

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

HOUSE BILL 1155

5 By: Joint Budget Committee  
6

## For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR THE MEDICAID  
9 EXPANSION PROGRAM FOR THE DEPARTMENT OF HUMAN  
10 SERVICES FOR THE FISCAL YEAR ENDING JUNE 30, 2020;  
11 AND FOR OTHER PURPOSES.  
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## Subtitle

14 AN ACT FOR THE DEPARTMENT OF HUMAN  
15 SERVICES - MEDICAID EXPANSION PROGRAM  
16 APPROPRIATION FOR THE 2019-2020 FISCAL  
17 YEAR.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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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 2019-2020  
26 fiscal year, the following maximum number of regular employees.  
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Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2019-2020
32	(1) M037C	PROGRAM ELIGIBILITY SUPERVISOR	5	GRADE GS07
33	(2) M066C	PROGRAM ELIGIBILITY SPECIALIST	30	GRADE GS06
34	(3) C062C	LOCAL OFFICE ADMINISTRATIVE ASST	<u>5</u>	GRADE GS03
35		MAX. NO. OF EMPLOYEES	40	



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 2019-2020 fiscal year, the following maximum number of regular employees.

Item	Class	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2019-2020
(1)	G152C DHS PROGRAM MANAGER	<u>1</u>	GRADE GS08
	MAX. NO. OF EMPLOYEES	1	

SECTION 3. REGULAR SALARIES - PROVIDER SERVICES AND QUALITY ASSURANCE - MEDICAID EXPANSION PROGRAM. There is hereby established for the Department of Human Services - Division of Provider Services and Quality Assurance - Medicaid Expansion Program for the 2019-2020 fiscal year, the following maximum number of regular employees.

Item	Class	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2019-2020
(1)	G129C DHS/DCO PROGRAM MANAGER	1	GRADE GS08
(2)	M037C PROGRAM ELIGIBILITY SUPERVISOR	2	GRADE GS07
(3)	M066C PROGRAM ELIGIBILITY SPECIALIST	14	GRADE GS06
(4)	C062C LOCAL OFFICE ADMINISTRATIVE ASST	<u>3</u>	GRADE GS03
	MAX. NO. OF EMPLOYEES	20	

SECTION 4. 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, 2020, the following:

ITEM FISCAL YEAR

1	<u>NO.</u>	<u>2019-2020</u>
2	(01) REGULAR SALARIES	\$1,463,880
3	(02) PERSONAL SERVICES MATCHING	545,033
4	(03) MAINT. & GEN. OPERATION	
5	(A) OPER. EXPENSE	197,197
6	(B) CONF. & TRAVEL	0
7	(C) PROF. FEES	0
8	(D) CAP. OUTLAY	0
9	(E) DATA PROC.	0
10	(04) DATA PROCESSING SERVICES	<u>50,000</u>
11	TOTAL AMOUNT APPROPRIATED	<u><u>\$2,256,110</u></u>

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13 SECTION 5. APPROPRIATION - MEDICAL SERVICES - MEDICAID EXPANSION  
 14 PROGRAM. There is hereby appropriated, to the Department of Human Services -  
 15 Division of Medical Services, to be payable from the Medicaid Expansion  
 16 Program Account, for personal services and operating expenses of the  
 17 Department of Human Services - Division of Medical Services - Medicaid  
 18 Expansion Program for the fiscal year ending June 30, 2020, the following:

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20	ITEM	FISCAL YEAR
21	<u>NO.</u>	<u>2019-2020</u>
22	(01) REGULAR SALARIES	\$47,069
23	(02) PERSONAL SERVICES MATCHING	16,082
24	(03) MAINT. & GEN. OPERATION	
25	(A) OPER. EXPENSE	12,369
26	(B) CONF. & TRAVEL	2,000
27	(C) PROF. FEES	0
28	(D) CAP. OUTLAY	0
29	(E) DATA PROC.	<u>0</u>
30	TOTAL AMOUNT APPROPRIATED	<u><u>\$77,520</u></u>

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32 SECTION 6. APPROPRIATION - MEDICAL SERVICES - MEDICAID EXPANSION  
 33 PROGRAM GRANTS. There is hereby appropriated, to the Department of Human  
 34 Services - Division of Medical Services, to be payable from the Medicaid  
 35 Expansion Program Account, for grant payments by the Department of Human  
 36 Services - Division of Medical Services - Medicaid Expansion Program Grants

1 for the fiscal year ending June 30, 2020, the following:

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3 ITEM	FISCAL YEAR
4 <u>NO.</u>	<u>2019-2020</u>
5 (01) HOSPITAL AND MEDICAL SERVICES	\$22,459,186
6 (02) PRESCRIPTION DRUGS	<u>8,983,674</u>
7 TOTAL AMOUNT APPROPRIATED	<u><u>\$31,442,860</u></u>

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9 SECTION 7. APPROPRIATION - PROVIDER SERVICES AND QUALITY ASSURANCE -

