

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 86th General Assembly
3 Regular Session, 2007

A Bill

HOUSE BILL 1355

4
5 By: Joint Budget Committee
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For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR THE MEDICAID
10 EXPANSION PROGRAM FOR THE DEPARTMENT OF HEALTH
11 AND HUMAN SERVICES FOR THE BIENNIAL PERIOD ENDING
12 JUNE 30, 2009; AND FOR OTHER PURPOSES.
13

Subtitle

14
15 AN ACT FOR THE DEPARTMENT OF HEALTH AND
16 HUMAN SERVICES - MEDICAID EXPANSION
17 PROGRAM APPROPRIATION FOR THE 2007-2009
18 BIENNIUM.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. REGULAR SALARIES - COUNTY OPERATIONS - MEDICAID EXPANSION
25 PROGRAM. There is hereby established for the Department of Health and Human
26 Services - Division of County Operations - Medicaid Expansion Program for the
27 2007-2009 biennium, the following maximum number of regular employees whose
28 salaries shall be governed by the provisions of the Uniform Classification
29 and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor,
30 and all laws amendatory thereto. Provided, however, that any position to
31 which a specific maximum annual salary is set out herein in dollars, shall be
32 exempt from the provisions of said Uniform Classification and Compensation
33 Act. All persons occupying positions authorized herein are hereby governed
34 by the provisions of the Regular Salaries Procedures and Restrictions Act
35 (Arkansas Code §21-5-101), or its successor.
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Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Years	
				2007-2008	2008-2009
(1)	909Z	PROGRAM SUPPORT MANAGER	1	GRADE 22	
(2)	M024	FAMILY SUPPORT SPECIALIST SUPV	7	GRADE 18	
(3)	M023	FAMILY SUPPORT SPECIALIST III	44	GRADE 17	
(4)	K039	DOCUMENT EXAMINER II	<u>9</u>	GRADE 12	
MAX. NO. OF EMPLOYEES			61		

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11 SECTION 2. REGULAR SALARIES - MEDICAL SERVICES - MEDICAID EXPANSION
 12 PROGRAM. There is hereby established for the Department of Health and Human
 13 Services - Division of Medical Services - Medicaid Expansion Program for the
 14 2007-2009 biennium, the following maximum number of regular employees whose
 15 salaries shall be governed by the provisions of the Uniform Classification
 16 and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor,
 17 and all laws amendatory thereto. Provided, however, that any position to
 18 which a specific maximum annual salary is set out herein in dollars, shall be
 19 exempt from the provisions of said Uniform Classification and Compensation
 20 Act. All persons occupying positions authorized herein are hereby governed
 21 by the provisions of the Regular Salaries Procedures and Restrictions Act
 22 (Arkansas Code §21-5-101), or its successor.

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Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Years	
				2007-2008	2008-2009
(1)	697Z	DHS PRGM MANAGER	1	GRADE 21	
(2)	M154	DHS FIELD REPRESENTATIVE	<u>1</u>	GRADE 19	
MAX. NO. OF EMPLOYEES			2		

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32 SECTION 3. APPROPRIATION - COUNTY OPERATIONS - MEDICAID EXPANSION PROGRAM.
 33 There is hereby appropriated, to the Department of Health and Human Services
 34 - Division of County Operations, to be payable from the Medicaid Expansion
 35 Program Account, for personal services and operating expenses of the
 36 Department of Health and Human Services - Division of County Operations -

1 Medicaid Expansion Program for the biennial period ending June 30, 2009, the
 2 following:

ITEM		FISCAL YEARS	
NO.		2007-2008	2008-2009
6	(01) REGULAR SALARIES	\$ 1,542,378	\$ 1,573,201
7	(02) PERSONAL SERVICES MATCHING	571,778	578,085
8	(03) MAINT. & GEN. OPERATION		
9	(A) OPER. EXPENSE	195,795	195,795
10	(B) CONF. & TRAVEL	0	0
11	(C) PROF. FEES	500,000	500,000
12	(D) CAP. OUTLAY	0	0
13	(E) DATA PROC.	0	0
14	(04) DATA PROCESSING SERVICES	<u>50,000</u>	<u>50,000</u>
15	TOTAL AMOUNT APPROPRIATED	<u>\$ 2,859,951</u>	<u>\$ 2,897,081</u>

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 17 SECTION 4. APPROPRIATION - MEDICAL SERVICES - MEDICAID EXPANSION PROGRAM.
 18 There is hereby appropriated, to the Department of Health and Human Services
 19 - Division of Medical Services, to be payable from the Medicaid Expansion
 20 Program Account, for personal services and operating expenses of the
 21 Department of Health and Human Services - Division of Medical Services -
 22 Medicaid Expansion Program for the biennial period ending June 30, 2009, the
 23 following:

