

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H3/5/03
A Bill

HOUSE BILL 1760

5 By: Representatives Bradford, *Thomason, Rosenbaum, Judy, Borhauer*
6 By: *Senators Gullett, Baker, Laverty*
7
8

9 **For An Act To Be Entitled**

10 AN ACT TO MAKE AN APPROPRIATION FOR COMMUNITY-
11 BASED ACUTE MENTAL HEALTHCARE FOR THE DEPARTMENT
12 OF HUMAN SERVICES - DIVISION OF MENTAL HEALTH
13 SERVICES FOR THE BIENNIAL PERIOD ENDING JUNE 30,
14 2005; AND FOR OTHER PURPOSES.
15
16

17 **Subtitle**

18 AN ACT FOR THE DEPARTMENT OF HUMAN
19 SERVICES - DIVISION OF MENTAL HEALTH
20 SERVICES COMMUNITY-BASED ACUTE MENTAL
21 HEALTHCARE APPROPRIATION FOR THE 2003-
22 2005 BIENNIUM.
23
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
29 LEGISLATIVE FINDINGS AND INTENT. The General Assembly recognizes that the
30 state encouraged the treatment of mentally ill residents within community-
31 based settings over two decades ago and has taken various approaches to
32 funding since then. The General Assembly also recognizes that there are
33 inherent problems within the current public mental health system that create
34 disincentives for proper treatment and care. The purpose of this Act is to
35 provide an appropriation for acute mental health services to be utilized
36 within community-based settings for the treatment and care of medically



1 indigent persons 18 years of age and older and involuntary commitments to the
 2 public mental health system. The appropriation for acute mental health
 3 services provided in this Act shall only be used for Community Mental Health
 4 Centers licensed and certified by the Division of Mental Health Services of
 5 the Department of Human Services for use within community-based settings and
 6 facilities.

7
 8
 9 SECTION 2. APPROPRIATION. There is hereby appropriated, to the Department
 10 of Human Services - Division of Mental Health Services, to be payable from
 11 the Mental Health Services Fund Account, for acute mental health services
 12 within community-based settings of the catchment areas served by Community
 13 Mental Health Centers licensed and certified by the Division of Mental Health
 14 Services of the Department of Human Services for the biennial period ending
 15 June 30, 2005, the following:

ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2003-2004</u>	<u>2004-2005</u>
(01) ACUTE MENTAL HEALTH SERVICES-BASELINE \$	2,205,000	\$ 2,205,000
(02) ACUTE MENTAL HEALTH SERVICES-PER		
CAPITA	<u>9,295,000</u>	<u>9,295,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 11,500,000</u>	<u>\$ 11,500,000</u>

23
 24 SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MENTAL
 26 HEALTH SERVICES - ALLOCATION RESTRICTIONS. There is hereby allocated to the
 27 Community Mental Health Centers, as set out herein, the following amounts
 28 appropriated in Item (01) of Section 2, Acute Mental Health Services -
 29 Baseline, to the Department of Human Services - Division of Mental Health
 30 Services, for the biennial period ending ~~June 30, 2003~~ June 30, 2005, the
 31 following:

Item	Maximum Allocation		
No.	Fiscal Years		
Community Mental Health Centers	<u>2001-2002</u>	<u>2002-2003</u>	<u>2003-2004</u>
	<u>2004-2005</u>		

1	(01) Counseling Associates, Inc.	\$ 147,000	\$ 147,000
2	(02) Counseling Clinic	147,000	147,000
3	(03) Community Counseling Services	147,000	147,000
4	(04) Counseling Services of Eastern Arkansas	147,000	147,000
5	(05) Delta Counseling Services	147,000	147,000
6	(06) Little Rock Community Mental Health Center	147,000	147,000
7	(07) Mid-South Health Systems	147,000	147,000
8	(08) North Arkansas Human Services System	147,000	147,000
9	(09) Ozark Counseling Services	147,000	147,000
10	(10) Ozark Guidance Center	147,000	147,000
11	(11) Professional Counseling Associates	147,000	147,000
12	(12) South Arkansas Regional Health Center	147,000	147,000
13	(13) Southeast Arkansas Behavioral Healthcare System	147,000	147,000
14	(14) Southwest Arkansas Counseling & Mental Health		
15	Center	147,000	147,000
16	(15) Western Arkansas Counseling & Guidance Center	<u>147,000</u>	<u>147,000</u>
17	TOTAL AMOUNT ALLOCATED	<u>\$ 2,205,000</u>	<u>\$ 2,205,000</u>

18 The amount of available funds for the appropriation for Acute Mental Health
 19 Services - Baseline shall be determined by the Director of the Department of
 20 Human Services.

