

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

*As Engrossed: H3/19/13*

# A Bill

HOUSE BILL 1497

5 By: Representative H. Wilkins  
6

## For An Act To Be Entitled

8 AN ACT TO CHANGE THE NAME OF THE DIVISION OF MENTAL  
9 HEALTH SERVICES OF THE DEPARTMENT OF HUMAN SERVICES  
10 *TO THE DIVISION OF BEHAVIORAL HEALTH SERVICES; AND*  
11 *FOR OTHER PURPOSES.*  
12  
13

## Subtitle

14 TO CHANGE THE NAME OF THE DIVISION OF  
15 MENTAL HEALTH SERVICES OF THE DEPARTMENT  
16 OF HUMAN SERVICES TO THE DIVISION OF  
17 *BEHAVIORAL HEALTH SERVICES.*  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 *SECTION 1. Arkansas Code § 9-32-202 is amended to read as follows:*  
24 *9-32-202. Legislative findings.*

25 *To enhance the public's access to child welfare program performance*  
26 *indicators, to raise the public's awareness of the child welfare program's*  
27 *client outcomes, to enable the General Assembly to monitor and assess the*  
28 *performance of the Division of Children and Family Services of the Department*  
29 *of Human Services, Division of ~~Mental~~ Behavioral Health Services of the*  
30 *Department of Human Services, and Division of Youth Services of the*  
31 *Department of Human Services, and to specifically monitor the compliance of*  
32 *the Division of Children and Family Services with court-ordered settlement*  
33 *agreements and compliance with state and federal regulations, the General*  
34 *Assembly finds that special and extraordinary provisions for legislative*  
35 *oversight of the child welfare system should be established.*  
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1           SECTION 2. Arkansas Code § 9-32-205(a), concerning annual performance  
2 audits of the child welfare program, is amended to read as follows:

3           (a) The Senate Interim Committee on Children and Youth shall conduct  
4 annual performance audits of the Division of Youth Services of the Department  
5 of Human Services, the Division of ~~Mental~~ Behavioral Health Services of the  
6 Department of Human Services, and the Division of Children and Family  
7 Services of the Department of Human Services.

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9           SECTION 3. Arkansas Code § 9-32-205(c), concerning annual performance  
10 audits of the child welfare program, is amended to read as follows:

11           (c) The performance audits shall contain, but not be limited to, a  
12 complete assessment of the compliance of the Division of Youth Services, the  
13 Division of ~~Mental~~ Behavioral Health Services, and the Division of Children  
14 and Family Services with state and federal regulations and with the terms and  
15 conditions of the court-ordered settlement agreement.

16  
17           SECTION 4. Arkansas Code § 9-32-206 is amended to read as follows:  
18 9-32-206. Provision of information and assistance.

19           (a) The Division of Youth Services of the Department of Human  
20 Services, the Division of ~~Mental~~ Behavioral Health Services of the Department  
21 of Human Services, and the Division of Children and Family Services of the  
22 Department of Human Services shall make available to the Senate Interim  
23 Committee on Children and Youth a list of all reports the unit submits to the  
24 Director of the Department of Human Services.

25           (b) Under the direction of the director, the Division of Youth  
26 Services, the Division of ~~Mental~~ Behavioral Health Services, and the Division  
27 of Children and Family Services shall work cooperatively with and provide any  
28 necessary assistance to the Senate Interim Committee on Children and Youth.

29           (c) Notwithstanding any agency rules or regulations to the contrary,  
30 the Division of Youth Services, the Division of ~~Mental~~ Behavioral Health  
31 Services, and the Division of Children and Family Services shall furnish  
32 information to members of the General Assembly, legislative staff, or  
33 legislative committees immediately upon request.

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35           SECTION 5. Arkansas Code § 10-3-2302(b)(7), concerning the membership  
36 of the Arkansas Legislative Task Force on Abused and Neglected Children, is

1 amended to read as follows:

2 (7) The Director of the Division of ~~Mental~~ Behavioral Health  
3 Services of the Department of Human Services or the director's designee;

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5 SECTION 6. Arkansas Code § 16-86-104(a), concerning admission to the  
6 State Hospital, is amended to read as follows:

7 (a) If the Director of the Division of ~~Mental~~ Behavioral Health  
8 Services of the Department of ~~Health and~~ Human Services determines that a  
9 defendant should be admitted to the Arkansas State Hospital for examination  
10 and observation, the defendant shall be committed to the Arkansas State  
11 Hospital for a period not exceeding one (1) month or until a time as the  
12 Director of the Division of ~~Mental~~ Behavioral Health Services believes is  
13 necessary for the examination and observation of the defendant.

