1	State of Arkansas	As Engrossed: \$3/12/15	
2	90th General Assembly	A Bill	
3	Regular Session, 2015		SENATE BILL 273
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5	By: Senator Irvin		
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7		For An Act To Be Entitled	
8	AN ACT TO ENSURE THE PROVISION OF INDIVIDUALIZED CARE		
9	IN THE PROGRAM FOR INDIGENT MEDICAL CARE; AND FOR		
10	OTHER PURPOSES.		
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13		Subtitle	
14	TO EN	SURE THE PROVISION OF INDIVIDUAL	IZED
15	CARE	IN THE PROGRAM FOR INDIGENT MEDI	CAL
16	CARE.		
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18			
19	BE IT ENACTED BY THE G	ENERAL ASSEMBLY OF THE STATE OF A	ARKANSAS:
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21	SECTION 1. Arkan	nsas Code § 20-77-107, concernin	g the program for
22	indigent medical care and the rules and regulations of the program, is		
23	amended to add addition	nal subsections to read as follo	WS:
24	<u>(g)(l) The depar</u>	rtment shall be prohibited from	employing a model of
25	<u>reimbursement to provi</u>	ders, whether referred to as "ep	isodes of care" or any
26	other description, that	<u>t:</u>	
27	<u>(A)</u>	Limits reimbursements to a pred	etermined aggregate
28	amount based solely upo	on the diagnosis of the benefici	aries comprising the
29	aggregate ;		
30	<u>(B)</u>	Pays a claim on any basis other	than a predetermined
31	unit rate of reimburser	ment for care deemed medically n	ecessary by medical
32	personnel, which is actually rendered to an individual beneficiary and		
33	properly documented; or	<u>r</u>	
34		Affects a recovery or recoupmen	t by any means other
35	than that which is peri	mitted in this section.	
36	<u>(2) This s</u>	subsection does not preclude:	

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1	(A) Reimbursement to a residential care facility or			
2	assisted living facility for Medicaid personal care using the tiered multi-			
3	hour daily service rate;			
4	(B) Reimbursement for services provided by Program of All-			
5	Inclusive Care for the Elderly organizations, also known as PACE			
6	organizations, using a capitated rate; or			
7	(C) Reimbursement methodologies negotiated between			
8	providers and the Division of Aging and Adult Services of the Department of			
9	Human Services for home and community based services including without			
10	limitation the ElderChoices waiver, the Alternatives for Adults with Physical			
11	Disabilities waiver, Independent Choices waiver, Personal Care programs,			
12	assisted living programs, and any successors to these programs.			
13	(h) The department shall not recover, recoup, or withhold any portion			
14	of the reimbursement provided for service rendered in the indigent medical			
15	program unless the department provides, with respect to each claim for which			
16	recovery, recoupment, or withholding is sought, a particularized finding			
17	<u>that:</u>			
18	(1) The claim or service provided was fraudulent;			
19	(2) The provision of services or documentation of services were			
20	not in compliance with rules of the department; or			
21	(3) The services were not medically necessary, subject to § 20-			
22	<u>77-1701 et seq.</u>			
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24	/s/Irvin			
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