

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

HOUSE BILL 1284

5 By: Joint Budget Committee  
6

## For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR MEDICAID  
9 EXPANSION PROGRAM FOR THE DEPARTMENT OF HUMAN  
10 SERVICES FOR THE FISCAL YEAR ENDING JUNE 30, 2018;  
11 AND FOR OTHER PURPOSES.  
12  
13

## Subtitle

14 AN ACT FOR THE DEPARTMENT OF HUMAN  
15 SERVICES - MEDICAID EXPANSION PROGRAM  
16 APPROPRIATION FOR THE 2017-2018 FISCAL  
17 YEAR.  
18  
19  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. REGULAR SALARIES - COUNTY OPERATIONS - MEDICAID EXPANSION  
24 PROGRAM. There is hereby established for the Department of Human Services -  
25 Division of County Operations - Medicaid Expansion Program for the 2017-2018  
26 fiscal year, the following maximum number of regular employees.  
27

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2017-2018
32	(1) G129C	DHS/DCO PROGRAM MANAGER	1	GRADE C120
33	(2) M037C	PROGRAM ELIGIBILITY SUPERVISOR	7	GRADE C117
34	(3) M066C	PROGRAM ELIGIBILITY SPECIALIST	44	GRADE C114
35	(4) C062C	LOCAL OFFICE ADMIN ASSISTANT	8	GRADE C110
36	MAX. NO. OF EMPLOYEES		60	



SECTION 2. REGULAR SALARIES - MEDICAL SERVICES - MEDICAID EXPANSION PROGRAM. There is hereby established for the Department of Human Services - Division of Medical Services - Medicaid Expansion Program for the 2017-2018 fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2017-2018
(1)	G152C	DHS PROGRAM MANAGER	1	GRADE C119
(2)	G178C	POLICY DEVELOPMENT COORDINATOR	<u>1</u>	GRADE C117
		MAX. NO. OF EMPLOYEES	2	

SECTION 3. APPROPRIATION - COUNTY OPERATIONS - MEDICAID EXPANSION PROGRAM. There is hereby appropriated, to the Department of Human Services - Division of County Operations, to be payable from the Medicaid Expansion Program Account, for personal services and operating expenses of the Department of Human Services - Division of County Operations - Medicaid Expansion Program for the fiscal year ending June 30, 2018, the following:

ITEM NO.	FISCAL YEAR 2017-2018
(01) REGULAR SALARIES	\$1,763,826
(02) PERSONAL SERVICES MATCHING	716,377
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	295,795
(B) CONF. & TRAVEL	0
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(04) DATA PROCESSING SERVICES	<u>50,000</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$2,825,998</u></u>

SECTION 4. APPROPRIATION - MEDICAL SERVICES - MEDICAID EXPANSION PROGRAM. There is hereby appropriated, to the Department of Human Services - Division of Medical Services, to be payable from the Medicaid Expansion

1 Program Account, for personal services and operating expenses of the  
 2 Department of Human Services - Division of Medical Services - Medicaid  
 3 Expansion Program for the fiscal year ending June 30, 2018, the following:  
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5 ITEM	FISCAL YEAR
6 <u>NO.</u>	<u>2017-2018</u>
7 (01) REGULAR SALARIES	\$72,645
8 (02) PERSONAL SERVICES MATCHING	27,128
9 (03) MAINT. & GEN. OPERATION	
10 (A) OPER. EXPENSE	12,369
11 (B) CONF. & TRAVEL	2,000
12 (C) PROF. FEES	0
13 (D) CAP. OUTLAY	<u>0</u>
14 TOTAL AMOUNT APPROPRIATED	<u><u>\$114,142</u></u>

