

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1361

By: Representatives Clark, Rice, Todd, McCuiston,
Tullis, Gilbert and McCoy

For An Act To Be Entitled

"AN ACT TO PROHIBIT THE DEPARTMENT OF HUMAN SERVICES FROM PROMULGATING REGULATIONS FOR THE ADMINISTRATION OF MEDICAID FUNDS IF THE REGULATIONS WOULD BE MORE STRINGENT THAN FEDERAL REQUIREMENTS; TO REQUIRE THE DEPARTMENT OF HUMAN SERVICES TO CANCEL ANY EXISTING CONTRACTS FOR ASSESSING THE LEVEL OF CARE NEEDED FOR MEDICAID ELIGIBLE PERSONS; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. The Department of Human Services shall hereafter have no authority to promulgate regulations for the administration of Medicaid funds if the regulations would be more stringent than those required by the federal government. Furthermore, all Department of Human Services regulations now in effect regarding the administration of Medicaid funds are hereby declared null and void to the extent they are more stringent than required by the federal government.

SECTION 2. The Department of Human Services shall immediately cancel all of its outstanding contracts for assessing the level of care needed for Medicaid eligible persons.

SECTION 3. All contracts entered into hereafter by the Department of Human Services for the administration of Medicaid funds shall contain a cancellation clause substantially the same as utilized by the State Purchasing Officer.

SECTION 4. All provisions of this Act of a general and permanent nature

are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 5. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 6. Emergency. It is hereby found and determined by the General Assembly that existing contracts by the Department of Human Services for assessing the level of care needed for Medicaid eligible persons in this State are detrimental to the health and welfare of those Medicaid eligible persons; that this Act requires the cancellation of those contracts; that until this Act goes into effect many Medicaid eligible Arkansans will suffer detrimental consequences; and that this Act should therefore be given immediate effect. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

