The appropriation for acute mental health services provided in this Act shall only be used for Community Mental Health Centers licensed and certified by the Department of Human Services - Division of Behavioral Health Services for use within community-based settings and facilities.

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

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BEHAVIORAL HEALTH SERVICES - PROCEEDS FOR SALES OF TIMBER AND HAY - CAPITAL IMPROVEMENTS AND EQUIPMENT. The Division of Behavioral Health Services is authorized to use administrative operating account for capital improvements to the physical plant, and for the purchase of capital equipment, and for the operation of the Arkansas Health Center, operated by the Department of Human Services - Division of Behavioral Health Services. The funds shall be held by the Department of Human Services - Division of Behavioral Health Services, from the proceeds of the sale of timber and hay that may be harvested from land owned by the Division of Behavioral Health Services. All funds deposited and all expenses shall be tracked separately. The harvesting of timber and hay is specifically authorized to provide funds to finance capital improvements to the physical plant, for the purchase of major capital equipment, and for the operation of the Arkansas Health Center. The Division of Behavioral Health Services shall report all income derived from the sale of timber and hay to the Chief Fiscal Officer of the State and the Legislative Council. Any contracts initiated for the harvesting of timber and hay shall be submitted to the Review Subcommittee of the Arkansas Legislative Council for prior review. All expenditures of funds derived from the sale of timber and hay will be expended in accordance with relevant state purchasing laws.

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

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SPECIAL RATES OF PAY AND EMPLOYMENT WORK DAYS. For employees hired on or after July 1, 2013, at the Arkansas State Hospital in the classifications listed below, the Division of Behavioral Health Services Director shall implement salary adjustments utilizing the approved pay grid for teachers employed by the Arkansas Schools for the Blind and Deaf.

To achieve the salary adjustments, the Division of Behavioral Health Services is authorized to pay special rates of pay for classifications at the Arkansas State Hospital listed below:

Classification	Title	Grade
E044C	Certified Bachelors Teacher	C117
E035C	Certified Masters Teacher	C119

Funding for the minimum compensation provided for in this section that is supported in whole or in part from general revenues, shall, if required, be provided by a transfer from the Merit Adjustment Fund to the proper fund or fund account and in such amounts as determined by the Chief Fiscal Officer of the State. The Division of Behavioral Health Services shall in addition to the funds provided in this Act for Annual Career Service Recognition Payments from the Merit Adjustment Fund, make available any funding generated from agency salary savings for such purposes from the funds or fund accounts as provided by law.

For employees hired on or after July 1, 2013, at the Arkansas State Hospital in the classifications listed above, the Division of Behavioral Health Services Director shall set the number of work days for the employment year to equal the number of days worked by those employed in the same classifications at the Arkansas Schools for the Blind and Deaf. The accrual,

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use, and carryover of sick days, personal days, and holidays of the employees at the Arkansas State Hospital that are hired on or after July 1, 2013, or current employees choosing to adopt this plan, shall be treated in the same manner as those employed in the same classifications at the Arkansas Schools for the Blind and Deaf.

Those currently employed at the Arkansas State Hospital in the classifications listed above as of June 30, 2013, have the one-time option of adopting this language or continuing to operate under the same salary, leave and benefit plans they are currently receiving. Employees must make their decision by June 30, 2013.

Accrued annual and holiday leave, up to 240 hours, as of June 30, 2013, will be paid out to current employees choosing to adopt this plan. Any additional accrued annual and holiday leave will be forfeited. Accrued sick leave, as of June 30, 2013, shall be retained on file and shall be exhausted before any newly accrued sick leave may be taken.

All employees affected by this section shall be eligible to receive hazardous duty pay for time worked in eligible areas.

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

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BEHAVIORAL HEALTH SERVICES - ALLOCATION RESTRICTIONS. There is hereby allocated to the Community Mental Health Centers, as set out herein, the following amounts of the funds appropriated for State Assistance in the Behavioral Health Services - Community Mental Health Centers appropriation, to the Department of Human Services - Behavioral Health Services Division, there to be used as provided by law, for the fiscal year ending June 30, ~~2015-2016~~, 2018 and 2019 the following: Maximum Allocation Item Fiscal Year
No. Mental Health Center ~~2014-15~~ ~~2015-16~~ 2017-18 2018-19

Counseling Associates	\$494,822.89
Counseling Clinic	\$251,576.09
Delta Counseling Associates	\$500,475.70
Little Rock CMHC	\$728,770.80
Northeast Arkansas Community Mental Health Center INC, - Mid-South Health Systems INC	\$1,321,532.40
Ozark Guidance	\$809,746.15
Community Counseling	\$580,032.93
Professional Counseling Associates	\$682,921.55
South Arkansas Regional Health	\$655,303.86
Southeast AR Behavioral	\$633,020.70
Southwest AR Community Mental Health Center	\$407,023.60
Western AR Counseling & Guidance Center	\$611,882.86
Preferred Family Healthcare INC, Health Resources of AR	\$1,103,493.47
	\$8,780,603.00

The additional funding provided by this provision shall supplement and not supplant any monies currently funding state assistance to Community Mental Health Centers.

The requirements in this section shall only be implemented in accordance with any necessary approval by the Centers for Medicare and Medicaid Services, and in the event that additional general revenue funding is provided by the General Assembly for these purposes. Should additional

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funding be provided for these purposes be insufficient to provide for the increases in full, the increases shall be provided to the extent that funding is made available.

The provisions of this section shall be in effect only from July 1, ~~2014~~2015 2017 through June 30, ~~2015-2016~~ 2018.