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 16 SECTION 5. APPROPRIATION - MEDICAL SERVICES - MEDICAID EXPANSION  
 17 PROGRAM GRANTS. There is hereby appropriated, to the Department of Human  
 18 Services - Division of Medical Services, to be payable from the Medicaid  
 19 Expansion Program Account, for grant payments by the Department of Human  
 20 Services - Division of Medical Services - Medicaid Expansion Program Grants  
 21 for the fiscal year ending June 30, 2018, the following:  
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23 ITEM	FISCAL YEAR
24 <u>NO.</u>	<u>2017-2018</u>
25 (01) HOSPITAL AND MEDICAL SERVICES	\$42,510,440
26 (02) PRESCRIPTION DRUGS	<u>4,553,782</u>
27 TOTAL AMOUNT APPROPRIATED	<u><u>\$47,064,222</u></u>

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 29 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAID  
 31 EXPANSION PROGRAM - PAYING ACCOUNTS. The Medicaid Expansion Program as  
 32 established by Initiated Act 1 of 2000 shall be a separate and distinct  
 33 component embracing (1) expanded Medicaid coverage and benefits to pregnant  
 34 women; (2) expanded inpatient and outpatient hospital reimbursements and  
 35 benefits to adults aged nineteen (19) to sixty-four (64); (3) expanded non-  
 36 institutional coverage and benefits to adults aged 65 and over; and (4)

1 creation and provision of a limited benefit package to adults aged nineteen  
2 (19) to sixty-four (64), to be administered by the Department of Human  
3 Services. Separate Paying Accounts shall be established for the Medicaid  
4 Expansion Program as designated by the Chief Fiscal Officer of the State, to  
5 be used exclusively for the purpose of drawing down federal funds associated  
6 with the federal share of expenditures and for the state share of  
7 expenditures transferred from the Medicaid Expansion Program Account or for  
8 any other appropriate state match funds.

9 The provisions of this section shall be in effect only from July 1, ~~2016~~  
10 2017 through June 30, ~~2017~~ 2018.

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12 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ACCOUNTS.  
14 Such appropriations and fund accounts as may be necessary to administer the  
15 provisions of this act shall be established on the books of the Chief Fiscal  
16 Officer of the State, State Treasurer, and the Auditor of the State.

17 The provisions of this section shall be in effect only from July 1, ~~2016~~  
18 2017 through June 30, ~~2017~~ 2018.

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20 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

22 POSITIONS. (a) Nothing in this act shall be construed as a commitment of the  
23 State of Arkansas or any of its agencies or institutions to continue funding  
24 any position paid from the proceeds of the Tobacco Settlement in the event  
25 that Tobacco Settlement funds are not sufficient to finance the position.

26 (b) State funds will not be used to replace Tobacco Settlement funds when  
27 such funds expire, unless appropriated by the General Assembly and authorized  
28 by the Governor.

29 (c) A disclosure of the language contained in (a) and (b) of this Section  
30 shall be made available to all new hire and current positions paid from the  
31 proceeds of the Tobacco Settlement by the Tobacco Settlement Commission.

32 (d) Whenever applicable the information contained in (a) and (b) of this  
33 Section shall be included in the employee handbook and/or Professional  
34 Services Contract paid from the proceeds of the Tobacco Settlement.

35 The provisions of this section shall be in effect only from July 1, ~~2016~~  
36 2017 through June 30, ~~2017~~ 2018.

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2 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
4 RESTRICTIONS. The appropriations provided in this act shall not be  
5 transferred under the provisions of Arkansas Code 19-4-522, but only as  
6 provided by this act.

7 The provisions of this section shall be in effect only from July 1, ~~2016~~  
8 2017 through June 30, ~~2017~~ 2018.

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10 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFERS  
12 OF APPROPRIATIONS. In the event the amount of any of the budget  
13 classifications of maintenance and general operation in this act are found by  
14 the administrative head of the agency to be inadequate, then the agency head  
15 may request, upon forms provided for such purpose by the Chief Fiscal Officer  
16 of the State, a modification of the amounts of the budget classification. In  
17 that event, he shall set out on the forms the particular classifications for  
18 which he is requesting an increase or decrease, the amounts thereof, and his  
19 reasons therefor. In no event shall the total amount of the budget exceed  
20 either the amount of the appropriation or the amount of the funds available,  
21 nor shall any transfer be made from the capital outlay or data processing  
22 subclassifications unless specific authority for such transfers is provided  
23 by law, except for transfers from capital outlay to data processing when  
24 determined by the Department of Information Systems that data processing  
25 services for a state agency can be performed on a more cost-efficient basis  
26 by the Department of Information Systems than through the purchase of data  
27 processing equipment by that state agency. In considering the proposed  
28 modification as prepared and submitted by each state agency, the Chief Fiscal  
29 Officer of the State shall make such studies as he deems necessary. The Chief  
30 Fiscal Officer of the State shall, after obtaining the approval of the  
31 Legislative Council or Joint Budget Committee, approve the requested transfer  
32 if in his opinion it is in the best interest of the state.

