

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995  
4 By: Representative Pollan

# A Bill

HOUSE BILL 1263

## For An Act To Be Entitled

"AN ACT TO CREATE THE ARKANSAS HEALTH POLICY COUNCIL; AND  
FOR OTHER PURPOSES."

### Subtitle

"TO CREATE THE ARKANSAS HEALTH POLICY  
COUNCIL."

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

SECTION 1. It is the purpose of this act:

(a) To assure that quality health care is available to all residents of Arkansas through a system that is both accessible and affordable.

(b) To define the state's legitimate interests in health care policy and planning.

(c) To coordinate the state's response to those interests to eliminate duplication among state agencies and assure collaboration among the multiple interests involved in the health care system.

SECTION 2. (a) There is hereby created the Arkansas Health Policy Council composed of nine (9) voting members, and the number of ex officio, non-voting members as provided in subsection (b). The nine (9) voting members are as follow:

(1) The director of the Arkansas Department of Health, or his designee;

(2) The director of the Arkansas Department of Human Services, or his designee;

(3) The Governor shall appoint one person who is a member of the House;

1           (4)    *The Governor shall appoint one person who is a member of*  
2 *the Senate;*

3           (5)    *Three other members to be appointed by the Governor, one of*  
4 *whom shall be a health care provider and one of whom shall be a health care*  
5 *consumer;*

6           (6)    *The Speaker of the House shall appoint one person who is a*  
7 *member of the House; and*

8           (7)    *The Chairman of the Committee on Committees of the Senate*  
9 *shall appoint one person who is a member of the Senate.*

10          (b)    *Ex officio non-voting members of the council shall include the*  
11 *Arkansas Insurance Commissioner, and the chairman, or his designee, of*  
12 *committees of the council listed in Section 4.*

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14          SECTION 3.   The Governor shall designate the chairman and vice chairman  
15 of the council and if they are Governor\_s appointees, they shall serve four-  
16 year terms. The remaining members initially appointed by the Governor shall  
17 serve staggered terms determined by lot so that no more than two members\_  
18 terms will expire during any year. Thereafter, all Governor\_s appointees  
19 shall be appointed for four year terms. Members may succeed themselves.  
20 *House and Senate members who are appointed by the Speaker and the Chairman of*  
21 *the Committee on Committees shall serve four year terms. When any member of*  
22 *the council who is a member of the House or the Senate ceases to be a member*  
23 *of the House or Senate that person shall cease to be a member of the council*  
24 *and the vacancy shall be filled for the unexpired portion of the term in the*  
25 *same manner as the original appointment was made.*

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27          SECTION 4.   (a)    There are hereby created the following committees of  
28 the council:

29               (1)    Health Care Professionals Committee. This committee shall  
30 include one member of each licensed health care profession in the State of  
31 Arkansas. The council may extend membership to include additional health  
32 care professionals who are not subject to licensing by the state.

33               (2)    Health Care Institutions or Agencies Committee. This  
34 committee shall include a representative from each type of licensed business  
35 providing health care in the State of Arkansas to include hospitals, nursing

1 homes, *intermediate care facilities for the mentally retarded*, home health  
2 agencies, community health centers, rural health centers, community mental  
3 health centers, *community developmental disability providers*, school health  
4 programs, managed care organizations that have salaried direct care  
5 providers, and others as designated by the council.

6 (3) Health Care Consumer Committee. This committee shall  
7 represent the interests of the health care consumer. It shall consist of at  
8 least one consumer representative of each of the following interests: large  
9 company employee, small company employee, state employee, school employee,  
10 employee of any publicly self-funded insurance program, public insurance or  
11 Medicaid recipient, member of a certified HMO, recipient with indemnity or  
12 "out of plan" service, beneficiary with a capitated product, uninsured  
13 Arkansans, county government official, city government official, VA eligible  
14 beneficiary, health services employee not engaged in management activities,  
15 children and youth, senior citizens, family member of a nursing home  
16 resident, *a recipient of ICF/MR services (individual or family members)*,  
17 disability representation, a mental health recipient (patient or family  
18 member), *a recipient of community developmental disability services*  
19 *(individual or family member)*, and others as deemed necessary by the council.

20 (4) Health Care Insurer Committee. This committee shall  
21 include a representative from each licensed health insurer in the state, if  
22 the primary purpose of the organization is to assume risk for the payment of  
23 health care services, to include public insurance programs, and self-insured  
24 plans. Organizations which are not subject to state jurisdiction for  
25 insurance regulation due to federal exemption may not participate. Health  
26 care institutions which also do business as health insurers may be  
27 represented on this committee for insurance issues and the institution  
28 committee for health delivery issues.