ITEM		FISCAL YEARS	
NO.		2007-2008	2008-2009
27	(01) REGULAR SALARIES	\$ 62,644	\$ 63,896
28	(02) PERSONAL SERVICES MATCHING	21,217	21,473
29	(03) MAINT. & GEN. OPERATION		
30	(A) OPER. EXPENSE	15,973	15,973
31	(B) CONF. & TRAVEL	2,000	2,000
32	(C) PROF. FEES	0	0
33	(D) CAP. OUTLAY	0	0
34	(E) DATA PROC.	<u>0</u>	<u>0</u>
35	TOTAL AMOUNT APPROPRIATED	<u>\$ 101,834</u>	<u>\$ 103,342</u>

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SECTION 5. APPROPRIATION - MEDICAL SERVICES - MEDICAID EXPANSION PROGRAM GRANTS. There is hereby appropriated, to the Department of Health and Human Services - Division of Medical Services, to be payable from the Medicaid Expansion Program Account, for grant payments by the Department of Health and Human Services - Division of Medical Services - Medicaid Expansion Program Grants for the biennial period ending June 30, 2009, the following:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(01) HOSPITAL AND MEDICAL SERVICES	\$ 48,291,335	\$ 60,556,174
(02) PRESCRIPTION DRUGS	<u>6,000,000</u>	<u>6,080,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 54,291,335</u>	<u>\$ 66,636,174</u>

SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAID EXPANSION PROGRAM - CARRY FORWARD. Such appropriation as is authorized in this Act for the Arkansas Tobacco Settlement - Medicaid Expansion Program which remains at the end of the first fiscal year of the biennium may be carried forward into the second fiscal year of the biennium there to be used for the same purposes.

Any carry forward of unexpended balance of appropriation and/or funding as authorized herein, may be carried forward under the following conditions:

(1) Prior to June 30, 2008 the Agency shall by written statement set forth its reason(s) for the need to carry forward said appropriation and/or funding to the Department of Finance and Administration Office of Budget;

(2) The Department of Finance and Administration Office of Budget shall report to the Arkansas Legislative Council all amounts carried forward from the first fiscal year of the biennium to the second fiscal year of the biennium by the September Arkansas Legislative Council or Joint Budget Committee meeting in the second fiscal year of the biennial period which report shall include the name of the Agency, Board, Commission or Institution and the amount of the appropriation and/or funding carried forward from the first fiscal year to the second fiscal year, the program name or line item,

1 the funding source of that appropriation and a copy of the written request
 2 set forth in (1) above;

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 4 (3) Each Agency, Board, Commission or Institution shall provide a written
 5 report to the Arkansas Legislative Council or Joint Budget Committee
 6 containing all information set forth in item (2) above, along with a written
 7 statement as to the current status of the project, contract, purpose etc. for
 8 which the carry forward was originally requested no later than thirty (30)
 9 days prior to the time the Agency, Board, Commission or Institution presents
 10 its budget request to the Arkansas Legislative Council/Joint Budget
 11 Committee; and

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 13 (4) Thereupon, the Department of Finance and Administration shall include all
 14 information obtained in item (3) above in the biennial budget manuals and/or
 15 a statement of non-compliance by the Agency, Board, Commission or
 16 Institution.

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 18 The provisions of this section shall be in effect only from July 1, 2005
 19 2007 through June 30, ~~2007~~ 2009.

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 21 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAID
 23 EXPANSION PROGRAM - PAYING ACCOUNTS. The Medicaid Expansion Program as
 24 established by Initiated Act 1 of 2000 shall be a separate and distinct
 25 component embracing (1) expanded Medicaid coverage and benefits to pregnant
 26 women; (2) expanded inpatient and outpatient hospital reimbursements and
 27 benefits to adults aged nineteen (19) to sixty-four (64); (3) expanded non-
 28 institutional coverage and benefits to adults aged 65 and over; and (4)
 29 creation and provision of a limited benefit package to adults aged nineteen
 30 (19) to sixty-four (64), to be administered by the Department of Health and
 31 Human Services. Separate Paying Accounts shall be established for the
 32 Medicaid Expansion Program as designated by the Chief Fiscal Officer of the
 33 State, to be used exclusively for the purpose of drawing down federal funds
 34 associated with the federal share of expenditures and for the state share of
 35 expenditures transferred from the Medicaid Expansion Program Account or for
 36 any other appropriate state match funds.

1 The provisions of this section shall be in effect only from July 1, 2005
2 2007 through June 30, ~~2007~~ 2009.

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4 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ACCOUNTS.
6 Such appropriations and fund accounts as may be necessary to administer the
7 provisions of this act shall be established on the books of the Chief Fiscal
8 Officer of the State, State Treasurer, and the Auditor of the State.