33 Upon determination by the Director of the Department of Human Services  
34 that a Reallocation of Resources is necessary for the effective operation of  
35 the Medicaid Expansion Program Grants, the director, with the approval of the  
36 Governor, shall have the authority to request from the Chief Fiscal Officer

1 of the State a transfer of Appropriation. This transfer authority applies  
2 only to the Medicaid Expansion Program Grants appropriation section of this  
3 Act between the Hospital and Medical Services line item and the Prescription  
4 Drugs line item. The limitation restrictions applicable to the Department  
5 Reallocation of Resources authority applies to this section.

6 The General Assembly has determined that the agency in this act could be  
7 operated more efficiently if some flexibility is given to that agency and  
8 that flexibility is being accomplished by providing authority to transfer  
9 between certain items of appropriation made by this act. Since the General  
10 Assembly has granted the agency broad powers under the transfer of  
11 appropriations, it is both necessary and appropriate that the General  
12 Assembly maintain oversight of the utilization of the transfers by requiring  
13 prior approval of the Legislative Council or Joint Budget Committee in the  
14 utilization of the transfer authority. Therefore, the requirement of approval  
15 by the Legislative Council or Joint Budget Committee is not a severable part  
16 of this section. If the requirement of approval by the Legislative Council or  
17 Joint Budget Committee is ruled unconstitutional by a court of competent  
18 jurisdiction, this entire section is void.

19 The provisions of this section shall be in effect only from July 1, ~~2016~~  
20 2017 through June 30, ~~2017~~ 2018.

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22 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

24 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act  
25 shall be limited to the appropriation for such agency and funds made  
26 available by law for the support of such appropriations; and the restrictions  
27 of the State Purchasing Law, the General Accounting and Budgetary Procedures  
28 Law, the Regular Salary Procedures and Restrictions Act, or their successors,  
29 and other fiscal control laws of this State, where applicable, and  
30 regulations promulgated by the Department of Finance and Administration, as  
31 authorized by law, shall be strictly complied with in disbursement of said  
32 funds.

33 The provisions of this section shall be in effect only from July 1, ~~2016~~  
34 2017 through June 30, ~~2017~~ 2018.

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36 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

2 LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds  
3 disbursed under the authority of the appropriations contained in this act  
4 shall be in compliance with the stated reasons for which this act was  
5 adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests,  
6 Executive Recommendations and Legislative Recommendations contained in the  
7 budget manuals prepared by the Department of Finance and Administration,  
8 letters, or summarized oral testimony in the official minutes of the Arkansas  
9 Legislative Council or Joint Budget Committee which relate to its passage and  
10 adoption.

11 The provisions of this section shall be in effect only from July 1, ~~2016~~  
12 2017 through June 30, ~~2017~~ 2018.

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14 SECTION 13. EMERGENCY CLAUSE. It is found and determined by the  
15 General Assembly, that the Constitution of the State of Arkansas prohibits  
16 the appropriation of funds for more than a one (1) year period; that the  
17 effectiveness of this Act on July 1, 2017 is essential to the operation of  
18 the agency for which the appropriations in this Act are provided, and that in  
19 the event of an extension of the legislative session, the delay in the  
20 effective date of this Act beyond July 1, 2017 could work irreparable harm  
21 upon the proper administration and provision of essential governmental  
22 programs. Therefore, an emergency is hereby declared to exist and this Act  
23 being necessary for the immediate preservation of the public peace, health  
24 and safety shall be in full force and effect from and after July 1, 2017.