

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

As Engrossed: H3/11/21

# 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.  
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### 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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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 consistent with efficiency, economy, and quality of care and is  
9 sufficient to enlist enough providers so that in-home care and services are  
10 available statewide.

11 (b) As used in this section, "personal care services" means assistance  
12 with activities of daily living, respite care, or attendant care provided in  
13 the home through the Arkansas Medicaid Personal Care Program.

14 (c)(1) Personal care reimbursement rates shall be established at  
15 twelve dollars and thirty five cents (\$12.35) per unit or at lesser amounts  
16 as may be established for a program of client directed personal care which  
17 may be developed and implemented by the Department of Human Services if there  
18 is an increase in the state or federal minimum wage that is higher than the  
19 minimum wage that applies to employees in Arkansas, the Arkansas Medicaid  
20 Program shall conduct a review of the reimbursement rates for personal care  
21 services within one hundred eighty (180) days of the publishing of the rate  
22 by the Department of Labor and Licensing.

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

28 (3) The reimbursement rate modifications described in  
29 subdivision (c)(2) of this section shall be retroactive to the maximum date  
30 of the increase in the state or federal minimum wage that is allowable under  
31 federal law as it relates to the federal medical assistance percentage.

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

35 (e) The program shall make sufficient funds available to a beneficiary  
36 to reimburse or pay a provider of personal care services for the number of

1 hours of personal care services that the beneficiary needs or is qualified or  
2 eligible for.

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