

1 State of Arkansas
2 92nd General Assembly
3 Fiscal Session, 2020
4

A Bill

SENATE BILL 72

5 By: Joint Budget Committee
6

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
9 AND OPERATING EXPENSES FOR THE DEPARTMENT OF HUMAN
10 SERVICES - DIVISION OF MEDICAL SERVICES FOR THE
11 FISCAL YEAR ENDING JUNE 30, 2021; AND FOR OTHER
12 PURPOSES.
13
14

Subtitle

15 AN ACT FOR THE DEPARTMENT OF HUMAN
16 SERVICES - DIVISION OF MEDICAL SERVICES
17 APPROPRIATION FOR THE 2020-2021 FISCAL
18 YEAR.
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21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established
25 for the Department of Human Services - Division of Medical Services for the
26 2020-2021 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 2020-2021 |
|----------|------------|------------------------------------|--------------------------|--|
| 32 | (1) N027N | DHS DEPUTY DIRECTOR ADULT SERVICES | 1 | GRADE SE01 |
| 33 | (2) L016N | REGISTERED PHARMACIST | 4 | GRADE MP05 |
| 34 | (3) L009C | NURSE MANAGER | 1 | GRADE MP03 |
| 35 | (4) L020C | NURSING SERVICES UNIT MANAGER | 1 | GRADE MP02 |
| 36 | (5) L027C | REGISTERED NURSE SUPERVISOR | 3 | GRADE MP02 |



| | | | | |
|----|------|---|----------|------------|
| 1 | (6) | L038C REGISTERED NURSE | 9 | GRADE MP01 |
| 2 | (7) | D007C INFORMATION SYSTEMS MANAGER | 2 | GRADE IT08 |
| 3 | (8) | D030C INFORMATION SYSTEMS COORDINATOR | 1 | GRADE IT07 |
| 4 | (9) | D038C SENIOR SOFTWARE SUPPORT ANALYST | 1 | GRADE IT06 |
| 5 | (10) | D061C INFORMATION SYSTEMS COORDINATION SPEC | 2 | GRADE IT05 |
| 6 | (11) | D058C COMPUTER OPERATIONS COORDINATOR | 1 | GRADE IT04 |
| 7 | (12) | D068C INFORMATION SYSTEMS ANALYST | 2 | GRADE IT04 |
| 8 | (13) | N016N DHS DEP DIR ADMINISTRATIVE SVCS | 1 | GRADE GS15 |
| 9 | (14) | G286C DMS DEPUTY DIRECTOR | 1 | GRADE GS15 |
| 10 | (15) | N142N DHS/DAAS DEPUTY DIRECTOR | 1 | GRADE GS14 |
| 11 | (16) | N080N DHS/DMS ASSISTANT DIRECTOR - FISCAL | 1 | GRADE GS14 |
| 12 | (17) | A010C AGENCY CONTROLLER II | 1 | GRADE GS13 |
| 13 | (18) | A016C DHS DMS BUSINESS OPERATIONS MANAGER | 8 | GRADE GS12 |
| 14 | (19) | N167N DHS POLICY & RESEARCH DIRECTOR | 1 | GRADE GS12 |
| 15 | (20) | G076C ADMINISTRATIVE SERVICES MANAGER | 1 | GRADE GS10 |
| 16 | (21) | G073C ATTORNEY | 1 | GRADE GS10 |
| 17 | (22) | L010C DHS DMS MEDICAL ASSISTANCE MANAGER | 3 | GRADE GS10 |
| 18 | (23) | G099C DHS PROGRAM ADMINISTRATOR | 16 | GRADE GS09 |
| 19 | (24) | R021C BUDGET ANALYST | 1 | GRADE GS08 |
| 20 | (25) | G152C DHS PROGRAM MANAGER | 8 | GRADE GS08 |
| 21 | (26) | X067C HEALTH FACILITIES SURVEYOR | 1 | GRADE GS08 |
| 22 | (27) | A081C AUDITOR | 1 | GRADE GS07 |
| 23 | (28) | G183C DHS PROGRAM COORDINATOR | 7 | GRADE GS07 |
| 24 | (29) | M039C MEDICAID SERVICES SUPERVISOR | 1 | GRADE GS07 |
| 25 | (30) | P013C PUBLIC INFORMATION COORDINATOR | 1 | GRADE GS07 |
| 26 | (31) | C037C ADMINISTRATIVE ANALYST | 2 | GRADE GS06 |
| 27 | (32) | R027C BUDGET SPECIALIST | 2 | GRADE GS06 |
| 28 | (33) | G198C DHS/DAAS PROGRAM SPECIALIST | 1 | GRADE GS06 |
| 29 | (34) | G180C GRANTS ANALYST | 1 | GRADE GS06 |
| 30 | (35) | C013C MEDICAL SERVICES REPRESENTATIVE | 1 | GRADE GS06 |
| 31 | (36) | G178C POLICY DEVELOPMENT COORDINATOR | 2 | GRADE GS06 |
| 32 | (37) | C050C ADMINISTRATIVE SUPPORT SUPERVISOR | 1 | GRADE GS05 |
| 33 | (38) | L070C HEALTH CARE ANALYST | 8 | GRADE GS05 |
| 34 | (39) | C056C ADMINISTRATIVE SPECIALIST III | 10 | GRADE GS04 |
| 35 | (40) | A098C FISCAL SUPPORT SPECIALIST | <u>1</u> | GRADE GS04 |
| 36 | | MAX. NO. OF EMPLOYEES | 112 | |

