

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  
4

# A Bill

SENATE BILL 967

5 By: Senators Wooldridge, J. Bookout, Critcher  
6 By: Representative Bradford  
7

## For An Act To Be Entitled

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9  
10 AN ACT TO AMEND THE LAW REGARDING MEDICAL  
11 ASSISTANCE FOR INDIGENT PERSONS; AND FOR OTHER  
12 PURPOSES.  
13

## Subtitle

14  
15 AN ACT TO AMEND THE LAW REGARDING  
16 MEDICAL ASSISTANCE FOR INDIGENT PERSONS.  
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18  
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
20

21 SECTION 1. Arkansas Code § 20-77-107(f), concerning the program for  
22 indigent medical care, is amended to read as follows:

23 (f) The director shall ensure that the professional review of  
24 providers, except long-term care facilities and their reviewers,  
25 participating in the program ~~comply~~ complies with the following:

26 (1) The party conducting any professional reviews of providers  
27 participating in the program shall be knowledgeable in the specific areas of  
28 law and regulations being enforced;

29 (2)(A) Every citation or deficiency cited to a provider shall  
30 refer by source and number to the authority upon which the citation or  
31 deficiency is based.

32 (B) However, the requirement of subdivision (f)(2)(A) does  
33 not limit the department and any entity with whom it contracts in the  
34 exercise and application of professional medical judgment in determining when  
35 and under what circumstances care is medically necessary;

36 (3) The professional review process shall include an informal



1 dispute resolution process to allow the provider to challenge the citation or  
 2 deficiency cited or sanction to a person other than the person making the  
 3 citation as defined by the director;

4 (4) The director shall establish a system to ensure standard and  
 5 consistent application of sanctions and citation or deficiencies among  
 6 surveyors in different areas of the state; ~~and~~

7 (5) The director may establish rules consistent with this  
 8 chapter, including penalties that may be imposed on a program provider upon a  
 9 finding that the provider has violated statutes or regulations in the  
 10 administration of or billing for health care in an indigent patient medical  
 11 care program as follows:

12 (A) Establish rules only requiring the program provider to  
 13 reimburse to the indigent patient medical care program funds paid to the  
 14 program provider for services that were:

15 (i) Not actually provided;

16 (ii) Not medically necessary; or

17 (iii) Provided without prior authorization if  
 18 preapproval is required by statute or regulation.

19 (B)(i) Establish rules permitting the department to levy  
 20 upon final determination of a violation of a statute or regulation that was  
 21 observed during onsite or offsite surveys or reviews a fine that shall not  
 22 exceed five hundred dollars (\$500) per category of violation up to a maximum  
 23 of two thousand five hundred dollars (\$2,500) per survey or review.

24 (ii) A fine may only be levied if a program  
 25 provider is not in substantial compliance with a rule or statute;

26 (C) Establish rules permitting the department to terminate  
 27 a program provider's participation in an indigent medical care program upon  
 28 final determination that the program provider is found:

29 (i)(a) Placed a resident in "immediate  
 30 jeopardy", as defined by 42 CFR § 488.301, as it existed on January 1, 2005;  
 31 and

32 (b) Failed to take immediate steps to remedy the  
 33 immediate jeopardy; or

34 (ii) Not to be operating in substantial  
 35 compliance with statutes or regulations governing an indigent medical care  
 36 program over a period of at least two (2) years; and

1           ~~(5)~~(6) The director shall establish a process for program  
2 providers to appeal a decision of a reviewer pursuant to the Arkansas  
3 Administrative Procedure Act, § 25-15-201 et seq.

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