

ARKANSAS SENATE

90th General Assembly - Fiscal Session, 2016

Amendment Form

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Subtitle of Senate Bill No. 121

**AN ACT FOR THE DEPARTMENT OF HUMAN SERVICES - DIVISION OF MEDICAL SERVICES
APPROPRIATION FOR THE 2016-2017 FISCAL YEAR.**

Amendment No. ___ to Senate Bill No. 121

Amend Senate Bill No. 121 as originally introduced:

Page 21, insert an additional section immediately following SECTION 18 of the bill to read as follows:

" SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
DISCLOSURE OF CONFLICTS OF INTEREST - MEDICAID SERVICES APPROPRIATION RESTRICTION.

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

(b) The purposes of subsection (a) of this section are typically accomplished by:

(1) Identifying the purpose in the appropriation act;

(2) Delineating such maximums in the appropriation act for a state agency; and

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

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

(d) On and after July 1, 2016, the Department of Human Services shall not allocate, budget, expend, or utilize appropriations under Section 4 of this act or authorized under Title XIX of the Social Security Act, 42 U.S.C. §1396 et seq., as it existed on January 1, 2016, for services, coverage, or premium assistance to persons who have not complied with the requirements of this section.

(e) Except as authorized by this section, at no time shall an appropriation authorized by this act be subject to the provisions allowed through reallocation of resources, or transfer of appropriation authority, for the purpose of transferring appropriation to any other appropriation authorized for the department to be allocated, budgeted, expended, or

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utilized for services, coverage, or premium assistance to persons, who have not complied with the requirements of this section.

(f) As used in this section:

(1) "Government official" means a person who is:

(A) Elected or appointed to hold public office;

(B) An employee of a person who is elected or appointed to hold public office;

(C) Appointed to a board, commission, or committee of this state; or

(D) An employee of a state agency, board, commission, or committee of this state; and

(2) "Medicaid provider" means a person, business, or entity that received payments or funding from the Arkansas Medicaid Program in the previous calendar year and that:

(A) Received twenty-five thousand dollars (\$25,000) or more in payments or funding from the Arkansas Medicaid Program in the previous calendar year; or

(B) Is a hospital, insurance company, nursing home, behavioral health treatment center, substance abuse treatment center, or substance abuse crisis center.

(g)(1) Except as provided in subdivision (g)(3) of this section, Medicaid providers and government officials shall file a disclosure statement with the Department of Human Services no later than January 30 of each year as provided for in this section.

(2) The disclosure statement shall identify the transactions from the previous year that totaled two thousand dollars (\$2,000) or more in the aggregate and were entered into by any two (2) of the following entities:

(A) A Medicaid provider;

(B) A government official;

(C) The spouse of the Medicaid provider or government official; and

(D) The business in which the Medicaid provider or government official, or the spouse of the Medicaid provider or government official, is an officer, director, or stockholder owning more than ten percent (10%) of the stock in the business.

(3) Disclosure under this section is not required if:

(A) The transaction is for patient services and the person filing the disclosure statement or the spouse of the person filing the disclosure statement is the patient;

(B) The transaction is for personal care services as defined under 42 C.F.R. § 440.167 and the personal care services are provided to the person filing the disclosure statement, the spouse of the person filing the disclosure statement, or the minor child in the custody of the person filing the disclosure statement; or

(C) The Medicaid provider or government official is the parent or foster parent of a child who receives Medicaid, and the transaction concerns the care and custody of the child.

(3) The disclosure statement shall be on a form prescribed by the Department of Human Services.

(4) The Department of Human Services shall notify Arkansas Medicaid providers of the duties created under this section no later than August 1, 2016."

And

Appropriately renumber the SECTION numbers of the bill.

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator B. King

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Secretary