

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.

State of Arkansas

As Engrossed: S3/9/05 S4/5/05 S4/7/05

85th General Assembly

A Bill

Regular Session, 2005

SENATE BILL 275

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE DEPARTMENT OF HUMAN SERVICES - DIVISION OF MEDICAL SERVICES FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2007; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE DEPARTMENT OF HUMAN SERVICES - DIVISION OF MEDICAL SERVICES APPROPRIATION FOR THE 2005-2007 BIENNIUM.

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

SECTION 1. REGULAR SALARIES. There is hereby established for the Department of Human Services - Division of Medical Services for the 2005-2007 biennium, the following maximum number of regular employees whose salaries shall be governed by the provisions of the Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory thereto. Provided, however, that any position to which a specific maximum annual salary is set out herein in dollars, shall be exempt from the provisions of said Uniform Classification and Compensation Act. All persons occupying positions authorized herein are hereby governed by the provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its successor.



				Maximum Annual		
				Salary Rate		
				Fiscal Years		
	Item	Class		No. of		
	No.	Code	Title	Employees	2005-2006	2006-2007
1						
2						
3						
4						
5	(1)	9985	DHS DEP DIR MEDICAL SERVICES	1	\$98,315	\$100,699
6	(2)	9487	REGISTERED PHARMACIST III	2	\$87,500	\$92,500
7	(3)	9486	REGISTERED PHARMACIST II	1	\$84,500	\$89,500
8	(4)	9485	REGISTERED PHARMACIST I	3	\$82,500	\$87,500
9	(5)	8965	DHS/DMS ADD - MEDICAL SERVICES	1	\$81,858	\$83,963
10	(6)	8938	DHS/DMS ASST DEP DIR LONG TRM CARE	1	\$81,858	\$83,963
11	(7)	8936	DHS/DMS ADD PROG & ADMIN SUPPORT	1	\$81,858	\$83,963
12	(8)	022Z	DHS/DCO CHIEF PROGRAM ADMR	4	GRADE 26	
13	(9)	023Z	DHS/DCO ASST CHIEF PROGRAM ADMR	4	GRADE 25	
14	(10)	118Z	DHS NURSING SERVICES ADMINISTRATOR	1	GRADE 25	
15	(11)	923Z	DHS PRGM ADMINISTRATOR	9	GRADE 23	
16	(12)	D124	LEAD PROGRAMMER/ANALYST	1	GRADE 22	
17	(13)	L078	NURSE SUPERVISOR	1	GRADE 22	
18	(14)	X338	ENGINEER, PE	2	GRADE 22	
19	(15)	L082	NURSING SERVICES SPECIALIST	13	GRADE 21	
20	(16)	L106	PHYSICAL THERAPY SUPV	1	GRADE 21	
21	(17)	L030	DIETARY SERVICES DIRECTOR	1	GRADE 21	
22	(18)	D036	SR PROGRAMMER/ANALYST	1	GRADE 21	
23	(19)	A251	SR AUDITOR	7	GRADE 21	
24	(20)	697Z	DHS PRGM MANAGER	11	GRADE 21	
25	(21)	A250	JR AUDITOR	1	GRADE 20	
26	(22)	L070	NURSE II	10	GRADE 20	
27	(23)	M027	DHS/DCO COUNTY SUPV II	1	GRADE 20	
28	(24)	R266	MANAGEMENT PROJECT ANALYST II	10	GRADE 20	
29	(25)	M088	SOCIAL WORKER II	3	GRADE 20	
30	(26)	M116	UTILIZATION REVIEW NURSE	60	GRADE 20	
31	(27)	Q046	MEDICARE/MEDICAID SURVEY SPECIALIST	20	GRADE 20	
32	(28)	R145	DHS PROGRAM COORDINATOR	5	GRADE 20	
33	(29)	R084	DHS STAFF SUPERVISOR	4	GRADE 19	
34	(30)	M154	DHS FIELD REPRESENTATIVE	8	GRADE 19	
35	(31)	R332	DHS POLICY DEVELOPMENT COORD	5	GRADE 19	
36	(32)	X358	HLTH FACILITY SURVEYOR	2	GRADE 19	

