

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

As Engrossed: H3/14/17

A Bill

HOUSE BILL 1809

5 By: Representative Watson
6 *By: Senator D. Sanders*
7

For An Act To Be Entitled

9 AN ACT TO REFORM MEDICAID SERVICES FOR INDIVIDUALS
10 WITH DEVELOPMENTAL DISABILITIES; TO ACHIEVE SAVINGS
11 THROUGH SHARED STAFFING AND ANNUAL EVALUATIONS AND BY
12 PROHIBITING MID-YEAR PROVIDER CHANGES THAT INFLATE
13 PLAN AMOUNTS; TO DECLARE AN EMERGENCY; AND FOR OTHER
14 PURPOSES.

Subtitle

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18 TO REFORM MEDICAID SERVICES FOR
19 INDIVIDUALS WITH DEVELOPMENTAL
20 DISABILITIES; AND TO DECLARE AN
21 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. Arkansas Code § 20-48-1102, concerning the definitions
27 regarding managed expansion for child health management services, is amended
28 to add an additional subdivision to read as follows:

29 (10) "Day habilitation" means early intervention day treatment
30 services that include without limitation communication, motor, cognitive,
31 self-help and adaptive, and social and emotional developmental services
32 provided in a developmental day treatment clinic service program or a child
33 health management services program.
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35 SECTION 2. Arkansas Code Title 20, Chapter 48, Subchapter 11, is
36 amended to add additional sections to read as follows:



1 20-48-1109. Annual evaluation for eligibility for day habilitation
2 services.

3 (a)(1) A provider offering early intervention day treatment services
4 shall evaluate a child receiving the early intervention day treatment
5 services at least annually.

6 (2)(A) The evaluation shall consist of at least two (2) tests
7 approved by the Arkansas Medicaid Program.

8 (B) One (1) of the tests shall be a standardized norm-
9 referenced test.

10 (3)(A) The evaluation shall include a recommendation to the
11 physician of the child regarding the child's eligibility for day
12 habilitation.

13 (B)(i) Eligibility for day habilitation shall be met if:

14 (a) A child who is between the ages of zero
15 (0) and three (3) years scores a negative twenty-five percent (-25%) delay in
16 two (2) or more areas and the same deficit areas are confirmed by a second
17 test; or

18 (b) A child who is between the ages of three
19 (3) and five (5) years scores a negative two (-2) standard deviation in two
20 (2) or more areas and the same deficit areas are confirmed by a second test.

21 (ii) An intelligence quotient score is not a valid
22 indicator of eligibility for day habilitation.

23 (iii) If the results of the evaluation do not
24 support an eligibility for day habilitation, the Arkansas Medicaid Program
25 shall not pay for day habilitation within the early intervention day
26 treatment services received by the child.

27 (b) In conjunction with the Division of Developmental Disabilities
28 Services of the Department of Human Services, the Arkansas Medicaid Program
29 may adopt rules necessary to implement this section.

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31 20-48-1110. Staffing ratios and qualifications.

32 (a) The Department of Human Services shall equalize staffing ratios
33 and qualifications across early intervention day treatment services.

34 (b) The department may adopt rules necessary to implement this
35 section.

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1 SECTION 3. Arkansas Code Title 20, Chapter 48, is amended to add an
2 additional subchapter to read as follows:

3 Subchapter 12 – Home and Community-Based Services

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5 20-48-1201. Definition.

6 As used in this subchapter, "home and community-based services" means
7 services that assist an individual to remain within his or her home, which
8 may include without limitation:

9 (1) Supported living services;

10 (2) Supported employment services;

11 (3) Services related to a transition from an institution to a
12 community;

13 (4) Crisis intervention services;

14 (5) Consultation services; and

15 (6) Other services designated by the Arkansas Medicaid Program
16 or other federal law or regulations that authorized the program to offer home
17 and community-based services.

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19 20-48-1202. Limits on rate increases for mid-year provider changes.

20 The Department of Human Services shall not approve a rate increase in
21 an individual service plan during the plan year for home and community-based
22 services when an individual with developmental disabilities who receives home
23 and community-based services changes providers during the same plan year
24 without a material change in the level of need of the individual.

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26 20-48-1203. Shared staffing.

27 The Department of Human Services shall allow providers to use shared
28 staffing when providing home and community-based services unless the
29 individual receiving the services requires one-to-one staffing due to the
30 health or safety needs of the individual.

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32 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
33 General Assembly of the State of Arkansas that current funding allocations
34 for services to individuals with developmental disabilities are inadequate to
35 maintain adequate services and staffing needs; that requiring annual
36 evaluations for early intervention day treatment services, equalizing

1 staffing ratios and qualifications for early intervention day treatment
2 services, and prohibiting certain mid-year plan increases will provide
3 greater efficiency; and that this act is immediately necessary to maintain
4 adequate services and staffing to prevent individuals with developmental
5 disabilities from being required to leave their homes and be placed in
6 institutions. Therefore, an emergency is declared to exist, and this act
7 being immediately necessary for the preservation of the public peace, health,
8 and safety shall become effective on:

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

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

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

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16 */s/Watson*
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