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DEPARTMENT OF HUMAN SERVICES GRANTS FUND ACCOUNT. The Department of Human Services Grants Fund Account shall be used for the following grant programs to consist of general revenues and any other nonfederal funds, as may be appropriated by the General Assembly:

- (i) Children's Medical Services;
- (ii) Food Stamp Employment and Training Program;
- (iii) Aid to the Aged, Blind, and Disabled;
- (iv) Transitional Employment Assistance Program;
- (v) Private nursing home care;
- (vi) Infant Infirmary - nursing home care;
- (vii) Public Nursing Home Care;
- (viii) Prescription Drugs;
- (ix) Hospital and Medical Services;
- (x) Child and Family Life Institute;
- (xi) Community Services Block Grant;
- (xii) ARKIDSFIRST;
- (xiii) Child Health Management Services; and
- (xiv) Child Care Grant.

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

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MEDICAL SERVICES - CHILD AND FAMILY LIFE INSTITUTE. The Child Health and Family Life Institute shall be administered under the direction of Arkansas Children's Hospital. Arkansas Children's Hospital shall enter into a cooperative agreement and/or contract with the University of Arkansas for Medical Sciences - Department of Pediatrics for services required in delivering the programs of the Child Health and Family Life Institute. Utilizing a multidisciplinary collaboration of professionals, the Child Health and Family Life Institute shall provide a statewide effort to explore, develop and evaluate new and better ways to address medically, socially and economically interrelated health and developmental needs of children with special health care needs and their families. The Child Health and Family Life Institute's priorities shall include, but are not limited to, wellness and prevention, screening and diagnosis, treatment and intervention, training and education and research and evaluation.

Arkansas Children's Hospital and the University of Arkansas for Medical Sciences - Department of Pediatrics shall make annual reports to the Arkansas Legislative Council on all matters of funding, existing programs and services offered through the Child Health and Family Life Institute.

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

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MEDICAL SERVICES - PHARMACEUTICAL DISPENSING FEE SURVEY. No more than two years prior to making any changes to the current pharmaceutical dispensing fee, the State shall conduct an independent survey utilizing generally accepted accounting principles, to determine the cost of dispensing a prescription by pharmacists in Arkansas. Only factors relative to the cost of dispensing shall be surveyed. These factors shall not include actual acquisition costs or average profit or any combination of actual acquisition costs or average profit. The survey results shall be the basis for establishing the dispensing fee paid to participating pharmacies in the Medicaid prescription drug program in accordance with Federal requirements. The dispensing fee shall be no lower than the cost of dispensing as determined by the survey. Nothing in this section shall be construed to prohibit the State from increasing the dispensing fee at any time.

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

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<p>MEDICAL SERVICES - GENERAL MEDICAID RATE METHODOLOGY PROVISIONS.</p> <p>(a) Rates established by the Division of Medical Services for the services or programs covered by this Act shall be calculated by the methodologies approved by the Centers for Medicare and Medicaid Services (CMS). The Division of Medical Services shall have the authority to reduce or increase rates based on the approved methodology. Further, the Division of Medical Services shall have the authority to increase or decrease rates for good cause including, but not limited to: (1) Identification of provider(s) who can render needed services of equal quality at rates less than traditionally charged and who meet the applicable federal and state laws, rules and regulations pertaining to the provision of a particular service;</p> <p>(2) Identification that a provider or group of providers has consistently charged rates to the Arkansas Medicaid Program greater than to other purchasers of medical services of similar size;</p> <p>(3) The Division determines that there has been significant changes in the technology or process by which services are provided by a provider or group of providers which has affected the costs of providing services, or;</p> <p>(4) A severe economic downturn in the Arkansas economy which has affected the overall state budget of the Division of Medical Services.</p> <p>The Division of Medical Services shall make available to requesting providers, the CMS's inflationary forecasts (CMS Market Basket Index). Rates established with cost of living increases based on the CMS Market Basket Index or other indices will be adjusted annually except when the state budget does not provide sufficient appropriation and funding to affect</p>	<p align="center">AGENCY REQUEST</p>

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the change or portion thereof.

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

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Human Services - Division of Medical Services may operate more efficiently if some flexibility is provided to the Department of Human Services - Division of Medical Services authorizing broad powers under this section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

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

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FUND USAGE AUTHORIZED. The Arkansas Children's Hospital may request the Department of Human Services - Division of Medical Services to retain in the Department of Human Services Grant Fund account an amount not to exceed \$2,100,000 from funds made available by this Act for the Child and Family Life Institute, Section 4, item number 05 to be used to match federal funds used for supplemental Medicaid payments to Arkansas Children's Hospital. These retained funds shall not be recovered to transfer to the General Revenue Allotment Reserve Fund.

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

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STATE PLAN. The State Plan must include the provision of EPSDT services as those services are defined in 42 U.S.C. §1396d(r). See 42 U.S.C. §§ 1396a(a)(10)(A), 1396d(a)(4)(B); see also 1396a(a)(43). Section 1396d(r) lists in detail the screening services, vision services, dental services, and hearing services that the State Plan must expressly include, but with regard to treatment services, it states that EPSDT means "[s]uch other necessary health care, diagnostic services, treatment, and other measures described in subsection (a) of this section to correct or ameliorate defects and physical and mental illnesses and conditions discovered by the screening services, whether or not such services are covered under the State Plan." 42 U.S.C. § 1396d(r)(5) (emphasis added). Reading 42 U.S.C. § 1396a, 42 U.S.C. § 1396d(a), and 42 U.S.C. § 1396d(r) together, we believe that the State Plan need not specifically list every treatment service conceivably available under the EPSDT mandate.