1
 2 SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for
 3 the Department of Human Services - Division of Medical Services for the 2020-
 4 2021 fiscal year, the following maximum number of part-time or temporary
 5 employees, to be known as "Extra Help", payable from funds appropriated
 6 herein for such purposes: ten (10) temporary or part-time employees, when
 7 needed, at rates of pay not to exceed those provided in the Uniform
 8 Classification and Compensation Act, or its successor, or this act for the
 9 appropriate classification.

10
 11 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated,
 12 to the Department of Human Services, to be payable from the paying account as
 13 determined by the Chief Fiscal Officer of the State, for personal services
 14 and operating expenses of the Department of Human Services - Division of
 15 Medical Services for the fiscal year ending June 30, 2021, the following:

16

| 17 ITEM | FISCAL YEAR |
|------------------------------------|----------------------------|
| 18 <u>NO.</u> | <u>2020-2021</u> |
| 19 (01) REGULAR SALARIES | \$6,253,962 |
| 20 (02) EXTRA HELP | 201,892 |
| 21 (03) PERSONAL SERVICES MATCHING | 2,048,590 |
| 22 (04) OVERTIME | 2,241 |
| 23 (05) MAINT. & GEN. OPERATION | |
| 24 (A) OPER. EXPENSE | 1,813,290 |
| 25 (B) CONF. & TRAVEL | 100,099 |
| 26 (C) PROF. FEES | 338,507 |
| 27 (D) CAP. OUTLAY | 0 |
| 28 (E) DATA PROC. | 0 |
| 29 (06) DATA PROCESSING SERVICES | <u>1,499,600</u> |
| 30 TOTAL AMOUNT APPROPRIATED | <u><u>\$12,258,181</u></u> |

