

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

# A Bill

SENATE BILL 465

5 By: Senator J. Dotson  
6 By: Representative Bentley  
7

## For An Act To Be Entitled

9 AN ACT TO CREATE THE CONTINUUM OF CARE PROGRAM WITHIN  
10 THE DEPARTMENT OF HUMAN SERVICES; TO AMEND THE LIFE  
11 CHOICES LIFELINE PROGRAM TO CLARIFY LANGUAGE AND  
12 ENSURE PROPER ADMINISTRATION OF THE PROGRAM; TO  
13 TRANSFER THE RESOURCE ACCESS ASSISTANCE OFFERS UNDER  
14 THE EVERY MOM MATTERS ACT TO THE DEPARTMENT OF HUMAN  
15 SERVICES; AND FOR OTHER PURPOSES.  
16  
17

## Subtitle

18 TO CREATE THE CONTINUUM OF CARE PROGRAM  
19 WITHIN THE DEPARTMENT OF HUMAN SERVICES;  
20 AND TO AMEND THE LIFE CHOICES LIFELINE  
21 PROGRAM TO CLARIFY LANGUAGE AND ENSURE  
22 PROPER ADMINISTRATION OF THE PROGRAM.  
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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28 SECTION 1. Arkansas Code § 20-8-1001(a), concerning the creation of  
29 the Life Choices Lifeline Program, is amended to read as follows:

30 (a) The ~~Department of Health~~ Department of Human Services may  
31 implement the Life Choices Lifeline Program as a statewide care program to  
32 provide direct services, support, social services case management, and  
33 referrals to individuals listed in subsection (f) of this section.  
34

35 SECTION 2. Arkansas Code § 20-8-1001(d)(2), concerning the components  
36 of the Life Choices Lifeline Program, is amended to read as follows:



1 (2) The use of licensed nurses, community health workers, or  
2 other individuals of equivalent experience to offer healthy pregnancy program  
3 services to participants in the Life Choices Lifeline Program, including:

4 (A) An assessment and evaluation of needs related to  
5 pregnancy or parenting;

6 (B) Medically accurate pregnancy-related medical  
7 information; ~~and~~

8 (C) Assistance obtaining obstetric care, primary care,  
9 mental health or behavioral health counseling, or postpartum care; and

10 (D) Assistance for program participants in obtaining  
11 medical and mental health care;

12  
13 SECTION 3. Arkansas Code § 20-8-1001(d)(3), concerning the components  
14 of the Life Choices Lifeline Program, is amended to read as follows:

15 (3) The use of licensed social workers, nurses, community health  
16 workers, licensed professional counselors, or other individuals ~~of equivalent~~  
17 ~~experience~~ acting under the supervision of a healthcare professional to offer  
18 care plan coordination services to participants in the Life Choices Lifeline  
19 Program, including:

20 (A) Development of a care plan of resources and support to  
21 address the needs identified;

22 (B) Referrals to appropriate local resources, including  
23 state and federal benefits programs and local charitable organizations;

24 (C) Assistance in applying for state and federal benefits  
25 programs;

26 (D) Assistance in accomplishing elements of the care plan;

27 (E) Services related to postpartum depression and related  
28 referrals;

29 (F) Assistance obtaining pediatric care and postpartum  
30 care; and

31 (G) Assistance obtaining substance abuse treatment and  
32 alcohol abuse treatment; and

33  
34 SECTION 4. Arkansas Code Title 20, Chapter 8, Subchapter 10, is  
35 amended to add additional sections to read as follows:

36 20-8-1002. Administration.

1       (a)(1) The Department of Human Services shall contract with one (1) or  
2 more organizations to deliver the services described in § 20-8-1001 but may  
3 not contract with an organization that:

4               (A) Is an abortion provider;

5               (B) Assists women in obtaining an abortion, refers women  
6 to an abortion provider, recommends abortion, or directly or indirectly  
7 promotes abortion;

8               (C) Owns, operates, or is affiliated with an abortion  
9 provider or an entity that assists women in obtaining an abortion, refers  
10 women to an abortion provider, recommends abortion, or directly or indirectly  
11 promotes abortion;

12               (D) Employs a person who has performed an abortion in the  
13 last two (2) years; or

14               (E) Has as a director, board member, officer, volunteer,  
15 or employee a person who serves in any of these roles for an entity described  
16 in subdivisions (a)(1)(A)-(E) of this section.

17               (2) The procurement of a vendor to serve as an organization  
18 shall be done through the Arkansas Procurement Law, § 19-11-201 et seq., by  
19 the Office of State Procurement.

20       (b) An organization contracting with the department shall report to  
21 the department on no more frequent than a monthly basis the following  
22 information:

23               (1) The number of unique individuals who contacted the Life  
24 Choices Lifeline Program;

25               (2) The number of individuals who obtained care plan  
26 coordination services;

27               (3) The number of individuals who obtained healthy pregnancy  
28 program services;

29               (4) The number of pregnant women who indicated a need for  
30 assistance as victims of assault, sexual assault, abuse, neglect, or human  
31 trafficking;

32               (5) The number of individuals receiving services who identified  
33 a need for support in one (1) or more of the following areas:

34               (A) Abuse, assault, sexual assault, coercion, or neglect;

35               (B) Education or training for a professional  
36 certification;

- 1                    (C) Housing assistance;
- 2                    (D) Employment assistance;
- 3                    (E) Resume development;
- 4                    (F) Childcare;
- 5                    (G) Adoption services;
- 6                    (H) Financial assistance;
- 7                    (I) Substance abuse treatment and alcohol abuse treatment;
- 8                    (J) Mental health care;
- 9                    (K) Medical care;
- 10                  (L) Human trafficking; or
- 11                  (M) Health benefit plan coverage; and

12                  (6) The resources, services, and referrals provided by the  
 13 organization.