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

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

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

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MEDICAL SERVICES - STATE MEDICAID PROGRAM/PERSONAL CARE PROGRAM.

AGENCY REQUEST

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

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

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

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

(e) The Arkansas Department of Human Services, Medical Services

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Division shall take such action as required by the Centers for Medicare and Medicaid Services to amend the Arkansas Medicaid manual to include private care agencies as qualified entities to provide Medicaid reimbursed personal care services.

(f) The private care agencies shall comply with rules and regulations promulgated by the Arkansas Department of Health which shall establish a separate licensure category for the private care agencies for the provision of Medicaid reimbursable personal care services seven (7) days a week.

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

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

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

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EXECUTIVE RECOMMENDATION

REVIEW OF RULES IMPACTING STATE MEDICAID COSTS. (a) In light of the rapidly rising potential costs to the State attributable to the Medicaid program and the importance of Medicaid expenditures to the health and welfare of the citizens of this State, the General Assembly finds it desirable to exercise more thorough review of future proposed changes to rules that might impact those costs or expenditures.

(b) As used in this section, "rule impacting state Medicaid costs" means a proposed rule, as defined by § 25-15-202(9) or a proposed amendment to an existing rule, as defined by § 25-15-202(9) that would, if adopted, adjust Medicaid reimbursement rates, Medicaid eligibility criteria, or Medicaid benefits, including without limitation a proposed rule or a proposed amendment to an existing rule seeking to accomplish the following:

- (1) Reduce the number of individuals covered by Arkansas Medicaid;
- (2) Limit the types of services covered by Arkansas Medicaid;
- (3) Reduce the utilization of services covered by Arkansas Medicaid;
- (4) Reduce provider reimbursement;
- (5) Increase consumer cost-sharing;
- (6) Reduce the cost of administering Arkansas Medicaid;
- (7) Increase Arkansas Medicaid revenues;
- (8) Reduce fraud and abuse in the Arkansas Medicaid program;
- (9) Change any of the methodologies used for reimbursement of providers;
- (10) Seek a new waiver or modification of an existing waiver of any provision under Title XIX of the Social Security Act, 42 U.S.C. § 1396-1 et.

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seq., including a waiver that would allow a demonstration project;

(11) Participate or seek to participate in the waiver authority of Section 1115(a)(1) of the Social Security Act, 42 U.S.C. § 1396-1(a)(1) that would allow operation of a demonstration project or program;

(12) Participate or seek to participate in a request under Section 1115 (a)(2) of the Social Security Act, 42 U.S.C. § 1396-1(a)(2) for the Secretary of the Department of Health and Human Services to provide federal financial participation for costs associated with a demonstration project or program;

(13) Implement managed care provisions under Section 1932 of the Social Security Act, 42 U.S.C. § 1396 u-2; or

(14) Participate or seek to participate in the Centers for Medicare and Medicaid Services Innovation projects or programs.

(c)(1) In addition to filing requirements under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., and § 10-3-309, the Department of Human Services shall, at least thirty (30) days before the expiration of the period for public comment, file a proposed rule impacting state Medicaid costs or a proposed amendment to an existing rule impacting state Medicaid costs with the Senate Interim Committee on Public Health, Welfare, and Labor and the House Interim Committee on Public Health, Welfare, and Labor, or, when the General Assembly is in session, with the Senate Committee on Public Health, Welfare, and Labor and the House Committee on Public Health, Welfare and Labor.

(2) Any review of the proposed rule or proposed amendment to an existing rule by the Senate and House Interim Committees on Public Health,

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Welfare and Labor or the Senate and House Committees on Public Health, Welfare, and Labor shall occur within forty-five (45) days of the date the proposed rule or proposed amendment to an existing rule is filed with the committees.

(d)(1) If adopting an emergency rule impacting state Medicaid costs, in addition to the filing requirements under the Arkansas Administrative Procedure Act, § 25-15-201 et seq. and § 10-3-309, the Department of Human Services shall notify the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the chair of the Senate Committee on Public Health, Welfare, and Labor, and the chair of the House Committee on Public Health, Welfare and Labor of the emergency rule and provide each of them a copy of the rule on the first day the emergency rule is effective.

(2) Any review of the emergency rule by the Senate and House Interim Committees on Public Health, Welfare and Labor or the Senate and House Committees on Public Health, Welfare, and Labor shall occur within forty-five (45) days of the date the emergency rule is provided to the chairs.

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

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EXECUTIVE RECOMMENDATION

~~HEALTH CARE INDEPENDENCE PROGRAM AND ARKANSAS HEALTH INSURANCE MARKETPLACE RESTRICTIONS. (a) As used in this section, "Health Care Independence Program" means the Health Care Independence Program established under the Health Care Independence Act of 2013, Arkansas Code § 20-77-2401 et seq.~~

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

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

~~———— (A) Identifying the purpose in the appropriation act;~~

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

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

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

~~———— (c)(1) Except as provided in this subsection, the Department of Human Services shall not allocate, budget, expend, or utilize any appropriation authorized by the General Assembly for the purpose of advertisement, promotion, or other activities designed to promote or encourage enrollment in the Arkansas Health Insurance Marketplace or the Health Care Independence Program, including without limitation:~~

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~~_____ (A) Unsolicited communications mailed to potential recipients;~~

~~_____ (B) Television, radio, or online commercials;~~

~~_____ (C) Billboard or mobile billboard advertising;~~

~~_____ (D) Advertisements printed in newspapers, magazines, or other print media; and~~