31
 32 SECTION 4. APPROPRIATION - GRANTS. There is hereby appropriated, to
 33 the Department of Human Services, to be payable from the paying account as
 34 determined by the Chief Fiscal Officer of the State, for grant payments of
 35 the Department of Human Services - Division of Medical Services for the
 36 fiscal year ending June 30, 2021, the following:

| | | |
|----|--------------------------------------|------------------------|
| 1 | | |
| 2 | ITEM | FISCAL YEAR |
| 3 | <u>NO.</u> | <u>2020-2021</u> |
| 4 | (01) ARKIDS B PROGRAM | \$132,222,020 |
| 5 | (02) HOSPITAL AND MEDICAL SERVICES | 6,490,292,292 |
| 6 | (03) PRESCRIPTION DRUGS | 529,386,547 |
| 7 | (04) PRIVATE NURSING HOME CARE | 724,715,275 |
| 8 | (05) CHILD AND FAMILY LIFE INSTITUTE | 2,100,000 |
| 9 | (06) INFANT INFIRMARY | 33,904,229 |
| 10 | (07) PUBLIC NURSING HOME CARE | <u>242,213,562</u> |
| 11 | TOTAL AMOUNT APPROPRIATED | <u>\$8,154,833,925</u> |
| 12 | | |

13 SECTION 5. APPROPRIATION - NURSING HOME CLOSURE COSTS. There is hereby
 14 appropriated, to the Department of Human Services - Division of Medical
 15 Services, to be payable from the Long-Term Care Trust Fund, for the payment
 16 of relocation costs of residents in long-term care facilities, maintenance
 17 and operation of a facility pending correction of deficiencies or closure,
 18 and reimbursement of residents for personal funds lost for the fiscal year
 19 ending June 30, 2021, the following:

| | | |
|----|---------------|--------------------|
| 20 | | |
| 21 | ITEM | FISCAL YEAR |
| 22 | <u>NO.</u> | <u>2020-2021</u> |
| 23 | (01) EXPENSES | <u>\$1,000,000</u> |
| 24 | | |

25 SECTION 6. APPROPRIATION - LONG-TERM CARE FACILITY RECEIVERSHIP. There
 26 is hereby appropriated, to the Department of Human Services, to be payable
 27 from the Long Term Care Facility Receivership Fund Account, for the payment
 28 of expenses of long-term care facility receivers as authorized by law of the
 29 Department of Human Services - Division of Medical Services - Long-Term Care
 30 Facility Receivership for the fiscal year ending June 30, 2021, the
 31 following:

| | | |
|----|---------------|------------------|
| 32 | | |
| 33 | ITEM | FISCAL YEAR |
| 34 | <u>NO.</u> | <u>2020-2021</u> |
| 35 | (01) EXPENSES | <u>\$100,000</u> |
| 36 | | |

SECTION 7. APPROPRIATION - NURSING HOME QUALITY GRANTS. There is hereby appropriated, to the Department of Human Services, to be payable from the Long-Term Care Trust Fund, for Nursing Home Quality Care Grants of the Department of Human Services - Division of Medical Services - Nursing Home Quality Grants for the fiscal year ending June 30, 2021, the following:

| ITEM | FISCAL YEAR |
|--|--------------------|
| NO. | 2020-2021 |
| (01) NURSING HOME QUALITY GRANTS AND AID | <u>\$4,000,000</u> |

SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL SERVICES - PHARMACEUTICAL DISPENSING FEE SURVEY. No more than two years prior to making any changes to the current pharmaceutical dispensing fee, the State shall conduct an independent survey utilizing generally accepted accounting principles, to determine the cost of dispensing a prescription by pharmacists in Arkansas. Only factors relative to the cost of dispensing shall be surveyed. These factors shall not include actual acquisition costs or average profit or any combination of actual acquisition costs or average profit. The survey results shall be the basis for establishing the dispensing fee paid to participating pharmacies in the Medicaid prescription drug program in accordance with Federal requirements. The dispensing fee shall be no lower than the cost of dispensing as determined by the survey. Nothing in this section shall be construed to prohibit the State from increasing the dispensing fee at any time.

The provisions of this section shall be in effect only from July 1, ~~2019~~ 2020 through June 30, ~~2020~~ 2021.

SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL SERVICES - GENERAL MEDICAID RATE METHODOLOGY PROVISIONS.

