

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
4

As Engrossed: S3/10/99

A Bill

SENATE BILL 964

5 By: Senator Roebuck
6
7

For An Act To Be Entitled

9 "AN ACT TO MAXIMIZE CHILD PLACEMENT OPTIONS, ENCOURAGE
10 THE CREATION OF NEW PLACEMENT ALTERNATIVE FOR
11 CHILDREN, AND TO FOSTER COST-EFFECTIVE ADMINISTRATION
12 OF CHILD WELFARE SERVICES; AND FOR OTHER PURPOSE."

Subtitle

15 "AN ACT TO MAXIMIZE CHILD PLACEMENT
16 OPTIONS, ENCOURAGE THE CREATION OF NEW
17 PLACEMENT ALTERNATIVE FOR CHILDREN, AND
18 TO FOSTER COST-EFFECTIVE ADMINISTRATION
19 OF CHILD WELFARE SERVICES."
20
21

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

SECTION 1. Intent.

25 It is hereby intended by the General Assembly the of the State of
26 Arkansas to maximize placement alternatives for children place in substitute
27 care settings by Arkansas child welfare agencies, to ensure the quality of
28 substitute care placements for children, and to encourage cost-effective
29 administration of substitute care services for children by establishing an
30 open enrollment of substitute care providers who meet certain qualifications
31 and by requiring demonstration of cost-conscious positive outcomes from
32 substitute care providers who desire to receive funding from the State of
33 Arkansas.
34

35 SECTION 2. The provisions of this Act shall be in addition to any
36 requirements for contracting with state agencies set forth in Arkansas Code

1 19-4-1701 through 19-4-1716 and the Arkansas Purchasing Law. In the event
2 that any provision of this act conflicts with any provision of Arkansas Code
3 19-4-1701 through 19-4-1716 or the Arkansas Purchasing Law the provisions of
4 this act shall control.

5
6 SECTION 3. Definitions.

7 (1) "Purchase of care providers" means those service providers with
8 whom the state agency does business through contracts on a reimbursable basis
9 for units of service delivered to specific clients;

10 (2) "State agency" means any agency of state government that is
11 responsible for placement, planning for the placement of , or funding the
12 placement of a child in a substitute care setting for care to be provided on a
13 twenty-four (24) hour basis;

14 (3) "Unit of service" means a measured length of time such as an hour
15 or a day or some other measurable service component that will enable the state
16 agency to determine the amount of service provided individually or in
17 aggregate to clients.

18
19 SECTION 4. Open enrollment of purchase of care providers required.

20 (a) The state agency shall be required to purchase care from purchase
21 of care providers in conformity to the provisions of this act.

22 (b) The state agency shall maintain a current list of purchase of care
23 providers who are licensed to operate as a child welfare agency pursuant to
24 Arkansas Code 9-28-401 through 9-28-409.

25 (c) Unless prohibited by federal law or regulation, the state agency
26 shall enroll each purchase of care provider who is currently in substantial
27 compliance the provisions of this act and with Arkansas Code 9-28-401 through
28 9-28-409 and the regulations promulgated thereunder, as being eligible to
29 enter into purchase of care agreements with the state agency for the purchase
30 of substitute care for children.

31 (d) Any purchase of care provider as described in paragraph (c) that
32 desires to enter into purchase of care agreements with the state agency for
33 the provision of substitute care for children may submit a purchase of care
34 proposal to the state agency which contains, at a minimum:

35 (1) A detailed description of the services to be provided by the
36 purchase of care provider, including a description of whether the service will

1 be provided by the purchase of care provider directly or by contract with
2 another vendor.

3 (2) A statement of the per diem cost for services rendered.

4 (3) A summary of the provider's history of achieving positive
5 client outcomes.

6 (e) Unless prohibited by federal law or regulation, the state agency
7 shall approve each purchase of care provider submitting a proposal for
8 purchase of care agreement pursuant to this section, provided that the
9 purchase of care provider is currently in substantial compliance with the
10 provisions of this act and with Arkansas Code 9-28-401 through 9-28-409 and
11 the regulations promulgated thereunder.

12 (f) In no event shall be state agency deny enrollment to a purchase of
13 care provider on the basis of the provider's status as a faith-housed
14 organization.

15 (g) Completion of a purchase of service agreement between the sate
16 agency and a purchase of care provider shall not obligate the state to
17 purchase any specified minimum number of service units from the purchase of
18 care provider, but it shall specify the maximum number of service units that
19 can be purchased form the purchase of care provider, based upon the provider's
20 unit of service capacity and other relevant factors.

21
22 SECTION 5. Purchase of service selection.

23 (a) Purchase of service selection shall be made by state agency staff
24 directly responsible for case management and administration.

25 (b) Purchase of service selection shall be made after completion of a
26 comprehensive assessment of the needs of the family and the child's needs by
27 qualified agency staff, and shall include selection of a purchase of service
28 provider who can provider the services that are clinically indicated by the
29 assessment.

30 (c) Purchase of service selection shall consider the following factors:

31 (1) Appropriateness of the services provided to the needs of the
32 child and family.

33 (2) Cost effectiveness of the purchase of service provider
34 selected.

35 (3) Documented client outcomes history of the purchase of care
36 provider in the following three (3) areas of adolescents who finish the

1 program:

2 (A) Client recidivism;

3 (B) College entrance; and

4 (C) High school graduation.

5
6 SECTION 6. Cost information requirements.

7 (a) The state agency shall require the annual filing of a certified
8 audit on a schedule by the provider's fiscal year.

9 (b) The provider shall use the accrual basis of accounting when
10 reporting financial data.

11 (c) The provider shall use a certified auditor to conduct the audit.

12
13 SECTION 7. All provisions of this act of a general and permanent nature
14 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
15 Revision Commission shall incorporate the same in the Code.

16
17 SECTION 8. If any provision of this act or the application thereof to
18 any person or circumstance is held invalid, such invalidity shall not affect
19 other provisions or applications of the act which can be given effect without
20 the invalid provision or application, and to this end the provisions of this
21 act are declared to be severable.

22
23 SECTION 9. All laws and parts of laws in conflict with this act are
24 hereby repealed.

25 /s/ Roebuck