~~_____ (E) Internet websites and electronic media.~~

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

~~_____ (A) Direct communications with:~~

~~_____ (i) Licensed insurance agents; and~~

~~_____ (ii) Persons licensed by the department;~~

~~_____ (B) Solicited communications with potential recipients;~~

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

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

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

~~_____ (d) The Department of Human Services shall not apply for or accept~~

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~~any funds, including without limitation federal funds, for the purpose of advertisement, promotion, or other activities designed to promote or encourage enrollment in the Arkansas Health Insurance Marketplace or the Health Care Independence Program.~~

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

~~—————(A)(i) Except as provided in subdivision (e)(1)(A)(ii) of this section, allocate, budget, expend, or utilize an appropriation authorized by the General Assembly for the purpose of funding activities of navigators, guides, certified application counselors, and certified licensed producers under the Arkansas Health Insurance Marketplace Navigator, Guide, and Certified Application Counselors Act, Arkansas Code § 23-64-601 et seq.~~

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

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

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

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

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

~~—— (h) This section expires on June 30, 2016 2017.~~

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EXECUTIVE RECOMMENDATION

~~HEALTH CARE INDEPENDENCE PROGRAM AMENDMENTS AND WAIVERS. (a)~~

~~As used in this section, "Health Care Independence Program" means the Health Care Independence Program established under the Health Care Independence Act of 2013, Arkansas Code § 20-77-2401 et seq.~~

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

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

~~———— (A) Identifying the purpose in the appropriation act;~~

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

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

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

~~———— (c)(1) The Department of Human Services shall submit and seek approval of a state plan amendment or waiver, or both, for the following revisions to the Health Care Independence Program to be effective no later than February 1, 2015:~~

~~———— (A) Approval of a limited state-designed nonemergency transportation benefit for persons covered under the Health Care Independence Program;~~

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~~————— (B) Approval of a model to allow non-aged, nondisabled persons eligible to participate in the Health Care Independence Program to enroll in a program that will create and utilize independence accounts that operate similarly to a health savings account or medical savings account; and~~

~~————— (C) That cost sharing under the Health Care Independence Program shall apply to beneficiaries with incomes above fifty percent (50%) of the federal poverty level.~~

~~————— (2) The Department of Human Services shall:~~

~~————— (A) Submit drafts of state plan amendments or waivers required under subdivision (c)(1) of this section for public comment by August 1, 2014; and~~

~~————— (B) File the required state plan amendments or waivers with the United States Department of Health and Human Services by September 15, 2014.~~

~~————— (d)(1) Except as provided in subdivision (d)(2) of this section, if the Department of Human Services is unable to secure the approvals requested under subsection (c) of this section, then effective for dates of service on and after February 1, 2015, the Department of Human Services shall not allocate, budget, expend, or utilize appropriations under this act for the participation of persons in the Health Care Independence Program.~~

~~————— (2) Subdivision (d)(1) of this section does not prohibit the payment of expenses incurred before February 1, 2015, by persons participating in the Health Care Independence Program who were determined to be more effectively covered through the standard Medicaid~~

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program.

~~(e) This section expires on June 30, 2016 2017.~~

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EXECUTIVE RECOMMENDATION

MEDICAID PRIMARY CARE CASE MANAGEMENT PROGRAM.

AGENCY REQUEST

(a) The General Assembly finds that:

(1) The Arkansas Delta is an area that is medically underserved and has some of the worst health outcomes in our state, with a large number of recipients who are in the top quartile of costs;

(2)(A) There has been much success in other states, particularly in the Louisiana Delta with improvements in health outcomes and saving money through the use of an intensive care-coordination, shared-savings model of care.

(B) This success has come through contracting with private companies that specialize in working with those individuals who meet certain criteria and are at a minimum in the top quartile of costs to the Medicaid program;

(3) Medicaid is one of the largest percentage expenditures of Arkansas tax dollars, and there is a need for reforming approaches to the use of these dollars; and

(4) The approach created in this section to dealing with this population has never been implemented in Arkansas.

(b)(1)(A) The Department of Human Services shall contract with an experienced vendor to implement a two-year Medicaid Primary Care Case Management shared-savings pilot program in the Arkansas Delta region to begin January 1, 2014.

(B) The department shall give preference to a vendor that:

(i) Demonstrates experience with the type of

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model established under this section in the type of geographic area specified in subsection (e) of this section;

(ii) Has demonstrated customer satisfaction as documented through independent Consumer Assessment of Healthcare Providers and Systems survey; and

(iii) Maintains a Utilization Review Accreditation Commission accreditation for its Health Utilization Management and Case Management programs.

(2) The pilot program shall encompass a minimum of five thousand (5,000) recipients who:

(A) Are not currently in the Arkansas Patient-Centered Medical Home Program, the federal Comprehensive Primary Care Initiative, or a similar home health program;

(B)(i) Have catastrophic or chronic conditions as defined by the Johns Hopkins Adjusted Clinical Groups System; or

(ii) Are women with a history of past high-risk pregnancies, poor birth outcomes or preterm deliveries; and

(C) Whose estimated costs are in the top quartile for their defined population.

(c) The vendor shall recruit an adequate number of primary care clinics to initiate the program.

(d) The Medicaid Primary Care Case Management shared savings pilot program shall exclude the Alternatives for Persons with Disabilities, the Division of Developmental Disabilities Services Alternative Community Services, ElderChoices, Living Choices Assisted Living waivers, and

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members of the Program of All-Inclusive Care for the Elderly.

