

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

A Bill

SENATE BILL 312

4
5 By: Senator A. Clark
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For An Act To Be Entitled

8 AN ACT TO END ENROLLMENT IN THE HEALTH CARE
9 INDEPENDENCE PROGRAM; TO TERMINATE COVERAGE UNDER THE
10 HEALTH CARE INDEPENDENCE PROGRAM ON DECEMBER 31,
11 2016; TO RESTORE MEDICAID WAIVER PROGRAMS PREVIOUSLY
12 ENDED DUE TO THE HEALTH CARE INDEPENDENCE PROGRAM; TO
13 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.
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Subtitle

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16 TO END ENROLLMENT IN THE HEALTH CARE
17 INDEPENDENCE PROGRAM; TO RESTORE MEDICAID
18 WAIVER PROGRAMS PREVIOUSLY ENDED DUE TO
19 THE HEALTH CARE INDEPENDENCE PROGRAM; AND
20 TO DECLARE AN EMERGENCY.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. TEMPORARY LANGUAGE. DO NOT CODIFY. Health Care
27 Independence Program Enrollment Termination – Restoration of Previous
28 Medicaid Waiver Programs.

29 (a)(1) Except as provided in subdivision (a)(2) of this section, on
30 and after December 31, 2016, the Department of Human Services shall terminate
31 services, coverage, or premium assistance to persons enrolled in the Health
32 Care Independence Program.

33 (2) Subdivision (a)(1) of this section does not prohibit the
34 payment of expenses incurred before December 31, 2016, by persons
35 participating in the program who were determined to be more effectively
36 covered through the traditional Arkansas Medicaid Program.



1 (3) A person enrolled in the Health Care Independence Program
2 shall continue to receive coverage under the traditional Medicaid program if
3 the person was previously eligible for the traditional Medicaid program or a
4 Medicaid waiver program in this state before October 1, 2013.

5 (b) The department shall not accept applications submitted ten (10)
6 days after the effective date of this act for enrollment into the Arkansas
7 Health Care Independence Program established by the Health Care Independence
8 Act of 2013, §§ 20-77-2401 et seq.

9 (c) The department shall submit and seek approval for appropriate
10 state plan amendments or federal waivers, or both, to eliminate the
11 eligibility for qualified family members and individuals as described under
12 42 C.F.R. § 435.119, as it existed on January 1, 2015.

13 (d) Subject to the approval of the General Assembly and the Governor,
14 the department may seek approval for appropriate state plan amendments or
15 federal waivers, or both, to restore Medicaid programs that were ended due to
16 the implementation of the Health Care Independence Program.

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18 SECTION 2. TEMPORARY LANGUAGE. DO NOT CODIFY. Health Care
19 Independence Program Enrollment Freeze.

20 (a) It is the intent of the General Assembly that:

21 (1) Individuals are not suddenly without insurance coverage
22 after receiving insurance coverage; and

23 (2) The state does not enroll additional individuals in the last
24 year of the Health Care Independence Program only to remove the insurance
25 coverage and leave individuals without insurance coverage.

26 (b) The Department of Human Services shall submit and seek approval
27 for appropriate state plan amendments or federal waivers, or both, to ensure
28 that a freeze on enrollment in the Health Care Independence Program
29 established by the Health Care Independence Act of 2013, § 20-77-2401 et
30 seq., is effective on and after December 31, 2015.

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32 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
33 General Assembly of the State of Arkansas that the Health Care Independence
34 Program, as implemented, is not consistent with the intent of the General
35 Assembly and does not best serve the citizens of Arkansas; that the citizens
36 of Arkansas and private insurance companies need immediate direction about

1 the law creating the Health Care Independence Program before investing time,
2 funds, personnel, and other resources in the Health Care Independence
3 Program; and that this act is necessary because now is the optimal time to
4 end the Health Care Independence Program before further funds are expended.
5 Therefore, an emergency is declared to exist, and this act being immediately
6 necessary for the preservation of the public peace, health, and safety shall
7 become effective on:

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

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

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

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