

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

SENATE BILL 136

4
5 By: Senator Hoofman
6 By: Representative Ferrell

For An Act To Be Entitled

7
8
9
10 "AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
11 AND OPERATING EXPENSES FOR THE DEPARTMENT OF HUMAN
12 SERVICES - DIVISION OF MEDICAL SERVICES - RESPITE AND
13 FAMILY SUPPORT PROGRAM FOR THE BIENNIAL PERIOD ENDING
14 JUNE 30, 2001; AND FOR OTHER PURPOSES. "

Subtitle

15
16
17 "AN ACT FOR THE DEPARTMENT OF HUMAN
18 SERVICES - DIVISION OF MEDICAL SERVICES
19 - RESPITE AND FAMILY SUPPORT PROGRAM
20 APPROPRIATION FOR THE 1999-2001
21 BIENNIUM. "

22
23
24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

25
26 SECTION 1. SPECIAL LANGUAGE. RESPITE AND FAMILY SUPPORT PROGRAM
27 ESTABLISHED. (a) There is hereby established the Respite and Family Support
28 Program for families of children with disabilities using a Medicaid home and
29 community-based services waiver under the authority of Section 1915(c) of the
30 Social Security Act as existing on January 1, 1999.

31 (b) The Arkansas Department of Human Services, Division of Medical
32 Services shall be responsible for preparing and submitting a waiver request to
33 the Health Care Financing Administration to create and administer the Respite
34 and Family Support Program. The Department shall administer and promulgate
35 rules for the Respite and Family Support Program in conformity with a Medicaid
36 waiver and shall either designate a lead section within the Division of

MVN027

0120990730.MVN027

1 Medical Services or contract with a private non-profit organization to
2 administer the program. The program shall be administered in a manner that:

3 (1) Defines the population which may receive services provided or
4 reimbursed through this program by limiting the program to families of
5 children with disabilities and/or special health care needs under age 21.

6 (2) Requires an applicant to make a separate application for the
7 Respite and Family Support Program.

8 (3) Requires each applicant be ranked for eligibility based on the
9 severity of the child's medical condition and the urgency of the family's need
10 for respite care.

11 (4) Provides that an applicant may receive no more than twenty-four
12 hundred dollars (\$2,400) a year to be used for respite care or for
13 environmental modifications to the home or vehicle of the applicant.

14 (5) Requires the amount of money awarded to an applicant be based on
15 a sliding scale according to the applicant's gross income.

16 (6) Requires that respite care and environmental modifications be
17 paid based on billing forms or receipts submitted by the applicant.

18 (c) An eligibility committee shall be established for the program and
19 shall be composed of an equal number of Division of Medical Services' lead
20 section or private contractor staff and parent representatives.

21 (d) The Parent Advisory Council shall serve as an advisory board for the
22 selection of a lead section within the Division of Medical Services or private
23 contractor and to assist in implementing the Respite and Family Support
24 Program.

25
26 SECTION 2. APPROPRIATION - RESPITE AND FAMILY SUPPORT PROGRAM. There is hereby
27 appropriated, to the Department of Human Services - Division of Medical
28 Services, to be payable from the Department of Human Services Paying Account
29 as designated by the Chief Fiscal Officer of the State, for operating expenses
30 of the Department of Human Services - Division of Medical Services - Respite
31 and Family Support Program for the biennial period ending June 30, 2001, the
32 following:

ITEM	FISCAL YEARS	
	1999-2000	2000-2001
(01) MAINT. & GEN. OPERATION		

1	(A) OPER. EXPENSE	\$	0	\$	0
2	(B) CONF. & TRAVEL		0		0
3	(C) PROF. FEES		0		100,000
4	(D) CAP. OUTLAY		0		0
5	(E) DATA PROC.		0		0
6	(02) RESPITE & FAMILY SUPPORT - GRANTS/AID		<u>0</u>		<u>720,000</u>
7	TOTAL AMOUNT APPROPRIATED	\$	<u>0</u>	\$	<u>820,000</u>

8

9 SECTION 3. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by

10 this Act shall be limited to the appropriation for such agency and funds made

11 available by law for the support of such appropriations; and the restrictions

12 of the State Purchasing Law, the General Accounting and Budgetary Procedures

13 Law, the Revenue Stabilization Law, the Regular Salary Procedures and

14 Restrictions Act, or their successors, and other fiscal control laws of this

15 State, where applicable, and regulations promulgated by the Department of

16 Finance and Administration, as authorized by law, shall be strictly complied

17 with in disbursement of said funds.

18

19 SECTION 4. SPECIAL LANGUAGE. LEGISLATIVE INTENT. The General Assembly

20 finds and declares that:

21 (1) Families are Arkansas' most valuable resource for caring for children

22 who have extraordinary needs;

23 (2) It is in the best interest of the state to preserve, strengthen and

24 maintain the family;

25 (3) Children with disabilities have a right to and need enduring family

26 relationships with caring persons in a nurturing home environment;

27 (4) Parents and caregivers of children with disabilities spend much of

28 their time with direct personal care which is physically and emotionally

29 stressful;

30 (5) Respite care is the act of providing physical and emotional relief to

31 families who are responsible for day-to-day care of children with

32 disabilities;

33 (6) Respite care strengthens the ability of families and caregivers to

34 meet the challenging and intensive demands of ongoing care and to cope in

35 times of family crisis;

36 (7) Respite care services can reduce the costs society must bear in

1 dealing with the results of abuse and neglect, and these services can help
2 keep families out of already overburdened and expensive social welfare and
3 criminal justice systems; and

4 (8) Having periodic respite care enables many families and caregivers to
5 be more active participants in their communities.

6 It is the intent therefore, of the General Assembly to establish the
7 Respite and Family Support Program for families of children with disabilities
8 using a Medicaid home and community-based services waiver to support the
9 efforts of families providing care to children with extraordinary needs.

10
11 SECTION 5. CODE. All provisions of this Act of a general and permanent
12 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
13 Code Revision Commission shall incorporate the same in the Code.

14
15 SECTION 6. SEVERABILITY. If any provision of this Act or the application
16 thereof to any person or circumstance is held invalid, such invalidity shall
17 not affect other provisions or applications of the Act which can be given
18 effect without the invalid provision or application, and to this end the
19 provisions of this Act are declared to be severable.

20
21 SECTION 7. GENERAL REPEALER. All laws and parts of laws in conflict with
22 this Act are hereby repealed.

23
24 SECTION 8. EMERGENCY CLAUSE. It is hereby found and determined by the
25 Eighty-second General Assembly, that the Constitution of the State of Arkansas
26 prohibits the appropriation of funds for more than a two (2) year period; that
27 the effectiveness of this Act on July 1, 1999 is essential to the operation of
28 the agency for which the appropriations in this Act are provided, and that in
29 the event of an extension of the Regular Session, the delay in the effective
30 date of this Act beyond July 1, 1999 could work irreparable harm upon the
31 proper administration and provision of essential governmental programs.
32 Therefore, an emergency is hereby declared to exist and this Act being
33 necessary for the immediate preservation of the public peace, health and
34 safety shall be in full force and effect from and after July 1, 1999.