(e) The Medicaid Primary Care Case Management program shared savings pilot program shall include without limitation the following Arkansas delta counties:

- (1) Arkansas;
- (2) Ashley;
- (3) Baxter;
- (4) Bradley;
- (5) Calhoun;
- (6) Chicot;
- (7) Clay;
- (8) Cleveland;
- (9) Crittenden;
- (10) Cross;
- (11) Dallas;
- (12) Desha;
- (13) Drew;
- (14) Fulton;
- (15) Grant;
- (16) Greene;
- (17) Independence;
- (18) Izard;
- (19) Jackson;
- (20) Jefferson;
- (21) Lawrence;

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- (22) Lee;
- (23) Lincoln;
- (24) Lonoke;
- (25) Marion;
- (26) Mississippi;
- (27) Monroe;
- (28) Ouachita;
- (29) Phillips;
- (30) Poinsett;
- (31) Prairie;
- (32) Randolph;
- (33) Searcy;
- (34) Sharp;
- (35) St. Francis;
- (36) Stone;
- (37) Union;
- (38) Van Buren; and
- (39) Woodruff.

(f) The department shall require that a contracting vendor generate savings in comparison to a risk-adjusted Arkansas Fee-For-Service benchmark.

(g) The per-member monthly fee paid to the vendor shall not decrease the current primary care case management fee paid to the primary care providers.

(h)(1) Savings realized under the Medicaid Primary Care Case

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Management program shall be shared:

(A) Thirty-four percent (34%) with the department;

and

(B)(i) Sixty-six percent (66%) with the Medicaid Primary Care Case Management shared-savings pilot program vendor up to a maximum sharing cap of five percent (5%) of the total cost of administrative and health service expenditures as defined by the Centers for Medicare and Medicaid Service.

(ii) Further, fifty percent (50%) of savings received by the vendor shall be shared with eligible contracted network primary care providers based upon meeting agreed upon performance standards.

(2) Twenty five percent (25%) of the Medicaid Primary Care Case Management shared-savings pilot program vendor's administrative per member per month fee shall be at risk and shall be paid back to the state if savings are not realized.

(i)(1) After the Medicaid Primary Care Case Management shared-savings pilot program has operated for fifteen (15) months, the department shall utilize an agreed upon savings algorithm to calculate savings based on the first twelve (12) months of operations, allowing three (3) months of run-out.

(2)(A) Savings shall be disbursed within thirty (30) calendar days of final calculation.

(B) After the initial year of operation, savings shall be calculated on a quarterly basis.

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(j) This section does not conflict with or reduce the Medicaid hospital access payments under section § 20-77-1901 et seq.

(k)(1) This section does not require a physician to participate in the pilot program created under this section.

(2) A physician has the right to refuse to contract under the pilot program created under this section or to terminate the contract at any time without penalty.

(l) If requested, the vendor shall agree to support any contracted physician in meeting the requirements of the Arkansas Patient-Centered Medical Home model.

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

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

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EXECUTIVE RECOMMENDATION

MEDICAID EXPANSION PROGRAM - PAYING ACCOUNTS. The Medicaid Expansion Program as established by Initiated Act 1 of 2000 shall be a separate and distinct component embracing (1) expanded Medicaid coverage and benefits to pregnant women; (2) expanded inpatient and outpatient hospital reimbursements and benefits to adults aged nineteen (19) to sixty-four (64); (3) expanded non-institutional coverage and benefits to adults aged 65 and over; and (4) creation and provision of a limited benefit package to adults aged nineteen (19) to sixty-four (64), to be administered by the Department of Human Services. Separate Paying Accounts shall be established for the Medicaid Expansion Program as designated by the Chief Fiscal Officer of the State, to be used exclusively for the purpose of drawing down federal funds associated with the federal share of expenditures and for the state share of expenditures transferred from the Medicaid Expansion Program Account or for any other appropriate state match funds.

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

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ACCOUNTS. Such appropriations and fund accounts as may be necessary to administer the provisions of this act shall be established on the books of the Chief Fiscal Officer of the State, State Treasurer, and the Auditor of the State.

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

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EXECUTIVE RECOMMENDATION

POSITIONS. (a) Nothing in this act shall be construed as a commitment of the State of Arkansas or any of its agencies or institutions to continue funding any position paid from the proceeds of the Tobacco Settlement in the event that Tobacco Settlement funds are not sufficient to finance the position.

(b) State funds will not be used to replace Tobacco Settlement funds when such funds expire, unless appropriated by the General Assembly and authorized by the Governor.

(c) A disclosure of the language contained in (a) and (b) of this Section shall be made available to all new hire and current positions paid from the proceeds of the Tobacco Settlement by the Tobacco Settlement Commission.

(d) Whenever applicable the information contained in (a) and (b) of this Section shall be included in the employee handbook and/or Professional Services Contract paid from the proceeds of the Tobacco Settlement.

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

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TRANSFER RESTRICTIONS. The appropriations provided in this act shall not be transferred under the provisions of Arkansas Code 19-4-522, but only as provided by this act.

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

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TRANSFERS OF APPROPRIATIONS. In the event the amount of any of the budget classifications of maintenance and general operation in this act are found by the administrative head of the agency to be inadequate, then the agency head may request, upon forms provided for such purpose by the Chief Fiscal Officer of the State, a modification of the amounts of the budget classification. In that event, he shall set out on the forms the particular classifications for which he is requesting an increase or decrease, the amounts thereof, and his reasons therefor. In no event shall the total amount of the budget exceed either the amount of the appropriation or the amount of the funds available, nor shall any transfer be made from the capital outlay or data processing subclassifications unless specific authority for such transfers is provided by law, except for transfers from capital outlay to data processing when determined by the Department of Information Systems that data processing services for a state agency can be performed on a more cost-efficient basis by the Department of Information Systems than through the purchase of data processing equipment by that state agency. In considering the proposed modification as prepared and submitted by each state agency, the Chief Fiscal Officer of the State shall make such studies as he deems necessary. The Chief Fiscal Officer of the State shall, after obtaining the approval of the Legislative Council, approve the requested transfer if in his opinion it is in the best interest of the state.

