

1 INTERIM STUDY PROPOSAL 2017-105

2 State of Arkansas

3 91st General Assembly

4 Second Extraordinary Session, 2017

MBM/MBM

SJR

5
6 By: Senator B. King

7 Filed with: Senate Committee on State Agencies and Governmental Affairs

8 pursuant to A.C.A. §10-3-217.

9 **SENATE JOINT RESOLUTION**

10 A PROPOSED CONSTITUTIONAL AMENDMENT PROVIDING THAT IF
11 THE STATE OF ARKANSAS OPERATES A PROGRAM TO PROVIDE
12 HEALTH INSURANCE OR MEDICAL ASSISTANCE, OR BOTH, TO
13 CERTAIN ELIGIBLE INDIVIDUALS AS AUTHORIZED BY FEDERAL
14 LAW, THE STATE SHALL UNDERTAKE AUDITS AND PUT INTO
15 PLACE OTHER MECHANISMS NECESSARY TO ENSURE THAT
16 INDIVIDUALS PARTICIPATING IN THE PROGRAM MEET ALL
17 NECESSARY REQUIREMENTS; AND PROVIDING THAT IF AN
18 INDIVIDUAL ENROLLED IN THE PROGRAM IS LATER FOUND TO
19 BE INELIGIBLE, THE STATE SHALL RECOUP THE ACTUAL
20 COSTS INCURRED AS A RESULT OF THE INDIVIDUAL BEING
21 ELIGIBLE FOR OR RECEIVING BENEFITS.

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24 **Subtitle**

25 A PROPOSED CONSTITUTIONAL AMENDMENT
26 CONCERNING STATE-PROVIDED HEALTH
27 INSURANCE OR MEDICAL ASSISTANCE, OR BOTH,
28 FOR CERTAIN ELIGIBLE INDIVIDUALS AND THE
29 RECOUPMENT OF ACTUAL COSTS INCURRED BY
30 INELIGIBLE INDIVIDUALS.

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33 BE IT RESOLVED BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE
34 STATE OF ARKANSAS, AND BY HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL MEMBERS
35 ELECTED TO EACH HOUSE AGREEING THERETO:
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1 THAT the following is proposed as an amendment to the Constitution of
2 the State of Arkansas, and upon being submitted to the electors of the state
3 for approval or rejection at the next general election for Representatives
4 and Senators, if a majority of the electors voting thereon at the election
5 adopt the amendment, the amendment shall become a part of the Constitution of
6 the State of Arkansas, to wit:

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8 SECTION 1. The Arkansas Constitution is amended to read as follows:

9 § 1. Improper receipt of benefits - Recoupment.

10 (a) As used in this amendment:

11 (1) "Benefits" means:

12 (A) Health insurance;

13 (B) Medical assistance; or

14 (C) Both health insurance and medical assistance; and

15 (2) "Eligible individual" means an individual who is in the
16 eligibility category created by section 1902(a)(10)(A)(i)(VIII) of the Social
17 Security Act, 42 U.S.C. § 1396a or a successor category established under
18 federal law.

19 (b)(1) If the state operates a program to provide benefits to an
20 eligible individual, the state shall undertake audits and put into place
21 other mechanisms necessary to ensure that the eligible individual receiving
22 benefits meets all requirements necessary to participate in the program.

23 (2) If the state determines that an individual is enrolled in
24 the program as though he or she is an eligible individual but is in fact not
25 eligible to participate in the program, the state shall:

26 (A) Remove the individual from the program; and

27 (B)(i) Recoup the actual costs incurred as a result of the
28 individual being eligible for or receiving benefits.

29 (ii) The state shall return to the federal
30 government any federal funds recouped under subdivision (b)(2)(B)(i) of this
31 amendment.

32 (c) The General Assembly shall provide for the implementation of this
33 amendment by law, including without limitation the process for recouping the
34 actual costs incurred as a result of an individual being eligible for or
35 receiving benefits if the state determines that the individual was enrolled

1 in the program as though he or she was an eligible individual but was in fact
2 not eligible to participate in the program.

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4 SECTION 2. EFFECTIVE DATE. This amendment is effective on and after
5 January 1, 2020.

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7 SECTION 3. BALLOT TITLE AND POPULAR NAME. When this proposed
8 amendment is submitted to the electors of the state on the general election
9 ballot:

10 (1) The title of this joint resolution shall be the ballot
11 title; and

12 (2) The popular name shall be "A Proposed Constitutional
13 Amendment Concerning the Provision of Health Insurance or Medical Assistance,
14 or Both, to Certain Eligible Individuals Through a Program Operated by the
15 State of Arkansas and the Recoupment of Actual Costs Incurred as a Result of
16 an Individual Being Eligible For or Receiving Benefits if the State
17 Determines that the Individual was Enrolled in the Program As Though He or
18 She was an Eligible Individual but was in fact Not Eligible to Participate in
19 the Program."

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22 Referred by Senator B. King

23 Prepared by: MBM/PKD
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