14  
15 SECTION 7. Arkansas Code § 20-46-301(a), concerning the authority of  
16 the Department of Human Services to create the Division of Mental Health  
17 Services, is amended to read as follows:

18 (a) The Department of Human Services shall have the authority and  
19 power to create and maintain a Division of ~~Mental~~ Behavioral Health Services  
20 and to provide services for community mental health clinics and centers,  
21 which shall be administered through such divisions, offices, sections, or  
22 units of the department as may be determined by the Director of the  
23 Department of Human Services.

24  
25 SECTION 8. Arkansas Code § 20-46-304(a), concerning minimum standards  
26 for mental health services, is amended to read as follows:

27 (a)(1) The Division of ~~Mental~~ Behavioral Health Services, shall adopt  
28 appropriate minimum standards of performance in the delivery of mental health  
29 services by community mental health centers.

30 (2) The standards shall include professional standards and  
31 accounting, statistical, and auditing standards.

32  
33 SECTION 9. Arkansas Code § 20-46-306(a), concerning minimum standards  
34 for purchasing procedures for community mental health centers, is amended to  
35 read as follows:

36 (a) The minimum standards prescribed by the Division of ~~Mental~~

1 Behavioral Health Services for purchases by community mental health centers  
2 shall, so far as practicable, be comparable to the limits set for small  
3 purchases pursuant to the purchasing procedures established by the State  
4 Procurement Director and shall require ~~competitive~~ competitive bidding for  
5 purchases exceeding those limits.

6  
7 SECTION 10. Arkansas Code § 20-46-307(a), concerning minimum standards  
8 for records of purchases and service contracts for community mental health  
9 centers, is amended to read as follows:

10 (a) The minimum purchasing standards and procedures prescribed by the  
11 Division of ~~Mental~~ Behavioral Health Services for community mental health  
12 centers shall not require preaudit or prepurchase approval by the state of  
13 purchases made by the centers but shall require all centers to maintain  
14 complete records regarding all such purchases and all professional services  
15 contracts entered into by the respective centers for a period of at least two  
16 (2) years and shall provide that the records shall be open for public  
17 inspection during that period.

18  
19 SECTION 11. Arkansas Code § 20-46-308(a), concerning minimum standards  
20 for periodic audits of community mental health centers, is amended to read as  
21 follows:

22 (a)(1) Each community mental health center shall undergo a periodic  
23 audit as may be required by the Division of ~~Mental~~ Behavioral Health  
24 Services.

25 (2) Each audit shall reflect the compliance or noncompliance  
26 with the provisions of §§ 20-46-304 – 20-46-308.

27  
28 SECTION 12. Arkansas Code § 20-46-315 is amended to read as follows:  
29 20-46-315. Transfer of state's matching share.

30 The Division of ~~Mental~~ Behavioral Health Services is authorized to  
31 retain and transfer to the Department of Human Services that portion of each  
32 community mental health center's or clinic's allotment which is required for  
33 the state's matching share for payment to community mental health centers or  
34 clinics for services eligible for federal reimbursement under the programs  
35 administered by the department.

36

1           SECTION 13. Arkansas Code §§ 20-46-501 through 20-46-505 are amended  
2 to read as follows:

3           20-46-501. Purpose.

4           The purpose of this subchapter is to enable the Division of ~~Mental~~  
5 Behavioral Health Services to provide intensive residential treatment for  
6 adults with long-term severe mental illness within specialized mental health  
7 residential settings.

8  
9           20-46-502. Definitions.

10          As used in this subchapter, unless the context otherwise requires:

11           (1)(A) "Adults with long-term severe mental illness" means a  
12 person, eighteen (18) years of age or over, who meets criteria for service  
13 eligibility as defined by the Division of ~~Mental~~ Behavioral Health Services.

14           (B) Individuals whose sole disability results from  
15 alcoholism, drug abuse, or mental retardation are excluded from this  
16 definition; and

17           (2)(A) "Intensive residential treatment program" means a  
18 nonhospital establishment with permanent facilities which provides a twenty-  
19 four-hour program of care by qualified therapists, including, but not limited  
20 to, licensed mental health professionals, psychiatrists, psychologists,  
21 psychotherapists, and licensed certified social workers for adults who have  
22 severe long-term mental illness but who are not in an acute phase of illness  
23 requiring the services of a psychiatric hospital, and who are in need of  
24 supervision or restorative treatment services.