1	(33)	L028	DIETICIAN	3	GRADE 19
2	(34)	M078	DHS/DEMS SUPERVISOR	2	GRADE 18
3	(35)	D129	DP COORDINATOR	1	GRADE 18
4	(36)	X352	HLTH CARE ANALYST II	21	GRADE 17
5	(37)	R010	ADMINISTRATIVE ASSISTANT II	16	GRADE 17
6	(38)	R110	MEDICAL PROGRAM REPRESENTATIVE	3	GRADE 17
7	(39)	R162	STATISTICIAN/STATISTICIAN II	1	GRADE 17
8	(40)	D005	COMPUTER OPERATOR II	1	GRADE 15
9	(41)	A108	ACCOUNTING TECHNICIAN II	3	GRADE 15
10	(42)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	7	GRADE 14
11	(43)	K117	MEDICAL OR LEGAL SECRETARY	6	GRADE 14
12	(44)	K153	SECRETARY II	11	GRADE 13
13	(45)	M067	SOCIAL SERVICE AIDE II	1	GRADE 13
14	(46)	K039	DOCUMENT EXAMINER II	18	GRADE 12
15	(47)	K155	SECRETARY I	<u>1</u>	GRADE 11
16			MAX. NO. OF EMPLOYEES	290	

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18 SECTION 2. EXTRA HELP. There is hereby authorized, for the Department of
 19 Human Services - Division of Medical Services for the 2005-2007 biennium, the
 20 following maximum number of part-time or temporary employees, to be known as
 21 "Extra Help", payable from funds appropriated herein for such purposes:
 22 seven (7) temporary or part-time employees, when needed, at rates of pay not
 23 to exceed those provided in the Uniform Classification and Compensation Act,
 24 or its successor, or this act for the appropriate classification.

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26 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated, to
 27 the Department of Human Services - Division of Medical Services, to be
 28 payable from the paying account as determined by the Chief Fiscal Officer of
 29 the State, for personal services and operating expenses of the Department of
 30 Human Services - Division of Medical Services - Operations for the biennial
 31 period ending June 30, 2007, the following:

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33	ITEM	FISCAL YEARS	
34	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
35	(01) REGULAR SALARIES	\$ 11,519,845	\$ 11,859,648
36	(02) EXTRA HELP	126,892	126,892

1	(03) PERSONAL SERVICES MATCHING	3,395,515	3,462,464
2	(04) OVERTIME	5,000	5,000
3	(05) MAINT. & GEN. OPERATION		
4	(A) OPER. EXPENSE	3,152,863	3,152,863
5	(B) CONF. & TRAVEL	235,840	235,840
6	(C) PROF. FEES	355,132	355,132
7	(D) CAP. OUTLAY	195,000	195,000
8	(E) DATA PROC.	0	0
9	(06) DATA PROCESSING SERVICES	<u>89,800</u>	<u>89,800</u>
10	TOTAL AMOUNT APPROPRIATED	<u>\$ 19,075,887</u>	<u>\$ 19,482,639</u>

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12 SECTION 4. APPROPRIATION - GRANTS. There is hereby appropriated, to the
 13 Department of Human Services - Division of Medical Services, to be payable
 14 from the paying account as determined by the Chief Fiscal Officer of the
 15 State, for grant payments of the Department of Human Services - Division of
 16 Medical Services - Grants for the biennial period ending June 30, 2007, the
 17 following:

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20	ITEM	FISCAL YEARS	
21	NO.	2005-2006	2006-2007
22	(01) PRIVATE NURSING HOME CARE	\$ 551,888,013	\$ 603,733,137
23	(02) INFANT INFIRMARY	19,712,761	21,285,102
24	(03) PUBLIC NURSING HOME CARE	153,904,953	161,368,197
25	(04) PRESCRIPTION DRUGS	499,394,825	603,916,423
26	(05) HOSPITAL AND MEDICAL SERVICES	2,189,514,873	2,527,242,384
27	(06) CHILD AND FAMILY LIFE INSTITUTE	2,100,000	2,100,000
28	(07) PRESCRIPTION DRUG WAIVER FOR THE		
29	ELDERLY	<u>10,785,287</u>	<u>10,785,287</u>
30	TOTAL AMOUNT APPROPRIATED	<u>\$3,427,300,712</u>	<u>\$3,930,430,530</u>

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32 SECTION 5. APPROPRIATION - ARKIDS B PROGRAM. There is hereby appropriated,
 33 to the Department of Human Services - Division of Medical Services, to be
 34 payable from the paying account as determined by the Chief Fiscal Officer of
 35 the State, for grant payments of the Department of Human Services - Division
 36 of Medical Services - ARKIDS B Program for the biennial period ending June

30, 2007, the following:

ITEM	FISCAL YEARS	
NO.	2005-2006	2006-2007
(01) ARKIDS B PROGRAM	<u>\$ 67,098,915</u>	<u>\$ 80,476,520</u>

SECTION 6. APPROPRIATION - NURSING HOME CLOSURE COSTS. There is hereby appropriated, to the Department of Human Services - Division of Medical Services, to be payable from the Long-Term Care Trust Fund, for the payment of relocation costs of residents in long-term care facilities, maintenance and operation of a facility pending correction of deficiencies or closure, and reimbursement of residents for personal funds lost for the biennial period ending June 30, 2007, the following:

ITEM	FISCAL YEARS	
NO.	2005-2006	2006-2007
(01) EXPENSES	<u>\$ 50,000</u>	<u>\$ 50,000</u>

SECTION 7. APPROPRIATION - LONG TERM CARE FACILITY RECEIVERSHIP. There is hereby appropriated, to the Department of Human Services - Division of Medical Services, to be payable from the Long Term Care Facility Receivership Fund Account, for the payment of expenses of long-term care facility receivers as authorized by law of the Department of Human Services - Division of Medical Services - Long Term Care Facility Receivership for the biennial period ending June 30, 2007, the following:

ITEM	FISCAL YEARS	
NO.	2005-2006	2006-2007
(01) EXPENSES	<u>\$ 100,000</u>	<u>\$ 100,000</u>

SECTION 8. APPROPRIATION - NURSING ASSISTANT TRAINING PROGRAM. There is hereby appropriated, to the Department of Human Services - Division of Medical Services, to be payable from the paying account as determined by the

Chief Fiscal Officer of the State, for expansion of minimum training hours for nurses aide training programs for all long-term care facilities in the state of the Department of Human Services - Division of Medical Services for the biennial period ending June 30, 2007, the following:

ITEM	FISCAL YEARS	
NO.	2005-2006	2006-2007
(01) PRIVATE NURSING HOME CARE – EXPANDED		
NURSING ASSISTANT TRAINING PROGRAM	\$ 230,000	\$ 230,000

SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DEPARTMENT OF HUMAN SERVICES GRANTS FUND ACCOUNT. The Department of Human Services Grants Fund Account shall be used for the following grant programs to consist of general revenues and any other nonfederal funds, as may be appropriated by the General Assembly:

- (i) Children's Medical Services;
- (ii) Food Stamp Employment and Training Program;
- (iii) Aid to the Aged, Blind, and Disabled;
- (iv) Transitional Employment Assistance Program;
- (v) Private nursing home care;
- (vi) Infant Infirmary - nursing home care;
- (vii) Public Nursing Home Care;
- (viii) Prescription Drugs;
- (ix) Hospital and Medical Services;
- (x) Child and Family Life Institute;
- (xi) Community Services Block Grant;
- (xii) ARKIDSFIRST;
- (xiii) Child Health Management Services;
- (xiv) Child Care Grant; and
- (xv) Prescription Drug Elderly

SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL SERVICES - CARRY FORWARD. The unexpended balances in appropriations made from federal funds, for Medical Services, as provided for in this Act on June

30, ~~2004~~ 2006 shall be carried forward and made available for expenditures for the same purpose for the fiscal year ending June 30, ~~2005~~ 2007.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL SERVICES - CHILD AND FAMILY LIFE INSTITUTE. The Child Health and Family Life Institute shall be administered under the direction of Arkansas Children's Hospital. Arkansas Children's Hospital shall enter into a cooperative agreement and/or contract with the University of Arkansas for Medical Sciences - Department of Pediatrics for services required in delivering the programs of the Child Health and Family Life Institute. Utilizing a multidisciplinary collaboration of professionals, the Child Health and Family Life Institute shall provide a statewide effort to explore, develop and evaluate new and better ways to address medically, socially and economically interrelated health and developmental needs of children with special health care needs and their families. The Child Health and Family Life Institute's priorities shall include, but are not limited to, wellness and prevention, screen and diagnosis, treatment and intervention, training and education and research and evaluation.

Arkansas Children's Hospital and the University of Arkansas for Medical Sciences-Department of Pediatrics shall make ~~semi~~-annual reports to the Arkansas Legislative Council on all matters of funding, existing programs and services offered through the Child Health and Family Life Institute.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL SERVICES - PHARMACEUTICAL DISPENSING FEE SURVEY. No more than two years prior to making any changes to the current pharmaceutical dispensing fee, the State shall conduct an independent survey utilizing generally accepted accounting principles, to determine the cost of dispensing a prescription by pharmacists in Arkansas. Only factors relative to the cost of dispensing shall be surveyed. These factors shall not include actual acquisition costs or

1 average profit or any combination of actual acquisition costs or average
2 profit. The survey results shall be the basis for establishing the
3 dispensing fee paid to participating pharmacies in the Medicaid prescription
4 drug program in accordance with Federal requirements. The dispensing fee
5 shall be no lower than the cost of dispensing as determined by the survey.
6 Nothing in this section shall be construed to prohibit the State from
7 increasing the dispensing fee at any time.