Upon determination by the Director of the Department of Human Services that a Reallocation of Resources is necessary for the effective operation of the Medicaid Expansion Program Grants, the director, with the approval of

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the Governor, shall have the authority to request from the Chief Fiscal Officer of the State a transfer of Appropriation. This transfer authority applies only to Section 5 Medicaid Expansion Program Grants of this Act between Hospital and Medical Services Item (01) and Prescription Drugs Item (02). The limitation restrictions applicable to the Department Reallocation of Resources authority applies to this section.

The General Assembly has determined that the agency in this act could be operated more efficiently if some flexibility is given to that agency and that flexibility is being accomplished by providing authority to transfer between certain items of appropriation made by this act. Since the General Assembly has granted the agency broad powers under the transfer of appropriations, it is both necessary and appropriate that the General Assembly maintain oversight of the utilization of the transfers by requiring prior approval of the Legislative Council in the utilization of the transfer authority. Therefore, the requirement of approval by the Legislative Council is not a severable part of this section. If the requirement of approval by the Legislative Council is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

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

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EXECUTIVE RECOMMENDATION

COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act shall be limited to the appropriation for such agency and funds made available by law for the support of such appropriations; and the restrictions of the State Purchasing Law, the General Accounting and Budgetary Procedures Law, the Regular Salary Procedures and Restrictions Act, or their successors, and other fiscal control laws of this State, where applicable, and regulations promulgated by the Department of Finance and Administration, as authorized by law, shall be strictly complied with in disbursement of said funds.

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

AGENCY REQUEST

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0710 DHS - Medical Services Division

ACT#: 191

SECTION#: 12

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds disbursed under the authority of the appropriations contained in this act shall be in compliance with the stated reasons for which this act was adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests, Executive Recommendations and Legislative Recommendations contained in the budget manuals prepared by the Department of Finance and Administration, letters, or summarized oral testimony in the official minutes of the Arkansas Legislative Council or Joint Budget Committee which relate to its passage and adoption.

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

AGENCY REQUEST

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0710 DHS - County Operations Division

ACT#: 192

SECTION#: 9

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

INTER-AGENCY TRANSFER OF STATE GENERAL REVENUE FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) PROGRAMS. Upon the request of the Director of the Department of Human Services (DHS) and the Director of the Department of Workforce Services (DWS), the Chief Fiscal Officer of the State may approve up to \$3,640,650 in State General Revenue appropriated to DWS for the TANF Program to be transferred to the Department of Human Services - Division of County Operations in support of Arkansas' Temporary Assistance for Needy Families (TANF) Programs or any related Separate State Programs. The Director of the Department of Workforce Services shall provide a report of all transfers made to the DHS - Division of County Operations to the Performance Evaluation and Expenditure Review Committee of the Arkansas Legislative Council and/or Joint Budget Committee. The report must include the justification for and the amount of the completed transfers.

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

AGENCY REQUEST

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0710 DHS - County Operations Division

ACT#: 192

SECTION#: 10

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

DIVISION OF COUNTY OPERATIONS - STATE AND FEDERAL DISASTER DECLARATIONS. It will be permissible for the Division of County Operations to implement the following exemptions in the event that a State or Federal Disaster is declared: (1) Exceed the 240 hour per quarter limit on the purchase of temporary help; and, (2) Waive the 1,000 hour limit per State Fiscal Year for Extra Help positions.

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

AGENCY REQUEST

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0710 DHS - Developmental Disabilities Services Division

ACT#: 91

SECTION#: 11

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

DEVELOPMENTAL DISABILITIES - GRANTS TO COMMUNITY BASED PROVIDERS. Funds allocated under the appropriation for community-based services, for Grants to Community Providers, in the Developmental Disabilities Services - Grants-in-Aid appropriation in this act shall be used only to provide services through private community based services licensed or certified by the Arkansas Division of Developmental Disabilities Services (DDS). Non-profit community-based programs licensed by the Division of Developmental Disabilities Services are quasi-governmental instrumentalities of the state which provide supports and services to individuals who have a developmental disability or delay, who would otherwise require supports and services through state-operated programs and facilities owned by the State of Arkansas. When DDS licensed providers are involved in delivering services which are Medicaid reimbursable, they must enroll as a provider with the Arkansas Medicaid Program and must bill the Arkansas Medicaid Program for all covered services for eligible individuals.

Services which are covered by the Arkansas State Medicaid Program or under the Alternative Community Services Waiver Program (ACS) will be utilized to the maximum extent possible for any individual who is eligible for Medicaid coverage. It is the intent of this section that DDS, as a general policy, maximize the use of Medicaid funding available for appropriate services.

The State shall require each provider funded from this Appropriation for community based services, including funding from the Grants/Patient Services Line, in the Developmental Disabilities Services - Operations

AGENCY REQUEST

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0710 DHS - Developmental Disabilities Services Division

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SECTION#: 11

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EXECUTIVE RECOMMENDATION

appropriation, or from the Grants to Community Providers Line, in the Developmental Disabilities Services - Grants-in-Aid appropriation, to screen each individual to whom services are provided for a determination of eligibility or ineligibility for Medicaid coverage within thirty days of the first date that services are provided. It is the intent of this section to insure that wherever possible and appropriate, Medicaid funds are utilized for covered or waived services to individuals who are eligible for coverage under the Arkansas Medicaid Program or the ACS Waiver.

