1	INTERIM STUDY PROPOSAL 2011-038
2	State of Arkansas As Engrossed: S3/24/11
3	88th General Assembly A B1II
4	Regular Session, 2011SENATE BILL 847
5	
6	By: Senator Luker
7	Filed with: Interim Senate Committee on Judiciary
8	pursuant to A.C.A. §10-3-217.
9	For An Act To Be Entitled
10	AN ACT TO CONTROL THE MEDICAL COSTS FOR INMATES IN
11	STATE, COUNTY, OR MUNICIPAL CORRECTIONAL FACILITIES;
12	AND FOR OTHER PURPOSES.
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15	Subtitle
16	TO CONTROL THE MEDICAL COSTS FOR INMATES
17	IN STATE, COUNTY, OR MUNICIPAL
18	CORRECTIONAL FACILITIES.
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21	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23	SECTION 1. Arkansas Title 12, Chapter 27 is amended to add a new
24	section to read as follows:
25	<u>12-27-143. Payment rate for the state, a county, a city, or a law</u>
26	<u>enforcement agency regarding payment to a health care provider for a person</u>
27	<u>in custody — Exceptions.</u>
28	(a) As used in this section:
29	(1) "Health care provider" means:
30	(A) A person licensed to practice any branch of the
31	<u>healing arts;</u>
32	(B) A person who holds a temporary permit to practice any
33	branch of the healing arts issued by a state board of healing arts;
34	<u>(C) A person engaged in a postgraduate training program</u>
35	for the healing arts;
36	(D) A licensed physician assistant;

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1	(E) A medical care facility;
2	(F) A licensed podiatrist;
3	(G) A licensed optometrist;
4	(H) A registered nurse;
5	(I) An advanced nurse practitioner;
6	(J) A licensed professional nurse who is authorized to
7	practice as a registered nurse anesthetist;
8	(K) A licensed practical nurse;
9	(L) A licensed physical therapist;
10	(M) A professional corporation, limited liability company,
11	or partnership that is a health care provider as defined by this subsection;
12	(N) An Arkansas not-for-profit corporation organized for
13	the purpose of rendering professional services by persons who are health care
14	providers, or a psychiatric hospital;
15	(0) A licensed social worker;
16	(P) A mental health center;
17	(Q) A mental health clinic; or
18	(R) Any health care provider licensed by the appropriate
19	regulatory body in another state; and
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20	(2) "Medicaid rate" means the terms, conditions, and amounts a
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20 21 22	(2) "Medicaid rate" means the terms, conditions, and amounts a health care provider would be paid for a health care service rendered under a contract or provider agreement with the Department of Human Services.
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20 21 22 23 24 25	(2) "Medicaid rate" means the terms, conditions, and amounts a health care provider would be paid for a health care service rendered under a contract or provider agreement with the Department of Human Services. (b)(1) Except as otherwise provided in this section: (A) The State of Arkansas; (B) The Department of Correction;
20 21 22 23 24 25 26	(2) "Medicaid rate" means the terms, conditions, and amounts a health care provider would be paid for a health care service rendered under a contract or provider agreement with the Department of Human Services. (b)(1) Except as otherwise provided in this section: (A) The State of Arkansas; (B) The Department of Correction; (C) The Department of Community Correction;
20 21 22 23 24 25 26 27	<pre>(2) "Medicaid rate" means the terms, conditions, and amounts a health care provider would be paid for a health care service rendered under a contract or provider agreement with the Department of Human Services. (b)(1) Except as otherwise provided in this section: (A) The State of Arkansas; (B) The Department of Correction; (C) The Department of Community Correction; (D) A county;</pre>
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20 21 22 23 24 25 26 27 28 29	 (2) "Medicaid rate" means the terms, conditions, and amounts a health care provider would be paid for a health care service rendered under a contract or provider agreement with the Department of Human Services. (b)(1) Except as otherwise provided in this section: (A) The State of Arkansas; (B) The Department of Correction; (C) The Department of Community Correction; (D) A county; (E) A city; or (F) A county or city law enforcement agency;
20 21 22 23 24 25 26 27 28 29 30	 (2) "Medicaid rate" means the terms, conditions, and amounts a health care provider would be paid for a health care service rendered under a contract or provider agreement with the Department of Human Services. (b)(1) Except as otherwise provided in this section: (A) The State of Arkansas; (B) The Department of Correction; (C) The Department of Community Correction; (D) A county; (E) A city; or (F) A county or city law enforcement agency; (2) That makes a payment to a health care provider for health
20 21 22 23 24 25 26 27 28 29 30 31	<pre>(2) "Medicaid rate" means the terms, conditions, and amounts a health care provider would be paid for a health care service rendered under a contract or provider agreement with the Department of Human Services. (b)(1) Except as otherwise provided in this section:</pre>
20 21 22 23 24 25 26 27 28 29 30 31 32	 (2) "Medicaid rate" means the terms, conditions, and amounts a health care provider would be paid for a health care service rendered under a contract or provider agreement with the Department of Human Services. (b) (1) Except as otherwise provided in this section: (A) The State of Arkansas; (B) The Department of Correction; (C) The Department of Community Correction; (D) A county; (E) A city; or (F) A county or city law enforcement agency; (2) That makes a payment to a health care provider for health care services rendered to persons in custody shall not exceed: (A) The lesser of the actual amount billed by such health
20 21 22 23 24 25 26 27 28 29 30 31 32 33	 (2) "Medicaid rate" means the terms, conditions, and amounts a health care provider would be paid for a health care service rendered under a contract or provider agreement with the Department of Human Services. (b)(1) Except as otherwise provided in this section: (A) The State of Arkansas; (B) The Department of Correction; (C) The Department of Community Correction; (D) A county; (E) A city; or (F) A county or city law enforcement agency; (2) That makes a payment to a health care provider for health care services rendered to persons in custody shall not exceed: (A) The lesser of the actual amount billed by such health care provider; or

1	(1) Current individual or group accident and health insurance
2	policy;
3	(2) Medical service plan contract;
4	(3) Hospital service corporation contract;
5	(4) Hospital and medical service corporation contract;
6	(5) Fraternal benefit society; or
7	(6) Health maintenance organization contract.
8	(d) This section does not prevent an agency or a political subdivision
9	described in subsection (b) of this section or an agency-authorized vendor or
10	political subdivision-authorized vendor from entering into an agreement with
11	a health care provider for a health care service at terms, conditions, and
12	amounts that are different than the medicaid rate.
13	(e) With the assistance of the Department of Human Services, an agency
14	or political subdivision described in subsection (b) of this section shall
15	determine the amount payable for a health care service provided to the person
16	in custody and communicate that determination along with the remittance
17	advice and payment for the services provided.
18	(f) This section does not create a duty on the part of a health care
19	provider to render a health care service to a person in the custody of an
20	agency or political subdivision described in subsection (b) of this section.
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22	/s/Luker
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33	Referred by the Arkansas Senate
34	Prepared by: BPG/VJF
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