

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

SENATE BILL 925

5 By: Senator M. Lamoureux
6

For An Act To Be Entitled

8 AN ACT TO PROVIDE PROTECTION FOR THE DUE PROCESS
9 RIGHTS OF MEDICAID PROVIDERS; TO DECLARE AN
10 EMERGENCY; AND FOR OTHER PURPOSES.
11

Subtitle

12
13
14 AN ACT TO PROVIDE PROTECTION FOR THE DUE
15 PROCESS RIGHTS OF MEDICAID PROVIDERS AND
16 TO DECLARE AN EMERGENCY.
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code Title 20, Chapter 77, Subchapter 1 is amended
22 add an additional section to read as follows:

23 20-77-125. Due process rights of Medicaid providers.

24 The circuit courts of this state shall have jurisdiction to grant
25 injunctive relief to Medicaid providers against whom enforcement actions are
26 taken by any division of the Department of Human Services, pending resolution
27 of the administrative appeals process, upon a showing that the absence of
28 injunctive relief could cause irreparable harm to the Medicaid provider.
29

30 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
31 General Assembly of the State of Arkansas that Medicaid providers have been
32 denied due process by being denied access to justice through injunctive
33 relief pending resolution of administrative hearings, which have denied
34 access to meaningful review of issues presented, adversely affecting the
35 delivery of critical health care services to the state's most needy citizens.
36 Therefore, an emergency is declared to exist and this act being immediately



1 necessary for the preservation of the public peace, health, and safety shall
2 become effective on:

3 (1) The date of its approval by the Governor;

4 (2) If the bill is neither approved nor vetoed by the Governor,
5 the expiration of the period of time during which the Governor may veto the
6 bill; or

7 (3) If the bill is vetoed by the Governor and the veto is
8 overridden, the date the last house overrides the veto.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36