8 The provisions of this section shall be in effect only from July 1, 2003
9 2005 through June 30, ~~2005~~ 2007.

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11 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL
13 SERVICES GENERAL MEDICAID RATE METHODOLOGY PROVISIONS. (a) Rates established
14 by the Division of Medical Services for the services or programs covered by
15 this Act shall be calculated by the methodologies approved by the Centers for
16 Medicare and Medicaid Services (CMS). The Division of Medical Services shall
17 have the authority to reduce or increase rates based on the approved
18 methodology. Further, the Division of Medical Services shall have the
19 authority to increase or decrease rates for good cause including, but not
20 limited to: (1) identification of provider(s) who can render needed services
21 of equal quality at rates less than traditionally charged and who meet the
22 applicable federal and state laws, rules and regulations pertaining to the
23 provision of a particular service, (2) identification that a provider or
24 group of providers has consistently charged rates to the Arkansas Medicaid
25 Program greater than to other purchasers of medical services of similar size,
26 (3) the Division determines that there has been significant changes in the
27 technology or process by which services are provided by a provider or group
28 of providers which has affected the costs of providing services, or (4) a
29 severe economic downturn in the Arkansas economy which has affected the
30 overall state budget of the Division of Medical Services.

31 The Division of Medical Services shall make available to requesting
32 providers, the CMS's inflationary forecasts (CMS Market Basket Index). Rates
33 established with cost of living increases based on the CMS Market Basket
34 Index or other indices will be adjusted annually except when the state budget
35 does not provide sufficient appropriation and funding to affect the change or
36 portion thereof.

(b) Any rate methodology changes proposed by the Division of Medical Services both of a general and specific nature, shall be subject to prior review by the Legislative Council or Joint Budget Committee.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL SERVICES - STATE MEDICAID PROGRAM/PERSONAL CARE PROGRAM. (a) It is the Legislative intent that the Department of Human Services in its administration of the Arkansas Medicaid Program set forth Medicaid provider participation requirements for "personal care providers" that will insure sufficient available providers to meet the required needs of all eligible recipients, to include insuring available in-home services twenty-four hours a day and seven days a week for personal care.

(b) For the purposes of this section, "private care agencies" are defined as those providers licensed by the Department of Labor, certified as ElderChoices Providers and who furnish in-home staffing services for respite, chore services, and homemaker services, and are covered by liability insurance of not less than one million dollars (\$1,000,000.00) covering their employees and independent contractors while they are engaged in providing services, such as personal care, respite, chore services, and homemaker services.

(c) The purpose of this section is to allow the private care agencies defined herein to be eligible to provide Medicaid reimbursed personal care services seven days a week, and does not supercede Department of Human Services rules establishing monthly benefit limits and prior authorization requirements.

(d) The availability of providers shall not require the Department of Human Services to reimburse for 24 hours per day of personal care services.

(e) The Arkansas Department of Human Services, Medical Services Division shall take such action as required by the Centers for Medicare and Medicaid Services to amend the Arkansas Medicaid manual to include, private care agencies, as qualified entities to provide Medicaid reimbursed personal care services.

(f) The private care agencies shall comply with rules and regulations promulgated by the Arkansas Department of Health which shall establish a

1 separate licensure category for the private care agencies for the provision
2 of Medicaid reimbursable personal care services seven days a week.

3 (g) The Arkansas Department of Health shall supervise the conduct of the
4 private care agencies defined herein.

5 (h) The purpose of this section is to insure the care provided by the private
6 care agencies, is consistent with the rules and regulations of the Arkansas
7 Department of Health.

8 The provisions of this section shall be in effect only from July 1, 2003
9 2005 through June 30, ~~2005~~ 2007.

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11 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL
13 SERVICES - BORDER CITY DDTCS AND ELDERCHOICES PROVIDERS. Approved Arkansas
14 Medicaid providers of Developmental Day Treatment Clinic Services (DDTCS) and
15 ElderChoices Services, or their successor programs, who have out-of-state
16 border city facilities may be licensed by the State of Arkansas and/or
17 contract with the State to be reimbursed for Medicaid eligible services
18 delivered to Arkansas residents who are Medicaid eligible.

19 The provisions of this section shall be in effect only from July 1, 2003
20 2005 through June 30, ~~2005~~ 2007.

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22 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
24 USAGE AUTHORIZED. The Arkansas Children's Hospital may request the
25 Department of Human Services - Division of Medical Services to retain in the
26 Department of Human Services Grant Fund account an amount not to exceed
27 \$2,100,000 each fiscal year from funds made available by this Act for the
28 Child and Family Life Institute, *Section 4, item number 06* to be used to
29 match federal funds used for supplemental Medicaid payments to Arkansas
30 Children's Hospital. These retained funds shall not be recovered for transfer
31 to the General Revenue Allotment Reserve Fund.

