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2 State of Arkansas
3 88th General Assembly
4 Regular Session, 2011

A Bill

SENATE BILL 340

5
6 By: Senators Lavery, D. Johnson

7 Filed with: Interim Senate Committee on Public Health, Welfare and Labor
8 pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

9
10 AN ACT TO ESTABLISH A MEDICAID PROVIDER FEE FOR
11 DEVELOPMENTAL DAY TREATMENT CLINIC SERVICES; AND FOR
12 OTHER PURPOSES.

Subtitle

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15 TO ESTABLISH A MEDICAID PROVIDER FEE FOR
16 DEVELOPMENTAL DAY TREATMENT CLINIC
17 SERVICES.
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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 Code Title 20, Chapter 48 is amended to add an
24 additional subchapter to read as follows:

25 Subchapter 10 – Provider Fee on Developmental Day Treatment
26 Clinic Services

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28 20-48-1001. Definitions.

29 As used in this subchapter, “Medicaid” means the medical assistance
30 program established by Title XIX of the Social Security Act, 42 U.S.C. § 1396
31 et seq., as it existed on January 1, 2011, and administered by the Division
32 of Medical Services of the Department of Human Services.

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34 20-48-1002. Provider fee.

35 (a) There is levied a provider fee on developmental day treatment
36 clinic services to be calculated in accordance with this section.

1 (b)(1) The Division of Medical Services of the Department of Human
2 Services shall ensure that the rate of assessment of the provider fee
3 established in this section does not exceed the maximum rate of assessment
4 established under federal law and rule for healthcare-related provider fees
5 without reduction in federal financial participation.

6 (2) If the division determines that the rate of assessment of
7 the provider fee established in this section exceeds the maximum rate of
8 assessment that federal law and rule allow without reduction in federal
9 financial participation, the division shall lower the rate of assessment of
10 the provider fee to a rate that is equal to the maximum rate that federal law
11 and rule allow without reduction in federal financial participation.

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13 20-48-1003. Reporting.

14 (a) The payment of the provider fee by a provider of developmental day
15 treatment clinic services shall be reported as an allowable cost for Medicaid
16 reimbursement purposes.

17 (b) A provider of developmental day treatment clinic services shall
18 not be guaranteed, expressly or otherwise, that any additional moneys paid to
19 the provider for developmental day treatment clinic services will equal or
20 exceed the amount of its provider fee.

21
22 20-48-1004. Administration.

23 (a) The administration of this subchapter shall be exercised by the
24 Director of the Division of Medical Services of the Department of Human
25 Services and shall be subject to the Arkansas Administrative Procedure Act, §
26 25-15-201 et seq.

27 (b)(1) Under the Arkansas Administrative Procedure Act, § 25-15-201 et
28 seq., the Division of Medical Services of the Department of Health and Human
29 Services shall adopt rules and prescribe forms for:

30 (A) The proper imposition and collection of the provider
31 fee;

32 (B) The enforcement of this subchapter;

33 (C) The format for reporting gross receipts; and

34 (D) The administration of the provisions of this
35 subchapter.

1 (2) The rules shall not grant any exceptions to, or exceptions
2 from, the provider fee.

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4 SECTION 2. Arkansas Code Title 19, Chapter 6, Subchapter 8 is amended
5 to read as follows:

6 19-6-819. Developmental Day Treatment Clinic Services Provider Fee
7 Fund.

8 (a)(1) There is created on the books of the Treasurer of State, the
9 Auditor of State, and the Chief Fiscal Officer of the State a special revenue
10 fund to be known as the "Developmental Day Treatment Clinic Services Provider
11 Fee Fund".

12 (2)(A) The Developmental Day Treatment Clinic Services Provider
13 Fee Fund shall consist of revenues obtained under § 20-48-1001 et seq. and
14 any other revenue as may be provided by law.

15 (B) Moneys from the Developmental Day Treatment Clinic
16 Services Provider Fee Fund shall not supplant other local, state, or federal
17 funds.

18 (3) All provider fees assessed and collected under this
19 subchapter shall be deposited into the State Treasury as special revenue and
20 credited to the Developmental Day Treatment Clinic Services Provider Fee
21 Fund, there to be used for the support of services to persons with
22 developmental disabilities.

23 (4)(A) Funds in the Developmental Day Treatment Clinic Services
24 Provider Fee Fund shall be placed in an interest bearing account.

25 (B) Earnings on funds in the Developmental Day Treatment
26 Clinic Services Provider Fee Fund shall remain a part of the Developmental
27 Day Treatment Clinic Services Provider Fee Fund and shall not be deposited
28 into the General Revenue Fund Account of the State Apportionment Fund.

29 (b) The special revenues in the Developmental Day Treatment Clinic
30 Services Provider Fee Fund unused at the end of a fiscal year shall be
31 carried forward.

32 (c) The Developmental Day Treatment Clinic Services Provider Fee Fund
33 shall be exempt from budgetary cuts, reductions, or eliminations caused by a
34 deficiency of general revenues.

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36 Referred by the Arkansas Senate

1 Prepared by: MGF/VJF

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