(a) Rates established by the Division of Medical Services for the services or programs covered by this Act shall be calculated by the methodologies approved by the Centers for Medicare and Medicaid Services (CMS). The Division of Medical Services shall have the authority to reduce or increase rates based on the approved methodology. Further, the Division of Medical

1 Services shall have the authority to increase or decrease rates for good
2 cause including, but not limited to: (1) Identification of provider(s) who
3 can render needed services of equal quality at rates less than traditionally
4 charged and who meet the applicable federal and state laws, rules and
5 regulations pertaining to the provision of a particular service;
6 (2) Identification that a provider or group of providers has consistently
7 charged rates to the Arkansas Medicaid Program greater than to other
8 purchasers of medical services of similar size;
9 (3) The Division determines that there has been significant changes in the
10 technology or process by which services are provided by a provider or group
11 of providers which has affected the costs of providing services, or;
12 (4) A severe economic downturn in the Arkansas economy which has affected the
13 overall state budget of the Division of Medical Services.

14 The Division of Medical Services shall make available to requesting
15 providers, the CMS's inflationary forecasts (CMS Market Basket Index). Rates
16 established with cost of living increases based on the CMS Market Basket
17 Index or other indices will be adjusted annually except when the state budget
18 does not provide sufficient appropriation and funding to affect the change or
19 portion thereof.

20 (b) Any rate methodology changes proposed by the Division of Medical
21 Services both of a general and specific nature, shall be subject to prior
22 approval by the Legislative Council or Joint Budget Committee.

23 Determining the maximum number of employees and the maximum amount of
24 appropriation and general revenue funding for a state agency each fiscal year
25 is the prerogative of the General Assembly. This is usually accomplished by
26 delineating such maximums in the appropriation act(s) for a state agency and
27 the general revenue allocations authorized for each fund and fund account by
28 amendment to the Revenue Stabilization law. Further, the General Assembly has
29 determined that the Department of Human Services – Division of Medical
30 Services may operate more efficiently if some flexibility is provided to the
31 Department of Human Services – Division of Medical Services authorizing broad
32 powers under this section. Therefore, it is both necessary and appropriate
33 that the General Assembly maintain oversight by requiring prior approval of
34 the Legislative Council or Joint Budget Committee as provided by this
35 section. The requirement of approval by the Legislative Council or Joint
36 Budget Committee is not a severable part of this section. If the requirement

1 of approval by the Legislative Council or Joint Budget Committee is ruled
2 unconstitutional by a court of competent jurisdiction, this entire section is
3 void.

4 The provisions of this section shall be in effect only from July 1, ~~2019~~
5 2020 through June 30, ~~2020~~ 2021.

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7 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
9 USAGE AUTHORIZED. The Arkansas Children's Hospital may request the Department
10 of Human Services - Division of Medical Services to retain in the Department
11 of Human Services Grant Fund account an amount not to exceed \$2,100,000 from
12 funds made available by this Act in the Child and Family Life Institute line
13 item of the Grants appropriation to be used to match federal funds used for
14 supplemental Medicaid payments to Arkansas Children's Hospital. These
15 retained funds shall not be recovered to transfer to the General Revenue
16 Allotment Reserve Fund.

17 The provisions of this section shall be in effect only from July 1, ~~2019~~
18 2020 through June 30, ~~2020~~ 2021.

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20 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STATE
22 PLAN. The State Plan must include the provision of EPSDT services as those
23 services are defined in 42 U.S.C. §1396d(r). See 42 U.S.C. §§
24 1396a(a)(10)(A), 1396d(a)(4)(B); see also 1396a(a)(43). Section 1396d(r)
25 lists in detail the screening services, vision services, dental services, and
26 hearing services that the State Plan must expressly include, but with regard
27 to treatment services, it states that EPSDT means "[s]uch other necessary
28 health care, diagnostic services, treatment, and other measures described in
29 subsection (a) of this section to correct or ameliorate defects and physical
30 and mental illnesses and conditions discovered by the screening services,
31 whether or not such services are covered under the State Plan." 42 U.S.C. §
32 1396d(r)(5) (emphasis added). Reading 42 U.S.C. § 1396a, 42 U.S.C. §
33 1396d(a), and 42 U.S.C. § 1396d(r) together, we believe that the State Plan
34 need not specifically list every treatment service conceivably available
35 under the EPSDT mandate.