25           (B) An establishment furnishing primarily domiciliary care  
26 is not within this definition.

27  
28           20-46-503. Authority to establish program.

29           The Division of ~~Mental~~ Behavioral Health Services is authorized to  
30 establish and maintain in a specialized mental health setting a program to  
31 provide intensive residential treatment for adults with long-term severe  
32 mental illness.

33  
34           20-46-504. Rules and regulations.

35           (a) The Division of ~~Mental~~ Behavioral Health Services shall adopt,  
36 promulgate, and enforce the rules, regulations, and standards that may be

1 necessary for the accomplishment of this subchapter.

2 (b) The rules, regulations, and standards shall be modified, amended,  
3 or rescinded from time to time by the division as may be in the public  
4 interest.

5  
6 20-46-505. Procedures.

7 The Division of ~~Mental~~ Behavioral Health Services shall follow the  
8 procedures prescribed for adjudication in the Arkansas Administrative  
9 Procedure Act, § 25-15-201 et seq., in exercising any power authorized by  
10 this subchapter.

11  
12 SECTION 14. Arkansas Code § 20-47-201(a), concerning the purpose for  
13 the Division of Mental Health Services, is amended to read as follows:

14 (a) The purpose of this subchapter is to enable the Division of ~~Mental~~  
15 Behavioral Health Services to assist in:

16 (1) Establishing, maintaining, and coordinating a comprehensive  
17 and effective system of services for persons with mental illness, disease, or  
18 disorder who may be voluntarily or involuntarily admitted to mental health  
19 facilities and programs within the state;

20 (2) Reducing the occurrence, severity, and duration of mental  
21 disabilities; and

22 (3) Preventing persons with mental illness from harming  
23 themselves or others.

24  
25 SECTION 15. Arkansas Code § 20-47-228(a), concerning assurance of  
26 compliance through visits and investigations, is amended to read as follows:

27 (a) To assure compliance under this subchapter, the Division of ~~Mental~~  
28 Behavioral Health Services, through its authorized agents, may visit or  
29 investigate any state mental health system program or facility to which  
30 persons are voluntarily or involuntarily admitted under this subchapter.

31  
32 SECTION 16. Arkansas Code § 20-50-102(a), concerning the compact  
33 administrator for the Interstate Compact on Mental Health, is amended to read  
34 as follows:

35 (a) Pursuant to this compact, the Director of the Division of ~~Mental~~  
36 Behavioral Health Services of the Department of Human Services, or his

1 *designee, shall be the compact administrator and, acting jointly with like*  
2 *officers of other party states, shall have power to promulgate rules and*  
3 *regulations to carry out more effectively the terms of the compact.*  
4

5 *SECTION 17. Arkansas Code § 23-86-113(a), concerning minimum benefits*  
6 *for mental illness in group accident and health policies or subscriber's*  
7 *contracts, is amended to read as follows:*

8 *(a) Unless refused in writing, every group accident and health policy*  
9 *or group contract of hospital and medical service corporations issued or*  
10 *renewed after July 1, 1983, providing hospitalization or medical benefits to*  
11 *Arkansas residents for conditions arising from mental illness shall provide*  
12 *the following minimum benefits on and after July 1, 1983:*

13 *(1) In the case of benefits based upon confinement as an*  
14 *inpatient in a hospital, psychiatric hospital, or outpatient psychiatric*  
15 *center licensed by the Department of Health or a community mental health*  
16 *center certified by the Division of ~~Mental~~ Behavioral Health Services of the*  
17 *Department of Human Services, the benefits shall be as defined in subsection*  
18 *(b) of this section;*

19 *(2)(A) In the case of benefits provided for partial*  
20 *hospitalization in a hospital, psychiatric hospital, or outpatient*  
21 *psychiatric center licensed by the Department of Health or a community mental*  
22 *health center certified by the Division of ~~Mental~~ Behavioral Health Services*  
23 *of the Department of Human Services as defined in subsection (b) of this*  
24 *section.*

25 *(B) For the purpose of this section, "partial*  
26 *hospitalization" means continuous treatment for at least four (4) hours, but*  
27 *not more than sixteen (16) hours in any twenty-four-hour period; and*

28 *(3) In the case of outpatient benefits, the benefits shall cover*  
29 *services furnished by:*

30 *(A) A hospital, a psychiatric hospital, or an outpatient*  
31 *psychiatric center licensed by the Department of Health;*

32 *(B) A physician licensed under the Arkansas Medical*  
33 *Practices Act, §§ 17-95-201 et seq., 17-95-301 et seq., and 17-95-401 et*  
34 *seq.;*

35 *(C) A psychologist licensed under § 17-97-201 et seq.; or*

36 *(D) A community mental health center or other mental*

1 health clinic certified by the Division of ~~Mental~~ Behavioral Health Services  
2 of the Department of Human Services to furnish mental health services as  
3 defined in subsection (b) of this section.