29 (5) Health Care Employer Committee. This committee shall  
30 include a representative from each of the following employer, or health care  
31 purchaser groups: Very Large employer (500 or more employees), Large  
32 employer (100 to 499 employees), Medium-sized employer (20-99 employees),  
33 Small employer (Less than 20 employees), state government employees  
34 insurance, school district and teacher employees insurance, city government  
35 employees insurance, county government employees insurance, and any other

1 employer representatives as designated by the council.

2 (b) The council may create such other committees as it deems  
3 necessary. The council may delegate any of its powers to committees created  
4 by this act or by the council. The number of members of each committee  
5 created by this act and each committee created by the council shall be  
6 established by the council and the members of those committees shall be  
7 appointed by the council. The council shall designate the chairman and vice  
8 chairman of each committee.

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10 SECTION 5. The council shall designate the chairman and vice chairman  
11 of the committees created under Section 4. The chairman and vice chairman  
12 shall serve two year terms, and the other initial appointments by the council  
13 shall serve one year terms and two year terms determined by lot so that  
14 approximately one-half of the membership will serve one year terms, and one-  
15 half of the membership will serve two terms, and thereafter, all members  
16 shall be appointed for two year terms.

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18 SECTION 6. *The council may, by vote of the total membership of the*  
19 *council at the first regularly scheduled meeting of each calendar year,*  
20 *authorize expense reimbursement for the council members, other than*  
21 *legislators, for performing official council duties and such expense*  
22 *reimbursement shall not exceed the rate established for state employees by*  
23 *state travel regulations. Legislator members shall receive per diem, mileage*  
24 *and expense reimbursement at the same rate as that prescribed for legislators*  
25 *for attending meetings of joint interim committees of the General Assembly.*

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27 SECTION 7. The chairman of the council shall, subject to the approval  
28 of the council, employ the staff of the agency as authorized in the  
29 appropriation for the agency. Consultants, volunteers, and graduate students  
30 may also be used to augment the council's staff needs. Committees should be  
31 supported by a combination of council staff, member assistance, and volunteer  
32 assistance. *All funding for the work of the committee to be used to employ*  
33 *staff, purchase supplies or equipment, and for other items in support of*  
34 *committee operations, including travel, education and entertainment, shall*  
35 *only be provided by appropriation of the state legislature.*

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2           SECTION 8. The council: (1) shall have the authority to study broad-  
3 based health care issues at the state or community level, and to serve as a  
4 clearinghouse to review all new, major health care programs and plans by an  
5 agency or institution that will impact other agencies or the health care of a  
6 major portion of the state's population; (2) shall be responsible for  
7 facilitating and encouraging cooperative and collaborative relationships  
8 between state agencies and the private sector concerning health care, with  
9 the purpose of ensuring that duplication is eliminated, and unintended  
10 statewide consequences are avoided; (3) shall make recommendations to the  
11 Governor on the designation of lead agencies and grant funding that comes to  
12 the state undesignated; (4) may serve as a body to oversee the development of  
13 any health care activity, such as new forms of health financing and delivery  
14 that may result from federal or state health reform, that does not fall  
15 solely into the existing responsibility of an existing agency; and (5) may  
16 recommend the lead agent and processes of these functions to the Governor for  
17 such activities.

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19           SECTION 9. *Nothing in this act shall be construed as giving the Health*  
20 *Policy Council any regulatory authority.*

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22           SECTION 10. The Arkansas Health Resources Commission created by  
23 Arkansas Code 20-77-202 is hereby abolished and all of its powers, duties,  
24 functions, records, employees, property, unexpended balances of  
25 appropriations, allocations, or other funds are transferred to the Arkansas  
26 Health Policy Council created by this act.

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28           SECTION 11. All provisions of this act of a general and permanent  
29 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
30 Code Revision Commission shall incorporate the same in the Code.

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32           SECTION 12. If any provision of this act or the application thereof to  
33 any person or circumstance is held invalid, such invalidity shall not affect  
34 other provisions or applications of the act which can be given effect without  
35 the invalid provision or application, and to this end the provisions of this

1 act are declared to be severable.

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3        **SECTION 13.** All laws and parts of laws in conflict with this act are  
4 hereby repealed.

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6        **SECTION 14. EMERGENCY.** It is hereby found and determined by the  
7 General Assembly that the delivery of health care services to the citizens of  
8 this State is not now adequately coordinated; that this act is designed to  
9 help ameliorate the inefficiencies in the health care delivery system; and  
10 that this act should go into effect immediately in order to more efficiently  
11 provide health care to the citizens of this State. Therefore, an emergency  
12 is hereby declared to exist and this act being necessary for the preservation  
13 of the public peace, health and safety shall be in full force and effect from  
14 and after its passage and approval.

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*/s/Rep. Pollan*

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