

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011

A Bill

HOUSE BILL 2106

4
5 By: Representative Wardlaw

For An Act To Be Entitled

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7
8 AN ACT TO ESTABLISH A MEDICAID PROVIDER FEE FOR
9 PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES; AND FOR
10 OTHER PURPOSES.

Subtitle

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14 AN ACT TO ESTABLISH A MEDICAID PROVIDER
15 FEE FOR PSYCHIATRIC RESIDENTIAL TREATMENT
16 FACILITIES.

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

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21 SECTION 1. Arkansas Code Title 20, Chapter 48 is amended to add an
22 additional subchapter to read as follows:

23 Subchapter 10 – Provider Fee on Psychiatric Residential Treatment
24 Facilities

25
26 20-48-1001. Definitions.

27 As used in this subchapter, “Medicaid” means the medical assistance
28 program established by Title XIX of the Social Security Act, 42 U.S.C. § 1396
29 et seq., as it existed on January 1, 2011, and administered by the Division
30 of Medical Services of the Department of Human Services.

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32 20-48-1002. Provider fee.

33 (a) There is assessed a provider fee on psychiatric residential
34 treatment facilities services to be calculated in accordance with this
35 section.

36 (b)(1) The Division of Medical Services of the Department of Human



1 Services shall ensure that the rate of assessment of the provider fee
 2 established in this section does not exceed the maximum rate of assessment
 3 established under federal law and rule for healthcare-related provider fees
 4 without reduction in federal financial participation.

5 (2) If the division determines that the rate of assessment of
 6 the provider fee established in this section exceeds the maximum rate of
 7 assessment that federal law and rule allow without reduction in federal
 8 financial participation, the division shall lower the rate of assessment of
 9 the provider fee to a rate that is equal to the maximum rate that federal law
 10 and rule allow without reduction in federal financial participation.

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 12 20-48-1003. Reporting.

13 (a) The payment of the provider fee by a provider of psychiatric
 14 residential treatment facilities services shall be reported as an allowable
 15 cost for Medicaid reimbursement purposes.

16 (b) A provider of psychiatric residential treatment facilities
 17 services shall not be guaranteed, expressly, or otherwise that any additional
 18 moneys paid to the provider for psychiatric residential treatment facilities
 19 services will equal or exceed the amount of its provider fee.

20
 21 20-48-1004. Administration.

22 (a) The administration of this subchapter shall be exercised by the
 23 Director of the Division of Medical Services of the Department of Human
 24 Services and shall be subject to the Arkansas Administrative Procedure Act, §
 25 25-15-201 et seq.

26 (b)(1) Under the Arkansas Administrative Procedure Act, § 25-15-201 et
 27 seq., the Division of Medical Services of the Department of Human Services
 28 shall adopt rules and prescribe forms for:

29 (A) The proper imposition and collection of the provider
 30 fee;

31 (B) The enforcement of this subchapter;

32 (C) The format for reporting gross receipts; and

33 (D) The administration of this subchapter.

34 (2) The rules shall not grant any exceptions to or from the
 35 provider fee.

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1 SECTION 2. Arkansas Code Title 19, Chapter 6, Subchapter 8 is amended
2 to add an additional section to read as follows:

3 19-6-819. Psychiatric Residential Treatment Facilities Provider Fee
4 Fund.

5 (a)(1) There is created on the books of the Treasurer of State, the
6 Auditor of State, and the Chief Fiscal Officer of the State a special revenue
7 fund to be known as the "Psychiatric Residential Treatment Facilities
8 Provider Fee Fund".

9 (2)(A) The Psychiatric Residential Treatment Facilities Provider
10 Fee Fund shall consist of revenues obtained under § 20-48-1001 et seq. and
11 any other revenue as may be provided by law.

12 (B) Moneys from the Psychiatric Residential Treatment
13 Facilities Fee Fund shall not supplant other local, state, or federal funds.

14 (3) All provider fees assessed and collected under this
15 subchapter shall be deposited into the State Treasury as special revenue and
16 credited to the Psychiatric Residential Treatment Facilities Provider Fee
17 Fund, there to be used for the support of services to persons in need of
18 inpatient psychiatric residential treatment.

19 (4)(A) Funds in the Psychiatric Residential Treatment Facilities
20 Provider Fee Fund shall be placed in an interest bearing account.

21 (B) Earnings on funds in the Psychiatric Residential
22 Treatment Facilities Provider Fee Fund shall remain a part of the Psychiatric
23 Residential Treatment Facilities Provider Fee Fund and shall not be deposited
24 into the General Revenue Fund Account of the State Apportionment Fund.

25 (b) The special revenues in the Psychiatric Residential Treatment
26 Facilities Provider Fee Fund unused at the end of a fiscal year shall be
27 carried forward.

28 (c) The Psychiatric Residential Treatment Facilities Provider Fee Fund
29 shall be exempt from budgetary cuts, reductions, or eliminations caused by a
30 deficiency of general revenues.

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