

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 H3/19/03 H4/1/03

A Bill

HOUSE BILL 1760

5 By: Representatives Bradford, Thomason, Rosenbaum, Judy, Borhauer, Elliott, Creekmore, Hutchinson,
6 Lendall, Lewellen, Martin, Schulte, Wood, Bright, Roebuck, C. Johnson, *Ledbetter, S. Prater*
7 By: Senators Gullett, Baker, Lavery, Argue, Steele, Broadway, Salmon, Wilkins
8

For An Act To Be Entitled

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

Subtitle

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

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
27

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



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

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

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

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

34	Maximum Allocation
35 Item	Fiscal Years

No.	Community Mental Health Centers	<u>2001-2002</u>	<u>2002-2003</u>
		<u>2003-2004</u>	<u>2004-2005</u>
3	(01) Counseling Associates, Inc.	\$ 147,000	\$ 147,000
4	(02) Counseling Clinic	147,000	147,000
5	(03) Community Counseling Services	147,000	147,000
6	(04) Counseling Services of Eastern Arkansas	147,000	147,000
7	(05) Delta Counseling Services	147,000	147,000
8	(06) Little Rock Community Mental Health Center	147,000	147,000
9	(07) Mid-South Health Systems	147,000	147,000
10	(08) North Arkansas Human Services System	147,000	147,000
11	(09) Ozark Counseling Services	147,000	147,000
12	(10) Ozark Guidance Center	147,000	147,000
13	(11) Professional Counseling Associates	147,000	147,000
14	(12) South Arkansas Regional Health Center	147,000	147,000
15	(13) Southeast Arkansas Behavioral Healthcare System	147,000	147,000
16	(14) Southwest Arkansas Counseling & Mental Health		
17	Center	147,000	147,000
18	(15) Western Arkansas Counseling & Guidance Center	<u>147,000</u>	<u>147,000</u>
19	TOTAL AMOUNT ALLOCATED	<u>\$ 2,205,000</u>	<u>\$ 2,205,000</u>

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

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

1 ~~2001-2002~~ 2003-2004 and three dollars and forty-eight cents (\$3.48) per
2 capita for fiscal year ~~2002-2003~~ 2004-2005. The 2000 federal population
3 census shall be used in determining the population of each catchment area of
4 the fifteen Community Mental Health Centers. All amounts appropriated under
5 this section shall be used by Community Mental Health Centers for residents
6 of each center's catchment area and such funds shall only be accessed as the
7 payment of last resort.

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10 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
12 REPORTING. The Division of Mental Health Services shall develop an evaluation
13 and monitoring program that will assure all expenditures are made consistent
14 with the intent of these appropriations. As a condition for receiving funds
15 under this Act, Community Mental Health Centers (CMHCs) shall report
16 quarterly to the Division of Mental Health Services the following data:

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

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

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25 (3) the total number of acute bed days utilized by these involuntary
26 commitments;

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28 (4) the total number of bed days utilized by these medically indigent
29 admissions;

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31 (5) the average length of stay of admissions for these involuntary
32 commitments per catchment area;

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34 (6) the average length of stay of admissions for these medically indigent
35 admissions per catchment area;

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1 (7) the number of medically indigent admissions per catchment area unable to
2 receive assistance from the acute mental health services funds due to such
3 funds being depleted by prior admissions;

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

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

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

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

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32 SECTION 8. EMERGENCY CLAUSE. It is found and determined by the General
33 Assembly, that the Constitution of the State of Arkansas prohibits the
34 appropriation of funds for more than a two (2) year period; that the
35 effectiveness of this Act on July 1, 2003 is essential to the operation of
36 the agency for which the appropriations in this Act are provided, and that in

1 the event of an extension of the Regular Session, the delay in the effective
2 date of this Act beyond July 1, 2003 could work irreparable harm upon the
3 proper administration and provision of essential governmental programs.
4 Therefore, an emergency is hereby declared to exist and this Act being
5 necessary for the immediate preservation of the public peace, health and
6 safety shall be in full force and effect from and after July 1, 2003.

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8 */s/ Bradford, et al*
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