

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

# A Bill

HOUSE BILL 1749

5 By: Representatives Miller, Love, Farrer, J. Mayberry, Scott  
6

## For An Act To Be Entitled

8 AN ACT TO REDESIGN CURRENT HOME AND COMMUNITY-BASED  
9 SERVICE PROGRAMS; TO ESTABLISH THE ARKANSAS COMMUNITY  
10 FIRST CHOICE PROGRAM; TO DECLARE AN EMERGENCY; AND  
11 FOR OTHER PURPOSES.  
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## Subtitle

14 TO REDESIGN CURRENT HOME AND COMMUNITY-  
15 BASED SERVICE PROGRAMS; TO ESTABLISH THE  
16 ARKANSAS COMMUNITY FIRST CHOICE PROGRAM;  
17 AND TO DECLARE AN EMERGENCY.  
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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 Title 20, Chapter 77, Subchapter 1, is  
24 amended to add an additional section to read as follows:

25 20-77-131. Arkansas Community First Choice Program.

26 (a)(1) The Department of Human Services, in consultation with the  
27 Arkansas Health Reform Legislative Task Force, shall redesign the current  
28 programs that offer home and community-based services, including without  
29 limitation ElderChoices, Assisted Living, and Alternatives for Adults with  
30 Physical Disabilities Waiver, and Alternative Community Services Waiver, also  
31 known as the Developmental Disabilities Waiver.

32 (2) The department shall establish and implement the Arkansas  
33 Community First Choice Program to offer home and community-based services.

34 (3) The current programs shall transition to the Arkansas  
35 Community First Choice Program as authorized under 42 U.S.C. § 1396n(k) and  
36 42 C.F.R. § 441.500 et seq., as it existed on January 1, 2015.



1       (b) The department shall submit and apply for any federal waivers or  
 2 state plan amendments necessary to implement the redesigned program.

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 4       SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
 5 General Assembly of the State of Arkansas that thousands of citizens of  
 6 Arkansas are on a waiting list to receive home and community-based services  
 7 that they need to maintain quality of life; that the present programs within  
 8 the Arkansas Medicaid Program offering home and community-based services are  
 9 difficult to navigate for individuals with disabilities and their families;  
 10 that the Arkansas Community First Choice Program will remove the waiting list  
 11 and allow more individuals access to home and community-based services  
 12 through a no-wrong-door program; and that this act is immediately necessary  
 13 to ensure the health and safety of the individuals with disabilities in the  
 14 state of Arkansas. Therefore, an emergency is declared to exist, and this act  
 15 being immediately necessary for the preservation of the public peace, health,  
 16 and safety shall become effective on:

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

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

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