10 MEDICAID EXPANSION PROGRAM. There is hereby appropriated, to the Department  
 11 of Human Services - Division of Provider Services and Quality Assurance, to  
 12 be payable from the Medicaid Expansion Program Account, for personal services  
 13 and operating expenses of the Department of Human Services - Division of  
 14 Provider Services and Quality Assurance - Medicaid Expansion Program for the  
 15 fiscal year ending June 30, 2020, the following:

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17 ITEM	FISCAL YEAR
18 <u>NO.</u>	<u>2019-2020</u>
19 (01) REGULAR SALARIES	\$743,276
20 (02) PERSONAL SERVICES MATCHING	275,176
21 (03) MAINT. & GEN. OPERATION	
22 (A) OPER. EXPENSE	98,598
23 (B) CONF. & TRAVEL	0
24 (C) PROF. FEES	0
25 (D) CAP. OUTLAY	0
26 (E) DATA PROC.	<u>0</u>
27 TOTAL AMOUNT APPROPRIATED	<u><u>\$1,117,050</u></u>

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29 SECTION 8. 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 and enacted in the Tobacco Settlement  
 33 Proceeds Act shall be a separate and distinct component of the Arkansas  
 34 Medicaid Program, administered by the Department of Human Services and  
 35 established as set out in § 19-12-116(b)(1). Separate Paying Accounts shall  
 36 be established for the Medicaid Expansion Program as designated by the Chief

1 Fiscal Officer of the State, to be used exclusively for the purpose of  
2 drawing down federal funds associated with the federal share of expenditures  
3 and for the state share of expenditures transferred from the Medicaid  
4 Expansion Program Account or for any other appropriate state match funds.

5 The provisions of this section shall be in effect only from July 1, ~~2018~~  
6 2019 through June 30, ~~2019~~ 2020.

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8 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ACCOUNTS.  
10 Such appropriations and fund accounts as may be necessary to administer the  
11 provisions of this act shall be established on the books of the Chief Fiscal  
12 Officer of the State, State Treasurer, and the Auditor of the State.

13 The provisions of this section shall be in effect only from July 1, ~~2018~~  
14 2019 through June 30, ~~2019~~ 2020.

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16 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

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

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

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

31 The provisions of this section shall be in effect only from July 1, ~~2018~~  
32 2019 through June 30, ~~2019~~ 2020.

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34 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
36 RESTRICTIONS. The appropriations provided in this act shall not be

1 transferred under the provisions of Arkansas Code 19-4-522, but only as  
2 provided by this act.

3 The provisions of this section shall be in effect only from July 1, ~~2018~~  
4 2019 through June 30, ~~2019~~ 2020.

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

29 Upon determination by the Director of the Department of Human Services  
30 that a Reallocation of Resources is necessary for the effective operation of  
31 the Medicaid Expansion Program Grants, the director, with the approval of the  
32 Governor, shall have the authority to request from the Chief Fiscal Officer  
33 of the State a transfer of Appropriation. This transfer authority applies  
34 only to the Medicaid Expansion Program Grants appropriation section of this  
35 Act between the Hospital and Medical Services line item and the Prescription  
36 Drugs line item. The limitation restrictions applicable to the Department

1 Reallocation of Resources authority applies to this section.

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

15 The provisions of this section shall be in effect only from July 1, ~~2018~~  
16 2019 through June 30, ~~2019~~ 2020.

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18 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

29 The provisions of this section shall be in effect only from July 1, ~~2018~~  
30 2019 through June 30, ~~2019~~ 2020.

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32 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

34 LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds  
35 disbursed under the authority of the appropriations contained in this act  
36 shall be in compliance with the stated reasons for which this act was

1 adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests,  
 2 Executive Recommendations and Legislative Recommendations contained in the  
 3 budget manuals prepared by the Department of Finance and Administration,  
 4 letters, or summarized oral testimony in the official minutes of the Arkansas  
 5 Legislative Council or Joint Budget Committee which relate to its passage and  
 6 adoption.

7 The provisions of this section shall be in effect only from July 1, ~~2018~~  
 8 2019 through June 30, ~~2019~~ 2020.

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 10 SECTION 15. EMERGENCY CLAUSE. It is found and determined by the  
 11 General Assembly, that the Constitution of the State of Arkansas prohibits  
 12 the appropriation of funds for more than a one (1) year period; that the  
 13 effectiveness of this Act on July 1, 2019 is essential to the operation of  
 14 the agency for which the appropriations in this Act are provided, and that in  
 15 the event of an extension of the legislative session, the delay in the  
 16 effective date of this Act beyond July 1, 2019 could work irreparable harm  
 17 upon the proper administration and provision of essential governmental  
 18 programs. Therefore, an emergency is hereby declared to exist and this Act  
 19 being necessary for the immediate preservation of the public peace, health  
 20 and safety shall be in full force and effect from and after July 1, 2019.

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