4  
5 SECTION 18. Arkansas Code § 25-10-102(a)(3), concerning the  
6 organization of the Department of Human Services, is amended to read as  
7 follows:

8 (3) A Division of Behavioral Health Services, which shall include  
9 community mental health centers, and state hospitals, ~~and the Office of~~  
10 ~~Alcohol and Drug Abuse Prevention~~;

11  
12 SECTION 19. Arkansas Code § 25-10-120(a) and (a)(1), concerning the  
13 Research and Training Institute for the Division of Mental Health Services,  
14 is amended to read as follows:

15 (a) The Research and Training Institute is authorized to seek, accept,  
16 and administer public or private funds, consisting of donations, federal and  
17 state grants, aids, contracts, reimbursements, cash donations, or state  
18 general revenue to accomplish its purposes. The institute is intended to:

19 (1) Promote recruitment and retention of highly qualified  
20 professionals at programs operated or certified by the Division of ~~Mental~~  
21 Behavioral Health Services of the Department of Human Services, community  
22 mental health center programs, and other public sector mental health programs  
23 in Arkansas;

24  
25 SECTION 20. Arkansas Code § 25-10-120(b)(4), concerning a student loan  
26 program under the Director of the Division of Mental Health Services, is  
27 amended to read as follows:

28 (4) Establish a student loan program in accordance with  
29 procedures established by the Chief Fiscal Officer of the State, when the  
30 Director of the Division of ~~Mental~~ Behavioral Health Services has determined  
31 a shortage of such professionals exists.

32  
33 SECTION 21. Arkansas Code § 25-10-122(a), concerning creation of the  
34 Office of Minority Mental Health, is amended to read as follows:

35 (a) There is created an Office of Minority Mental Health within the  
36 Division of ~~Mental Services~~ Behavioral Health Services of the Department of



1 *Human Services.*

2

3 *SECTION 22. Arkansas Code § 25-10-123 is amended to read as follows:*

4 *25-10-123. Programs and policies – Development.*

5 *The Office of Minority Mental Health within the Division of ~~Mental~~*  
6 *Behavioral Health Services of the Department of Human Services shall develop*  
7 *programs and policies concerning the following:*

8 *(1) Providing culturally relevant mental health services to*  
9 *minority mentally ill people;*

10 *(2) Improving the availability and accessibility of mental*  
11 *health services to minority long-term mentally ill;*

12 *(3) Educating minority mentally ill about their illness;*

13 *(4) Providing minority families with education on mental*  
14 *illness; and*

15 *(5) Providing accessible educational training within the mental*  
16 *health setting and the minority community.*

17

18 *SECTION 23. Arkansas Code § 25-10-124(a), concerning the*  
19 *administration of state or federal funds by the Office of Minority Mental*  
20 *Health, is amended to read as follows:*

21 *(a) The Office of Minority Mental Health within the Division of ~~Mental~~*  
22 *Behavioral Health Services of the Department of Human Services is the*  
23 *authorized state agency to accept, receive, retain, and administer any state*  
24 *or federal funds relating to minority mental health.*

25

26 *SECTION 24. Arkansas Code § 25-10-133(a)(1), concerning transfer of*  
27 *personnel positions and appropriations of the Division of Mental Health*  
28 *Services, is amended to read as follows:*

29 *(a)(1) Personnel positions and appropriations provided for all*  
30 *programs of the Division of ~~Mental~~ Behavioral Health Services of the*  
31 *Department of Human Services may be reallocated when such actions are*  
32 *determined necessary to assure continued delivery of satisfactory levels of*  
33 *services in any of the several programs administered by the division."*

34

35 *SECTION 25. DO NOT CODIFY. The Arkansas Code Revision Commission*  
36 *shall make appropriate name changes in the Arkansas Code to implement the*

1 name change under Section 18 of this act.

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/s/H. Wilkins