

1 INTERIM STUDY PROPOSAL 2015-085

2 State of Arkansas  
3 90th General Assembly  
4 Regular Session, 2015

*As Engrossed: S3/12/15*

**A Bill**

SENATE BILL 273

5  
6 By: Senator Irvin

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

9 **For An Act To Be Entitled**

10 AN ACT TO ENSURE THE PROVISION OF INDIVIDUALIZED CARE  
11 IN THE PROGRAM FOR INDIGENT MEDICAL CARE; AND FOR  
12 OTHER PURPOSES.

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14  
15 **Subtitle**

16 TO ENSURE THE PROVISION OF INDIVIDUALIZED  
17 CARE IN THE PROGRAM FOR INDIGENT MEDICAL  
18 CARE.

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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 § 20-77-107, concerning the program for*  
24 *indigent medical care and the rules and regulations of the program, is*  
25 *amended to add additional subsections to read as follows:*

26 *(g)(1) The department shall be prohibited from employing a model of*  
27 *reimbursement to providers, whether referred to as "episodes of care" or any*  
28 *other description, that:*

29 *(A) Limits reimbursements to a predetermined aggregate*  
30 *amount based solely upon the diagnosis of the beneficiaries comprising the*  
31 *aggregate;*

32 *(B) Pays a claim on any basis other than a predetermined*  
33 *unit rate of reimbursement for care deemed medically necessary by medical*  
34 *personnel, which is actually rendered to an individual beneficiary and*  
35 *properly documented; or*

1 (C) Affects a recovery or recoupment by any means other  
2 than that which is permitted in this section.

3 (2) This subsection does not preclude:

4 (A) Reimbursement to a residential care facility or  
5 assisted living facility for Medicaid personal care using the tiered multi-  
6 hour daily service rate;

7 (B) Reimbursement for services provided by Program of All-  
8 Inclusive Care for the Elderly organizations, also known as PACE  
9 organizations, using a capitated rate; or

10 (C) Reimbursement methodologies negotiated between  
11 providers and the Division of Aging and Adult Services of the Department of  
12 Human Services for home and community based services including without  
13 limitation the ElderChoices waiver, the Alternatives for Adults with Physical  
14 Disabilities waiver, Independent Choices waiver, Personal Care programs,  
15 assisted living programs, and any successors to these programs.

16 (h) The department shall not recover, recoup, or withhold any portion  
17 of the reimbursement provided for service rendered in the indigent medical  
18 program unless the department provides, with respect to each claim for which  
19 recovery, recoupment, or withholding is sought, a particularized finding  
20 that:

21 (1) The claim or service provided was fraudulent;

22 (2) The provision of services or documentation of services were  
23 not in compliance with rules of the department; or

24 (3) The services were not medically necessary, subject to § 20-  
25 77-1701 et seq.

26  
27 /s/ Irvin

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30 Referred by the Arkansas Senate

31 Prepared by: VJF