Nothing in this Act shall prevent the Division or any provider from extending emergency services when appropriate measures have been taken in a timely manner to secure Medicaid eligibility.

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

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0710 DHS - Developmental Disabilities Services Division

ACT#: 91

SECTION#: 12

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

DEVELOPMENTAL DISABILITIES - VOCATIONAL TRAINEES. The Division of Developmental Disabilities Services of the Department of Human Services is hereby authorized to provide employment opportunities for people with developmental disabilities residing at the Human Development Centers who work less than a competitive employment level.

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

AGENCY REQUEST

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0710 DHS - Developmental Disabilities Services Division

ACT#: 91

SECTION#: 13

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

GRANTS IN AID - CONDITIONS FOR RECEIVING FUNDS. Private non-profit community-based programs licensed by the Department of Human Services - Division of Developmental Disabilities Services, are eligible to receive funds appropriated for Grants to Community Providers in the Developmental Disabilities Services - Grants-in-Aid appropriation of this Act, and as a condition of receiving such funds they shall:

1. Meet minimum standards of performance in the delivery of services to people with disabilities as defined by the Department of Human Services - Division of Developmental Disabilities Services.
2. Supply statistical and financial data to the Department of Human Services - Division of Developmental Disabilities Services.
3. Establish and maintain a sound financial management system in accordance with guidelines as set forth by the Department of Human Services.
4. Establish and maintain community support programs designed to provide coordinated care and treatment to ensure ongoing involvement and individualized services for persons with disabilities. Every community support program shall provide services for persons with disabilities who reside within the respective area of the program.

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

AGENCY REQUEST

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0710 DHS - Developmental Disabilities Services Division

ACT#: 91

SECTION#: 14

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

DEVELOPMENTAL DISABILITIES - TIMBER SALES PROCEEDS - CAPITAL IMPROVEMENTS AND EQUIPMENT. The Division of Developmental Disabilities Services is authorized to use the administrative operating accounts for capital improvements to physical plants and for the purchase of capital equipment. The funds shall be held by the Department of Human Services - Division of Developmental Disabilities Services from the proceeds of the sale of timber that may be harvested from land owned by the Division of Developmental Disabilities Services. All funds deposited and all expenses shall be tracked separately. The harvesting of timber is specifically authorized to provide funds to finance capital improvements to the physical plants and for the purchase of major capital equipment.

The Division of Developmental Disabilities Services shall report all income derived from timber management to the Chief Fiscal Officer of the State and the Arkansas Legislative Council. Any contracts initiated for the harvesting of timber shall be submitted to the Review Subcommittee of the Arkansas Legislative Council for prior review. All expenditures of funds derived from the sale of timber will be expended in accordance with relevant state purchasing laws.

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

AGENCY REQUEST

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0710 DHS - Developmental Disabilities Services Division

ACT#: 91

SECTION#: 15

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

HUMAN DEVELOPMENT CENTERS AND COMMUNITY PROVIDERS.

AGENCY REQUEST

(A) The Board of Developmental Disabilities Services (DDS) or the Department of Human Services shall not close any of the state administered Human Development Centers which are located at Conway, Arkadelphia, Jonesboro, Booneville, and Warren.

(B) The Department of Human Services shall continue to accept clients for whom it has determined that therapy and residential services are needed at state administered Human Development Centers and Community Programs licensed by DDS shall continue to accept clients for whom it has been determined in accordance with federal law that are in need of services in the community.

(C) Except for use as federal matching funds, no funds for community based services licensed by DDS shall be transferred from Grants to Community Providers line item of the Developmental Disabilities Services - Grants-in-Aid appropriation unless the transfer(s) directly benefit(s) community based services for persons with developmental disabilities or from the appropriation for the Human Development Centers unless the transfer(s) directly benefit(s) the Human Development Centers.

(D) Nor shall any general revenue funding as of July 1, ~~2016~~ 2017 from the Grants to Community Providers line item of the Developmental Disabilities Services - Grants-in-Aid appropriation for persons with developmental disabilities or from any other general revenues as of July 1, ~~2016~~ 2017, applied as federal matching funds for community based services licensed by DDS on July 1, ~~2016~~ 2017 be reduced below the approved funding level on July 1, ~~2016~~ 2017; nor shall the general revenues applied

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

as federal matching funds for the Human Development Centers be reduced below the approved funding level on July 1, ~~2016~~ 2017.

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

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0710 DHS - Developmental Disabilities Services Division

ACT#: 91

SECTION#: 16

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

AUTISM TREATMENT AND COORDINATION. The Department of Human Services - Division of Developmental Disabilities Services shall promulgate rules and regulations regarding the licensure and oversight of Applied Behavior Analysts as described in Arkansas Code § 23-99-418. The rules and regulations shall include a requirement for a licensure application fee equal to that charged to applicants to be licensed as a psychologist as described in Arkansas Code § 17-97-309. Proceeds from this fee are declared as cash funds.

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

AGENCY REQUEST

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0710 DHS - Services for the Blind Division

ACT#: 89

SECTION#: 4

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT. The Rehabilitation Act Amendments of 1992, commonly referred to as the Comprehensive System of Personnel Development (CSPD), requires State Vocational Rehabilitation (VR) agencies to establish qualified personnel standards for rehabilitation personnel, including Vocational Rehabilitation counselors, that are consistent with any national or State-approved or recognized certification, licensing, or registration that apply to a particular profession. In order to comply with the Rehabilitation Act and its State Plan requirements, there is hereby authorized for the Department of Human Services, Division of Services for the Blind a general waiver of the Financial Management Guide, R1-19-4-522 Continuing Professional Education. This waiver allows the agency to provide college level coursework in degree programs for any eligible employees selected by the agency. This provision covers any and all formula and discretionary grants funded by the U.S. Department of Education Rehabilitation Services Administration, now or in the future, including, but not limited to, the Vocational Rehabilitation Program, Supported Employment, Independent Living, and the Staff Development Grant. No state general revenue shall be expended for the tuition in pursuit of a degree authorized herein.