9 The provisions of this section shall be in effect only from July 1, 2005
10 2007 through June 30, ~~2007~~ 2009.

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12 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
14 POSITIONS. (a) Nothing in this act shall be construed as a commitment of the
15 State of Arkansas or any of its agencies or institutions to continue funding
16 any position paid from the proceeds of the Tobacco Settlement in the event
17 that Tobacco Settlement funds are not sufficient to finance the position.
18 (b) State funds will not be used to replace Tobacco Settlement funds when
19 such funds expire, unless appropriated by the General Assembly and authorized
20 by the Governor.
21 (c) A disclosure of the language contained in (a) and (b) of this Section
22 shall be made available to all new hire and current positions paid from the
23 proceeds of the Tobacco Settlement by the Tobacco Settlement Commission.
24 (d) Whenever applicable the information contained in (a) and (b) of this
25 Section shall be included in the employee handbook and or Professional
26 Services Contract paid from the proceeds of the Tobacco Settlement.

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28 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
30 RESTRICTIONS. The appropriations provided in this act shall not be
31 transferred under the provisions of Arkansas Code 19-4-522 or the provisions
32 of Arkansas code 6-62-104, but only as provided by this act.

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34 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFERS
36 OF APPROPRIATIONS. In the event the amount of any of the budget

1 classifications of maintenance and general operation in this act are found by
2 the administrative head of the agency to be inadequate, then the agency head
3 may request, upon forms provided for such purpose by the Chief Fiscal Officer
4 of the State, a modification of the amounts of the budget classification. In
5 that event, he shall set out on the forms the particular classifications for
6 which he is requesting an increase or decrease, the amounts thereof, and his
7 reasons therefor. In no event shall the total amount of the budget exceed
8 either the amount of the appropriation or the amount of the funds available,
9 nor shall any transfer be made from the capital outlay or data processing
10 subclassifications unless specific authority for such transfers is provided
11 by law, except for transfers from capital outlay to data processing when
12 determined by the Department of Information Systems that data processing
13 services for a state agency can be performed on a more cost-efficient basis
14 by the Department of Information Systems than through the purchase of data
15 processing equipment by that state agency. In considering the proposed
16 modification as prepared and submitted by each state agency, the Chief Fiscal
17 Officer of the State shall make such studies as he deems necessary. The Chief
18 Fiscal Officer of the State shall, after obtaining the approval of the
19 Legislative Council, approve the requested transfer if in his opinion it is
20 in the best interest of the state.

21 Upon determination by the Director of the Department of Health and Human
22 Services that a Reallocation of Resources is necessary for the effective
23 operation of the Medicaid Expansion Program Grants, the director, with the
24 approval of the Governor, shall have the authority to request from the Chief
25 Fiscal Officer of the State a transfer of Appropriation. This transfer
26 authority applies only to Section 5 Medicaid Expansion Program Grants of this
27 Act between Hospital and Medical Services Item (01) and Prescription Drugs
28 Item (02). The limitation restrictions applicable to the Department
29 Reallocation of Resources authority applies to this section.

30 The General Assembly has determined that the agency in this act could be
31 operated more efficiently if some flexibility is given to that agency and
32 that flexibility is being accomplished by providing authority to transfer
33 between certain items of appropriation made by this act. Since the General
34 Assembly has granted the agency broad powers under the transfer of
35 appropriations, it is both necessary and appropriate that the General
36 Assembly maintain oversight of the utilization of the transfers by requiring

1 prior approval of the Legislative Council in the utilization of the transfer
 2 authority. Therefore, the requirement of approval by the Legislative Council
 3 is not a severable part of this section. If the requirement of approval by
 4 the Legislative Council is ruled unconstitutional by a court jurisdiction,
 5 this entire section is void.

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7 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

18 The provisions of this section shall be in effect only from July 1, ~~2005~~
 19 2007 through June 30, ~~2007~~ 2009.

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21 SECTION 13. SPECIAL LANGUAGE. LEGISLATIVE INTENT. It is the intent of
 22 the General Assembly that any funds disbursed under the authority of the
 23 appropriations contained in this act shall be in compliance with the stated
 24 reasons for which this act was adopted, as evidenced by Initiated Act 1 of
 25 2000, the Agency Requests, Executive Recommendations and Legislative
 26 Recommendations contained in the budget manuals prepared by the Department of
 27 Finance and Administration, letters, or summarized oral testimony in the
 28 official minutes of the Arkansas Legislative Council or Joint Budget
 29 Committee which relate to its passage and adoption.

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31 SECTION 14. EMERGENCY CLAUSE. It is found and determined by the General
 32 Assembly, that the Constitution of the State of Arkansas prohibits the
 33 appropriation of funds for more than a two (2) year period; that the
 34 effectiveness of this Act on July 1, 2007 is essential to the operation of
 35 the agency for which the appropriations in this Act are provided, and that in
 36 the event of an extension of the Regular Session, the delay in the effective

1 date of this Act beyond July 1, 2007 could work irreparable harm upon the
2 proper administration and provision of essential governmental programs.
3 Therefore, an emergency is hereby declared to exist and this Act being
4 necessary for the immediate preservation of the public peace, health and
5 safety shall be in full force and effect from and after July 1, 2007.

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