

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1288

5 By: Representatives Gazaway, M. Shepherd
6 By: Senators C. Tucker, J. Bryant
7

For An Act To Be Entitled

9 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 20 OF
10 THE ARKANSAS CODE CONCERNING PUBLIC HEALTH AND
11 WELFARE; AND FOR OTHER PURPOSES.
12
13

Subtitle

15 TO MAKE TECHNICAL CORRECTIONS TO TITLE 20
16 OF THE ARKANSAS CODE CONCERNING PUBLIC
17 HEALTH AND WELFARE.
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 20-7-142 is repealed for reenactment in a
23 more appropriate section within the Arkansas Code.

24 ~~20-7-142. Continuous glucose monitor—Definition.~~

25 ~~(a) As used in this section, “continuous glucose monitor” means an~~
26 ~~instrument or device, including repair and replacement parts, that:~~

27 ~~(1) Is designed and offered for the purpose of aiding an~~
28 ~~individual with diabetes;~~

29 ~~(2) Measures glucose levels at set intervals by means of a small~~
30 ~~electrode placed under the skin and held in place by an adhesive; and~~

31 ~~(3) Is generally not useful to an individual who has not been~~
32 ~~diagnosed with diabetes.~~

33 ~~(b) The Arkansas Medicaid Program shall provide coverage for a~~
34 ~~continuous glucose monitor for the treatment of an individual if the~~
35 ~~individual has:~~

36 ~~(1) Either:~~



1 certified laboratory that confirmed the finished product has an equilibrium
 2 pH value of 4.6 or less.

3 (b) If a recipe is not as described in
 4 subdivision (5)(B)(i)(a) of this section, the producer shall test each batch
 5 of the recipe with a calibrated pH meter to confirm the finished product has
 6 an equilibrium pH value of 4.6 or less;

7 (ii) The batch is labeled with a unique number; and

8 (iii) The producer maintains records that include:

9 (a) The batch number;

10 (b) The recipe used by the producer;

11 (c) The source of the recipe or testing
 12 results if applicable; and

13 (d) The date that the batch was prepared;

14
 15 SECTION 5. Arkansas Code § 20-77-115(e), concerning personal care
 16 reimbursement rates, is amended for clarity to read as follows:

17 (e) The ~~program~~ Arkansas Medicaid Program shall make sufficient funds
 18 available to a beneficiary to reimburse or pay a provider of personal care
 19 services for the number of hours of personal care services that the
 20 beneficiary needs or is qualified or eligible for.

21
 22 SECTION 6. Arkansas Code Title 20, Chapter 77, Subchapter 1, is
 23 amended to add an additional section to read as follows:

24 20-77-148. Continuous glucose monitor – Definition.

25 (a) As used in this section, “continuous glucose monitor” means an
 26 instrument or device, including repair and replacement parts, that:

27 (1) Is designed and offered for the purpose of aiding an
 28 individual with diabetes;

29 (2) Measures glucose levels at set intervals by means of a small
 30 electrode placed under the skin and held in place by an adhesive; and

31 (3) Is generally not useful to an individual who has not been
 32 diagnosed with diabetes.

33 (b) The Arkansas Medicaid Program shall provide coverage for a
 34 continuous glucose monitor for the treatment of an individual if the
 35 individual has:

36 (1) Either:

1 (A) A presence of type 1 diabetes or any other type of
 2 diabetes with:

3 (i) The use of insulin more than two (2) times
 4 daily; or

5 (ii) Evidence of Level 2 or Level 3 hypoglycemia; or

6 (B) Diagnosis of glycogen storage disease type 1a; and
 7 (2) Regular follow-up with a healthcare provider at a minimum
 8 every six (6) months to assess for ongoing benefit.

9
 10 SECTION 7. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

11 It is the intent of the General Assembly that:

12 (1) The enactment and adoption of this act shall not expressly
 13 or impliedly repeal an act passed during the regular session of the Ninety-
 14 Fourth General Assembly;

15 (2) To the extent that a conflict exists between an act of the
 16 regular session of the Ninety-Fourth General Assembly and this act:

17 (A) The act of the regular session of the Ninety-Fourth
 18 General Assembly shall be treated as a subsequent act passed by the General
 19 Assembly for the purposes of:

20 (i) Giving the act of the regular session of the
 21 Ninety-Fourth General Assembly its full force and effect; and

22 (ii) Amending or repealing the appropriate parts of
 23 the Arkansas Code of 1987; and

24 (B) Section 1-2-107 shall not apply; and

25 (3) This act shall make only technical, not substantive, changes
 26 to the Arkansas Code of 1987.