AGENCY REQUEST

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

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0710 DHS - Youth Services Division

ACT#: 90

SECTION#: 9

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

TRANSFER OF FUNDS FOR THE JUVENILE OMBUDSMAN PROGRAM. The Department of Human Services shall provide funding in an amount not to exceed \$240,000 for the fiscal year ending June 30, ~~2017~~ 2018 for the Juvenile Ombudsman Program described in ACA 16-87-216. Upon request by the Executive Director of the Arkansas Public Defender Commission, the Chief Fiscal Officer of the State shall transfer an amount not to exceed \$240,000 for the fiscal year ending June 30, ~~2017~~ 2018 from an account designated by the Director of the Department of Human Services to the State Central Services Fund as a direct revenue to fund the Juvenile Ombudsman Program.

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

AGENCY REQUEST

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0710 DHS - Youth Services Division

ACT#: 90

SECTION#: 10

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

TRANSFER OF FUNDS FOR LOCAL JUVENILE DETENTION FACILITIES. The Chief Fiscal Officer of the State shall transfer funds in an amount of \$400,000 for the fiscal year ending June 30, ~~2017~~2018 from the Department of Human Services - Youth Services Fund Account to the Juvenile Detention Facilities Operating Fund to fund the appropriation to the Department of Finance and Administration - Disbursing Officer for grants for operating expenses of local juvenile detention facilities.

The amount of the funds transferred in the fiscal year ending June 30, ~~2017~~2018 may be adjusted upon request of the Director of the Department of Human Services on a pro-rata basis with any reductions provided in the Revenue Stabilization Law from the July 1 Official Forecast of general revenue funding for the Division of Youth Services.

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

AGENCY REQUEST

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0710 DHS - Youth Services Division

ACT#: 90

SECTION#: 11

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

YOUTH SERVICES - TIMBER SALES PROCEEDS - CAPITAL IMPROVEMENTS AND EQUIPMENT. The Division of Youth Services is authorized to use the administrative operating account for capital improvements to the physical plant and for the purchase of capital equipment by the Mansfield Youth Services Facility operated by the Department of Human Services, Division of Youth Services. The funds shall be held by the Department of Human Services, Division of Youth Services from the proceeds of the sale of timber that may be harvested from land owned by the Division of Youth Services. All funds deposited and all expenses shall be tracked separately. The harvesting of timber is specifically authorized to provide funds to finance capital improvements to the physical plant and for the purchase of major capital equipment by the Mansfield Facility from which the timber is sold.

The Division of Youth Services shall report all income derived from the sale of timber to the Chief Fiscal Officer of the State and the Arkansas Legislative Council. Any contracts initiated for the harvesting and sale of timber shall be submitted to the Review Subcommittee of the Arkansas Legislative Council for prior review. All expenditures of funds derived from the sale of timber will be expended in accordance with relevant state purchasing laws.

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

AGENCY REQUEST

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0710 DHS - Youth Services Division

ACT#: 90

SECTION#: 12

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

REGULAR SALARIES - CONTINGENT EDUCATIONAL SERVICES POSITIONS. If it has been determined by the Director of the Department of Human Services that the Division of Youth Services cannot continue a contract with a private provider for educational services and deems it necessary to utilize Division staff to provide the required educational services, the Division is authorized, to seek the approval of the Chief Fiscal Officer of the State, the Governor and the Arkansas Legislative Council or Joint Budget Committee, to utilize the contingent educational services positions contained in this Act and to make the appropriate transfers from the Residential Services Appropriation line item contained in this Act to Regular Salaries, Personal Services Matching, and various Maintenance and General Operations classifications.

There is hereby established for the Division of Youth Services - Contingent Educational Services Positions for the ~~2016-2017~~2017-2018 fiscal year, the following maximum number of regular employees whose salaries shall be governed by the provisions of the Uniform Classification and Compensation Act (Arkansas Code 21-5-201 et seq.), or its successor, and all laws amendatory thereto. Provided, however, that any position to which a specific maximum annual salary is set out herein in dollars, shall be exempt from the provisions of said Uniform Classification and Compensation Act. All persons occupying positions authorized herein are hereby governed by the provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas Code 21-5-101), or its successor.

CONTINGENT POSITIONS - EDUCATIONAL SERVICES

AGENCY REQUEST

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0710 DHS - Youth Services Division

ACT#: 90

SECTION#: 12

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

ITEM CLASS	NO. OF EMPLOYEES	MAXIMUM ANNUAL SALARY RATE	
		2016-2017	2017-2018
(01) E004C SCHOOL PRINCIPAL	1	GRADE C126	
(02) E017C ASSISTANT PRINCIPAL	2	GRADE C123	
(03) E035C CERTIFIED MASTERS TEACHER	80	GRADE C119	
(04) E032C EDUCATIONAL COUNSELOR	3	GRADE C119	
(05) C058C EDUCATION PARAPROFESSIONAL	<u>34</u>	GRADE C111	
GRAND TOTAL CONTINGENT EMPLOYEES	120		

If the Division requests continuation of a "Contingent Educational Services Position" position(s) as established herein during the next fiscal year, the position(s) must be requested as a new position(s) in the Division's budget request.

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