36 The State Plan, however, must pay part or all of the cost of treatments to

1 ameliorate conditions discovered by the screening process when those
2 treatments meet the definitions set forth in 42 U.S.C. § 1396a. See 42 U.S.C.
3 § 1396d(r)(5); see also 42 U.S.C. §§ 1396a(a)(10), 1396a(a)(43), and
4 1396d(a)(4)(B). The Arkansas State Plan states that the "State will provide
5 other health care described in [42 U.S.C. 1396d(a)] that is found to be
6 medically necessary to correct or ameliorate defects and physical and mental
7 illnesses and conditions discovered by the screening services, even when such
8 health care is not otherwise covered under the State Plan." See State Plan
9 Under Title XIX of the Social Security Act, State Of Arkansas at §4.b. This
10 provision meets the EPSDT mandate of the Medicaid Act.

11 We affirm the district court's decision to the extent that it holds that a
12 Medicaid-Eligible individual has a federal right to early intervention day
13 treatment when a physician recommends such treatment. Section 1396d(r)(5)
14 states that EPSDT includes any treatments or measures outlined in 42 U.S.C.
15 §1396d(a). There are twenty-seven sub-parts to 42 U.S.C. §1396d(a), and we
16 find that sub-part (a)(13), in particular, when read with the other sections
17 of the Medicaid Act listed above, mandates that early intervention day
18 treatment be provided when it is prescribed by a physician. See 42 U.S.C.
19 §1396d(a)(13) (defining medical assistance reimbursable by Medicaid as "other
20 diagnostic, screening, preventive, and rehabilitative services, including any
21 medical or remedial services recommended by a physician...for the maximum
22 reduction of physical and mental disability and restoration of an individual
23 to the best possible functional level"). Therefore, after CHMS clinic staff
24 perform a diagnostic evaluation of an eligible child, if the CHMS physician
25 prescribes early intervention day treatment as a service that would lead to
26 the maximum reduction of medical and physical disabilities and restoration of
27 the child to his or her best possible functional level, the Arkansas State
28 Plan must reimburse the treatment. Because CHMS clinics are the only
29 providers of early intervention day treatment, Arkansas must reimburse those
30 clinics.

31 The provisions of this section shall be in effect only from July 1, ~~2019~~
32 2020 through June 30, ~~2020~~ 2021.

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34 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL
36 SERVICES - STATE MEDICAID PROGRAM/PERSONAL CARE PROGRAM.

1 (a) It is the legislative intent that the Department of Human Services in
2 its administration of the Arkansas Medicaid Program set forth Medicaid
3 provider participation requirements for "personal care providers" that will
4 insure sufficient available providers to meet the required needs of all
5 eligible recipients, to include insuring available in home services twenty-
6 four (24) hours a day and seven (7) days a week for personal care.

7 (b) For the purposes of this section, "private care agencies" are defined
8 as those providers licensed by the Department of Labor, certified as Home and
9 Community Based Services Providers and who furnish in home staffing services
10 for respite, chore services, and homemaker services, and are covered by
11 liability insurance of not less than one million dollars (\$1,000,000)
12 covering their employees and independent contractors while they are engaged
13 in providing services, such as personal care, respite, chore services, and
14 homemaker services.

15 (c) The purpose of this section is to allow the private care agencies
16 defined herein to be eligible to provide Medicaid reimbursed personal care
17 services seven (7) days a week, and does not supercede Department of Human
18 Services rules establishing monthly benefit limits and prior authorization
19 requirements.

