

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1548

5 By: Representative Penzo
6

For An Act To Be Entitled

8 AN ACT TO CREATE THE PERSONAL CARE MEDICAID
9 REIMBURSEMENT ACT; TO ENSURE AN APPROPRIATE
10 REIMBURSEMENT RATE FOR PERSONAL CARE SERVICES IN THE
11 ARKANSAS MEDICAID PROGRAM; AND FOR OTHER PURPOSES.
12
13

Subtitle

15 TO CREATE THE PERSONAL CARE MEDICAID
16 REIMBURSEMENT ACT; AND TO ENSURE AN
17 APPROPRIATE REIMBURSEMENT RATE FOR
18 PERSONAL CARE SERVICES IN THE ARKANSAS
19 MEDICAID PROGRAM.
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21

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

24 SECTION 1. DO NOT CODIFY. Title.

25 This act shall be known and may be cited as the "Personal Care Medicaid
26 Reimbursement Act".
27

28 SECTION 2. Arkansas Code § 20-77-115 is amended to read as follows:

29 20-77-115. Personal care reimbursement rates - Legislative findings -
30 Definition.

31 (a) The General Assembly finds that:

32 (1) The provision of high-quality personal care services in
33 Arkansas is a priority concern;

34 (2) Personal care service:

35 (A) Is an essential service that enables residents of
36 Arkansas to live in their own homes and avoid institutional care;



1 (B) Is vital for allowing residents of Arkansas to remain
 2 in their own homes and maintain a level of personal independence and freedom;
 3 and

4 (C) Saves the healthcare system money by avoiding
 5 prolonged institutionalization, high costs, and associated adverse
 6 implications; and

7 (3) Providers of personal care services should be paid at a rate
 8 that is fair and reasonable to ensure access to high-quality personal care
 9 services.

10 (b)(1) As used in this section, "personal care services" means hands-
 11 on assistance with the activities of daily living that is provided in the
 12 home or outside of the home in a temporary respite care arrangement to a
 13 person.

14 (2) "Personal care services" includes:

15 (A) Attendant care services; and

16 (B) Respite care services.

17 ~~(c)(1) Personal care reimbursement rates shall be established at~~
 18 ~~twelve dollars and thirty five cents (\$12.35) per unit or at lesser amounts~~
 19 ~~as may be established for a program of client-directed personal care which~~
 20 ~~may be developed and implemented by the Department of Human Services~~ If there
 21 is a change in the state or federal minimum wage, the Arkansas Medicaid
 22 Program shall conduct a review of the reimbursement rates for personal care
 23 services within ninety (90) days of the publishing of the rate by the
 24 Department of Labor and Licensing.

25 (2) Within one hundred eighty (180) days of the review of the
 26 reimbursement rates under subdivision (c)(1) of this section, the Department
 27 of Human Services shall submit a state plan amendment, waiver, or other
 28 necessary authorization to modify the reimbursement rate of personal care
 29 services.

30 (d) A reimbursement payment made under this section may not exceed the
 31 Medicaid upper payment limit as established by the Centers for Medicare &
 32 Medicaid Services.

33 (e) The program shall make sufficient funds available to a beneficiary
 34 to reimburse or pay a provider of personal care services for the number of
 35 hours of personal care services that the beneficiary needs or is qualified or
 36 eligible for, as determined by an independent assessment.