21

22 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MENTAL
 24 HEALTH SERVICES - APPORTIONMENT OF FUNDS. Each Community Mental Health Center
 25 shall contract with one or more facilities of its choice (excluding Arkansas
 26 State Hospital) to provide the inpatient care for indigent patients which the
 27 Community Mental Health Center has determined to be necessary after prompt
 28 screening by the Community Mental Health Center. Payment for patients
 29 screened and approved by the Community Mental Health Center who receive care
 30 at these inpatient facilities shall be provided to the inpatient facilities
 31 at the contract rate unless the funds available for this purpose have been
 32 exhausted. Available funding as determined by the Director of the Department
 33 of Human Services shall be apportioned on a per capita basis up to a maximum
 34 of three dollars and forty-eight cents (\$3.48) per capita for fiscal year
 35 ~~2001-2002~~ 2003-2004 and three dollars and forty-eight cents (\$3.48) per
 36 capita for fiscal year ~~2002-2003~~ 2004-2005. The 2000 federal population

1 census shall be used in determining the population of each catchment area of
2 the fifteen Community Mental Health Centers. All amounts appropriated under
3 this section shall be used by Community Mental Health Centers for residents
4 of each center's catchment area and such funds shall only be accessed as the
5 payment of last resort.

6
7
8 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

10 REPORTING. The Division of Mental Health Services shall develop an evaluation
11 and monitoring program that will assure all expenditures are made consistent
12 with the intent of these appropriations. As a condition for receiving funds
13 under this Act, Community Mental Health Centers (CMHCs) shall report
14 quarterly to the Division of Mental Health Services the following data:

15
16 (1) the number of involuntary commitments and medically indigent admissions
17 referred by CMHCs to community-based settings;

18
19 (2) the number of involuntary commitments and medically indigent admissions
20 to community-based settings receiving assistance from the acute mental health
21 services funds;

22
23 (3) the total number of acute bed days utilized by these involuntary
24 commitments;

25
26 (4) the total number of bed days utilized by these medically indigent
27 admissions;

28
29 (5) the average length of stay of admissions for these involuntary
30 commitments per catchment area;

31
32 (6) the average length of stay of admissions for these medically indigent
33 admissions per catchment area;

34
35 (7) the number of medically indigent admissions per catchment area unable to
36 receive assistance from the acute mental health services funds due to such

1 funds being depleted by prior admissions;

2

3 (8) the number of re-admissions per catchment area for involuntary
4 commitments and medically indigent admissions to community-based settings
5 receiving assistance from the acute mental health services; and

6

7 (9) identify any steps taken by CMHCs to improve access to acute mental
8 health services.

9

10

11 SECTION 6. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
12 by this act shall be limited to the appropriation for such agency and funds
13 made available by law for the support of such appropriations; and the
14 restrictions of the State Purchasing Law, the General Accounting and
15 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
16 Procedures and Restrictions Act, or their successors, and other fiscal
17 control laws of this State, where applicable, and regulations promulgated by
18 the Department of Finance and Administration, as authorized by law, shall be
19 strictly complied with in disbursement of said funds.

20

21 SECTION 7. LEGISLATIVE INTENT. It is the intent of the General Assembly
22 that any funds disbursed under the authority of the appropriations contained
23 in this act shall be in compliance with the stated reasons for which this act
24 was adopted, as evidenced by the Agency Requests, Executive Recommendations
25 and Legislative Recommendations contained in the budget manuals prepared by
26 the Department of Finance and Administration, letters, or summarized oral
27 testimony in the official minutes of the Arkansas Legislative Council or
28 Joint Budget Committee which relate to its passage and adoption.

29

30 SECTION 8. EMERGENCY CLAUSE. It is found and determined by the General
31 Assembly, that the Constitution of the State of Arkansas prohibits the
32 appropriation of funds for more than a two (2) year period; that the
33 effectiveness of this Act on July 1, 2003 is essential to the operation of
34 the agency for which the appropriations in this Act are provided, and that in
35 the event of an extension of the Regular Session, the delay in the effective
36 date of this Act beyond July 1, 2003 could work irreparable harm upon the

1 proper administration and provision of essential governmental programs.
2 Therefore, an emergency is hereby declared to exist and this Act being
3 necessary for the immediate preservation of the public peace, health and
4 safety shall be in full force and effect from and after July 1, 2003.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

/s/ Bradford, et al