20 (d) The availability of providers shall not require the Department of
21 Human Services to reimburse for twenty-four (24) hours per day of personal
22 care services.

23 (e) The Arkansas Department of Human Services, Medical Services Division
24 shall take such action as required by the Centers for Medicare and Medicaid
25 Services to amend the Arkansas Medicaid manual to include private care
26 agencies as qualified entities to provide Medicaid reimbursed personal care
27 services.

28 (f) The private care agencies shall comply with rules and regulations
29 promulgated by the Arkansas Department of Health which shall establish a
30 separate licensure category for the private care agencies for the provision
31 of Medicaid reimbursable personal care services seven (7) days a week.

32 (g) The Arkansas Department of Health shall supervise the conduct of the
33 personal care agencies defined herein.

34 (h) The purpose of this section is to insure the care provided by the
35 private care agencies is consistent with the rules and regulations of the
36 Arkansas Department of Health.

1 The provisions of this section shall be in effect only from July 1, ~~2019~~
 2 2020 through June 30, ~~2020~~ 2021.

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 4 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
 6 WORKS AND ARKANSAS HEALTH INSURANCE MARKETPLACE RESTRICTIONS. (a) As used in
 7 this section, "Arkansas Works" means Arkansas Works established under the
 8 Arkansas Works Act of 2016, Arkansas Code § 23-61-1001 et seq.

9 (b)(1) Determining the maximum number of employees, the maximum amount
 10 of appropriation, for what purposes an appropriation is authorized, and
 11 general revenue funding for a state agency each fiscal year is the
 12 prerogative of the General Assembly.

13 (2) The purposes of subdivision (b)(1) of this section are
 14 typically accomplished by:

- 15 (A) Identifying the purpose in the appropriation act;
- 16 (B) Delineating such maximums in the appropriation act for
 17 a state agency; and
- 18 (C) Delineating the general revenue allocations authorized
 19 for each fund and fund account by amendment to the Revenue Stabilization Law,
 20 Arkansas Code § 19-5-101 et seq.

21 (3) It is both necessary and appropriate that the General
 22 Assembly restrict the use of appropriations authorized in this act.

23 (c)(1) Except as provided in this subsection, the Department of Human
 24 Services shall not allocate, budget, expend, or utilize any appropriation
 25 authorized by the General Assembly for the purpose of advertisement,
 26 promotion, or other activities designed to promote or encourage enrollment in
 27 the Arkansas Health Insurance Marketplace or Arkansas Works, including
 28 without limitation:

- 29 (A) Unsolicited communications mailed to potential
 30 recipients;
- 31 (B) Television, radio, or online commercials;
- 32 (C) Billboard or mobile billboard advertising;
- 33 (D) Advertisements printed in newspapers, magazines, or
 34 other print media; and
- 35 (E) Internet websites and electronic media.

36 (2) This subsection does not prohibit the department from:

1 (A) Direct communications with:
2 (i) Licensed insurance agents; and
3 (ii) Persons licensed by the department;
4 (B) Solicited communications with potential recipients;
5 (C)(i) Responding to an inquiry regarding the coverage for
6 which a potential recipient might be eligible, including without limitation
7 providing educational materials or information regarding any coverage for
8 which the individual might qualify.

9 (ii) Educational materials and information
10 distributed under subdivision (c)(2)(C)(i) of this section shall contain only
11 factual information and shall not contain subjective statements regarding the
12 coverage for which the potential recipient might be eligible; and

13 (D) Using an Internet website for the exclusive purpose of
14 enrolling individuals in the Arkansas Health Insurance Marketplace or
15 Arkansas Works.

16 (d) The Department of Human Services shall not apply for or accept any
17 funds, including without limitation federal funds, for the purpose of
18 advertisement, promotion, or other activities designed to promote or
19 encourage enrollment in the Arkansas Health Insurance Marketplace or Arkansas
20 Works.

