1	State of Arkansas	As Engrossed: S3/24/11	
2	88th General Assembly	A Bill	
3	Regular Session, 2011		SENATE BILL 847
4			
5	By: Senator Luker		
6			
7		For An Act To Be Entitle	d
8	AN ACT TO CONTROL THE MEDICAL COSTS FOR INMATES IN		
9	STATE, COUNTY, OR MUNICIPAL CORRECTIONAL FACILITIES;		
10	AND FOR OTHER PURPOSES.		
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13		Subtitle	
14	TO C	CONTROL THE MEDICAL COSTS FOR I	INMATES
15	IN S	STATE, COUNTY, OR MUNICIPAL	
16	CORF	RECTIONAL 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. Ark	cansas Title 12, Chapter 27 is	amended to add a new
22	section to read as follows:		
23	<u>12-27-143. Pay</u>	ment rate for the state, a cou	<u>nty, a city, or a law</u>
24	enforcement agency re	egarding payment to a health ca	are provider for a person
25	<u>in custody — Exceptio</u>	<u>ons.</u>	
26		this section:	
27		ealth care provider" means:	
28		A person licensed to practic	ee any branch of the
29	<u>healing arts;</u>		
30	<u>(B)</u>	<u>-</u>	
31	branch of the healing	g arts issued by a state board	_
32	<u>(C)</u>		raduate training program
33	for the healing arts;		
34	<u>(D)</u>	• •	nnt;
35	<u>(E)</u>		
36	(F)	A licensed podiatrist;	

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1	(G) A licensed optometrist;
2	(H) A registered nurse;
3	(I) An advanced nurse practitioner;
4	(J) A licensed professional nurse who is authorized to
5	practice as a registered nurse anesthetist;
6	(K) A licensed practical nurse;
7	(L) A licensed physical therapist;
8	(M) A professional corporation, limited liability company,
9	or partnership that is a health care provider as defined by this subsection;
10	(N) An Arkansas not-for-profit corporation organized for
11	the purpose of rendering professional services by persons who are health care
12	providers, or a psychiatric hospital;
13	(0) A licensed social worker;
14	(P) A mental health center;
15	(Q) A mental health clinic; or
16	(R) Any health care provider licensed by the appropriate
17	regulatory body in another state; and
18	(2) "Medicaid rate" means the terms, conditions, and amounts a
19	health care provider would be paid for a health care service rendered under a
20	contract or provider agreement with the Department of Human Services.
21	(b)(1) Except as otherwise provided in this section:
22	(A) The State of Arkansas;
23	(B) The Department of Correction;
24	(C) The Department of Community Correction;
25	(D) A county;
26	(E) A city; or
27	(F) A county or city law enforcement agency;
28	(2) That makes a payment to a health care provider for health
29	care services rendered to persons in custody shall not exceed:
30	(A) The lesser of the actual amount billed by such health
31	care provider; or
32	(B) The medicaid rate.
33	(c) This section does not apply if a person in custody is covered
34	<u>under a:</u>
35	(1) Current individual or group accident and health insurance
36	policy;

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1	(2) Medical service plan contract;	
2	(3) Hospital service corporation contract;	
3	(4) Hospital and medical service corporation contract;	
4	(5) Fraternal benefit society; or	
5	(6) Health maintenance organization contract.	
6	(d) This section does not prevent an agency or a political subdivision	
7	described in subsection (b) of this section or an agency-authorized vendor or	
8	political subdivision-authorized vendor from entering into an agreement with	
9	a health care provider for a health care service at terms, conditions, and	
10	amounts that are different than the medicaid rate.	
11	(e) With the assistance of the Department of Human Services, an agency	
12	or political subdivision described in subsection (b) of this section shall	
13	determine the amount payable for a health care service provided to the person	
14	in custody and communicate that determination along with the remittance	
15	advice and payment for the services provided.	
16	(f) This section does not create a duty on the part of a health care	
17	provider to render a health care service to a person in the custody of an	
18	agency or political subdivision described in subsection (b) of this section.	
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20	/s/Luker	
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