32
33 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STATE
35 PLAN. The State Plan must include the provision of EPSDT services as those
36 services are defined in §1396d(r). See §§ 1396a(a)(10)(A),

1 1396d(a)(4)(B); see also 1396a(a)(43). Section 1396d(r) lists in detail the
2 screening services, vision services, dental services, and hearing services
3 that the State Plan must expressly include, but with regard to treatment
4 services, it states that EPSDT means "[s]uch other necessary health care,
5 diagnostic services, treatment, and other measures described in subsection
6 (a) of this section to correct or ameliorate defects and physical and mental
7 illnesses and conditions discovered by the screening services, whether or not
8 such services are covered under the State plan." 42 U.S.C. § 1396d(r)(5)
9 (emphasis added). Reading §1396a, § 1396d(a), and § 1396d(r) together, we
10 believe that the State Plan need not specifically list every treatment
11 service conceivably available under the EPSDT mandate.

12 The State Plan, however, must pay part or all of the cost of treatments to
13 ameliorate conditions discovered by the screening process when those
14 treatments meet. The definitions set forth in § 1396a. See § 1396d(r)(5);
15 see also §§ 1396a(a)(10), 1396a (a)(43), and 1396d(a)(4)(B). The Arkansas
16 State Plan states that the "State will provide other health care described in
17 [42 U.S.C. 1396d(a)] that is found to be medically necessary to correct or
18 ameliorate defects and physical and mental illnesses and conditions
19 discovered by the screening services, even when such health care is not
20 otherwise covered under the State Plan." See State Plan Under Title XIX of
21 the Social Security Act Medical Assistance Program, State Of Arkansas at §
22 4.b. This provision Meets the EPSDT mandate of the Medicaid Act.

23 We affirm the district court's decision to the extent that it holds that a
24 Medicaid-Eligible individual has a federal right to early intervention day
25 treatment when a physician recommends such treatment. Section 1396d(r)(5)
26 states that EPSDT includes any treatments or measures outlined in § 1396d(a).
27 There are twenty-seven sub-parts to § 1396d(a), and we find that sub-part
28 (a)(13), in particular, when read with the other sections of the Medicaid Act
29 listed above, mandates that early intervention day treatment be provided when
30 it is prescribed by a physician. See 42 U.S.C. § 1396d(a)(13) (defining
31 medical assistance reimbursable by Medicaid as "other diagnostic, screening,
32 preventive, and rehabilitative services, including any medical or remedial
33 services recommended by a physician...for the maximum reduction of physical and
34 mental disability and restoration of an individual to the best possible
35 functional level"). Therefore, after CHMS clinic staff perform a diagnostic
36 evaluation of an eligible child, if the CHMS physician prescribes early

1 intervention day treatment as a service that would lead to the maximum
2 reduction of medical and physical disabilities and restoration of the child
3 to his or her best possible functional level, the Arkansas State Plan must
4 reimburse the treatment. Because CHMS clinics are the only providers of
5 early intervention day treatment, Arkansas must reimburse those clinics.
6

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

17 SECTION 19. LEGISLATIVE INTENT. It is the intent of the General Assembly
18 that any funds disbursed under the authority of the appropriations contained
19 in this act shall be in compliance with the stated reasons for which this act
20 was adopted, as evidenced by the Agency Requests, Executive Recommendations
21 and Legislative Recommendations contained in the budget manuals prepared by
22 the Department of Finance and Administration, letters, or summarized oral
23 testimony in the official minutes of the Arkansas Legislative Council or
24 Joint Budget Committee which relate to its passage and adoption.
25

26 SECTION 20. EMERGENCY CLAUSE. It is found and determined by the General
27 Assembly, that the Constitution of the State of Arkansas prohibits the
28 appropriation of funds for more than a two (2) year period; that the
29 effectiveness of this Act on July 1, 2005 is essential to the operation of
30 the agency for which the appropriations in this Act are provided, and that in
31 the event of an extension of the Regular Session, the delay in the effective
32 date of this Act beyond July 1, 2005 could work irreparable harm upon the
33 proper administration and provision of essential governmental programs.
34 Therefore, an emergency is hereby declared to exist and this Act being
35 necessary for the immediate preservation of the public peace, health and
36 safety shall be in full force and effect from and after July 1, 2005.

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/s/ Joint Budget Committee