

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 85th General Assembly
3 Regular Session, 2005

A Bill

SENATE BILL 255

4
5 By: Senators Wooldridge, Altes, Critcher, Whitaker, Wilkinson
6 By: Representatives Abernathy, Blair, Glidewell, R. Green, Medley, Pyle, Verkamp, Walters

For An Act To Be Entitled

10 AN ACT TO CLARIFY AND DEFINE THE SCOPE OF ACT
11 1285 OF 2003 REGARDING CHILD WELFARE AGENCIES AS
12 IT PERTAINS TO RESIDENTIAL FACILITIES PROVIDING
13 TREATMENT FOR CHILDREN DIAGNOSED WITH BOTH
14 SUBSTANCE ABUSE AND PSYCHIATRIC DISORDERS; AND
15 FOR OTHER PURPOSES.

Subtitle

18 AN ACT TO CLARIFY AND DEFINE THE SCOPE
19 OF ACT 1285 OF 2003.

22 WHEREAS, the purpose of this act is to clarify the intent and define
23 the scope of Act 1285 of 2003 that amended Arkansas Code § 9-28-407(a) and
24 added Arkansas Code § 20-8-107(c) regarding child welfare agencies; and

26 WHEREAS, under Act 1285 of 2003, agencies licensed or permitted by the
27 Child Welfare Agency Review Board as of March 1, 2003, are exempted from
28 certain regulatory requirements because they were already in existence and
29 serving children in need; and

31 WHEREAS, questions have arisen as to the scope of this provision as it
32 relates to psychiatric residential treatment facilities; and

34 WHEREAS, the purpose of this act is to clarify the scope of Act 1285 of
35 2003 as it pertains to residential facilities and thereby equalize the
36 treatment of residential facilities specializing in the treatment of those



1 children diagnosed with co-occurring substance abuse and psychiatric
2 disorders in comparison with those residential facilities that specialize
3 primarily in treating children’s psychiatric problems.

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5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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7 SECTION 1. Child welfare agencies operating as residential facilities
8 providing treatment to children with co-occurring substance abuse and
9 psychiatric disorders are covered by the amendment of Arkansas Code §§ 9-28-
10 407(a) and Arkansas Code § 20-8-107(c) by Act 1285 of 2003 so long as they
11 were providing such care on or before March 1, 2003, and also meet the
12 requirements of this act.

13
14 SECTION 2. Arkansas Code § 9-28-407(a), regarding licensing required
15 by the Child Welfare Agency Review Board, is amended to add two (2)
16 additional subdivisions to read as follows:

17 (5) Subdivisions (a)(3) and (a)(4) of this section shall be
18 construed to include a child welfare agency that is licensed or permitted by
19 the Child Welfare Agency Review Board as a residential facility as of March
20 1, 2003, if the licensee then met and continues to meet the following
21 criteria:

22 (A) The licensee is a nonhospital-based residential
23 facility that specializes in providing treatment and care for seriously
24 emotionally disturbed children under eighteen (18) years of age who have co-
25 occurring substance abuse and psychiatric disorders;

26 (B) The licensee possesses accreditation from at least one
27 (1) of the following national accreditation entities:

28 (i) The Commission on Accreditation of
29 Rehabilitation Facilities;

30 (ii) The Council on Accreditation of Services for
31 Families and Children; or

32 (iii) The Joint Commission on Accreditation of
33 Healthcare Organizations;

34 (C) The licensee is licensed by the Bureau of Alcohol and
35 Drug Abuse Prevention of the Division of Behavioral Health Services of the
36 Department of Human Services or its successor; and

1 (D) The licensee is operating a nontraditional program
2 that is approved by the Department of Education.

3 (6)(A) Licensees described in subdivision (a)(5) of this section
4 shall be eligible for reimbursement by the Arkansas Medicaid Program under
5 the same methodology and at the same reimbursement rates as residential
6 treatment facilities that do not specialize in treating children with co-
7 occurring substance abuse and psychiatric disorders.

8 (B) However, Medicaid payments shall be reduced by
9 payments received from other payers in connection with Medicaid-covered care
10 and treatment furnished to Medicaid recipients.

11
12 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
13 General Assembly of the State of Arkansas that it is essential that the State
14 of Arkansas maintains sufficient facilities within the state for the care and
15 treatment of children with co-occurring substance abuse and psychiatric
16 disorders; and that this act is immediately necessary to clarify that the
17 state shall not negatively discriminate between the licensees that provide
18 psychiatric treatment only and the licensees that provide the care and
19 treatment of children with co-occurring substance abuse and psychiatric
20 disorders. Therefore, an emergency is declared to exist and this act being
21 immediately necessary for the preservation of the public peace, health, and
22 safety shall become effective on:

23 (1) The date of its approval by the Governor;

24 (2) If the bill is neither approved nor vetoed by the Governor,
25 the expiration of the period of time during which the Governor may veto the
26 bill; or

27 (3) If the bill is vetoed by the Governor and the veto is
28 overridden, the date the last house overrides the veto.

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