21 (e)(1) Except as provided in subdivision (e)(2) of this section, the
22 Department of Human Services shall not:

23 (A)(i) Except as provided in subdivision (e)(1)(A)(ii) of
24 this section, allocate, budget, expend, or utilize an appropriation
25 authorized by the General Assembly for the purpose of funding activities of
26 navigators, guides, certified application counselors, and certified licensed
27 producers under the Arkansas Health Insurance Marketplace Navigator, Guide,
28 and Certified Application Counselors Act, Arkansas Code § 23-64-601 et seq.

29 (ii) Subdivision (e)(1)(A)(i) of this section does
30 not apply to regulatory and training responsibilities related to navigators,
31 guides, certified application counselors, and certified licensed producers;
32 and

33 (B) Apply for or accept any funds, including without
34 limitation federal funds, for the purpose of funding activities of
35 navigators, guides, certified application counselors, and certified licensed
36 producers under the Arkansas Health Insurance Marketplace Navigator, Guide,

1 and Certified Application Counselors Act, Arkansas Code § 23-64-601 et seq.

2 (2) Subdivision (e)(1) of this section does not apply to
3 certified application counselors at health related institutions, including
4 without limitation the University of Arkansas for Medical Sciences.

5 (f) An appropriation authorized by the General Assembly shall not be
6 subject to the provisions allowed through reallocation of resources or
7 transfer of appropriation authority for the purpose of transferring an
8 appropriation to any other appropriation authorized for the Department of
9 Human Services to be allocated, budgeted, expended, or utilized in a manner
10 prohibited by this section.

11 (g) The provisions of this section are severable, and the invalidity
12 of any subsection or subdivision of this section shall not affect other
13 provisions of the section that can be given effect without the invalid
14 provision.

15 (h) This section expires on June 30, ~~2020~~ 2021.

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17 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
19 SEVERABILITY. If any provisions of this act or the application of this act
20 to any person or circumstance is held invalid, such invalidity shall not
21 affect other provisions or applications of the act which can be given effect
22 without the invalid provision or application, and to this end the provisions
23 of this act are declared to be severable.

24
25 SECTION 15. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
26 authorized by this act shall be limited to the appropriation for such agency
27 and funds made available by law for the support of such appropriations; and
28 the restrictions of the State Procurement Law, the General Accounting and
29 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
30 Procedures and Restrictions Act, or their successors, and other fiscal
31 control laws of this State, where applicable, and regulations promulgated by
32 the Department of Finance and Administration, as authorized by law, shall be
33 strictly complied with in disbursement of said funds.

34
35 SECTION 16. LEGISLATIVE INTENT. It is the intent of the General
36 Assembly that any funds disbursed under the authority of the appropriations

1 contained in this act shall be in compliance with the stated reasons for
2 which this act was adopted, as evidenced by the Agency Requests, Executive
3 Recommendations and Legislative Recommendations contained in the budget
4 manuals prepared by the Department of Finance and Administration, letters, or
5 summarized oral testimony in the official minutes of the Arkansas Legislative
6 Council or Joint Budget Committee which relate to its passage and adoption.
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8 SECTION 17. EMERGENCY CLAUSE. It is found and determined by the
9 General Assembly, that the Constitution of the State of Arkansas prohibits
10 the appropriation of funds for more than a one (1) year period; that the
11 effectiveness of this Act on July 1, 2020 is essential to the operation of
12 the agency for which the appropriations in this Act are provided, and that in
13 the event of an extension of the legislative session, the delay in the
14 effective date of this Act beyond July 1, 2020 could work irreparable harm
15 upon the proper administration and provision of essential governmental
16 programs. Therefore, an emergency is hereby declared to exist and this Act
17 being necessary for the immediate preservation of the public peace, health
18 and safety shall be in full force and effect from and after July 1, 2020.
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