14                  (c) The department shall not:

15                    (1) Require any contracted organization, or its employees, to  
 16 refer a woman for any social or medical service to which the employee or  
 17 agency has a conscience objection;

18                    (2) Prohibit a contracted organization or its employees from  
 19 discussing abortion or related topics;

20                    (3) Prevent a contracted organization from recording information  
 21 voluntarily disclosed by the participant for the purposes of supporting the  
 22 participant or providing the participant ongoing support;

23                    (4) Require the contract organization to report data on a basis  
 24 more frequent than monthly; and

25                    (5) Require the vendor to maintain an answer rate greater than  
 26 eighty percent (80%) of calls within twenty (20) seconds.

27  
 28                  20-8-1003. Continuum of Care Program.

29                    (a)(1) The Department of Human Services shall establish the "Continuum  
 30 of Care Program" for certain pregnant women and parents.

31                    (2) The department may contract with entities to operate the  
 32 program.

33                    (3) The procurement of a vendor shall be done through the  
 34 Arkansas Procurement Law, § 19-11-201 et seq., by the Office of State  
 35 Procurement.

36                    (b)(1) The purpose of the program is to facilitate the operation of a

1 statewide telemedicine support network that provides community outreach,  
2 consultations, and care coordination for women who are challenged with  
3 unexpected pregnancies.

4 (2) The program shall:

5 (A) Encourage healthy childbirth;

6 (B) Support childbirth as an alternative to abortion;

7 (C) Promote family formation;

8 (D) Assist parents in establishing successful parenting  
9 techniques; and

10 (E) Increase the economic self-sufficiency of families.

11 (c)(1) The program shall utilize a statewide telemedicine support  
12 network to facilitate the services and resources described under subsection  
13 (e) of this section.

14 (2) The department shall provide by rule for the functions and  
15 administration of the telemedicine support network.

16 (d) The department shall finance the program with funds appropriated  
17 to the department by the General Assembly for operation of the program.

18 (e)(1) The program shall provide direct services, supports, social  
19 services case management, and referrals to biological parents of unborn  
20 children and biological or adoptive parents of children under two (2) years  
21 of age.

22 (2) The program shall include:

23 (A) Outreach to at-risk populations eligible for the  
24 program;

25 (B) Use of licensed nurses, community health workers, or  
26 other individuals of equivalent expertise to:

27 (i) Assess and evaluate program participant needs  
28 related to pregnancy or parenting;

29 (ii) Assist program participants in obtaining  
30 medical and mental health care; and

31 (iii) Provide medically accurate, pregnancy-related  
32 medical information to program participants; and

33 (C) Use of licensed social workers, nurses, community  
34 health workers, licensed professional counselors, or other individuals of  
35 equivalent experience to:

36 (i) Develop a care plan, resources, and supports for

1 program participants to address identified needs;

2 (ii) Refer program participants to local resources  
3 including without limitation state and federal benefits programs and local  
4 charitable organizations; and

5 (iii) Assist program participants in:

6 (a) Applying for state and federal benefits  
7 programs; and

8 (b) Accomplishing elements of the care plan.

9 (f) Any person and any of its subcontractors or agents providing  
10 services under this section shall:

11 (1) Maintain the confidentiality of information obtained while  
12 performing program services, including complying with state law;

13 (2) Not provide or prescribe abortion services or abortion aid;

14 (3) Not directly or indirectly promote, refer for, facilitate,  
15 or assist women in obtaining abortion services or abortion aid;

16 (4) Not own, operate, or affiliate with an abortion provider;

17 (5) Not own, operate, or affiliate with a person who directly or  
18 indirectly promotes, refers for, facilitates, or assists women in obtaining  
19 an abortion;

20 (6) Not employ an individual who has performed or induced an  
21 abortion in the last two (2) years; and

22 (7) Not have a director, board member, officer, volunteer, or  
23 employee who performed or induced an abortion in the last two (2) years or  
24 who serves in any of these roles described in this subsection.

25 (g) Any program participant who terminates a pregnancy shall be  
26 eligible to continue receiving services through the program for a period of  
27 six (6) months from the date of the pregnancy termination.

28 (h)(1) On or before October 1, 2024, and annually thereafter, the  
29 department shall submit to the Legislative Council a report on the status and  
30 operation of the program.

31 (2) Each report required by subdivision (h)(1) of this section  
32 shall include:

33 (A) The number of individuals served by the program, and  
34 for the individuals served; and

35 (B) The types of referrals and services provided to  
36 program participants.

1           (3) Information provided to the department shall not include any  
2 personally identifying information regarding program participants.

3           (i) The department shall promulgate rules necessary to implement this  
4 section.

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6           SECTION 5. Arkansas Code § 20-16-2402(3), concerning the definition of  
7 "agency" within the Every Mom Matters Act, is amended to read as follows:

8           (3) "Agency" means an entity that contracts with the ~~Department~~  
9 ~~of Health~~ Department of Human Services to provide the services required under  
10 § 20-8-1001 or the resource access assistance offer;

11  
12           SECTION 6. Arkansas Code § 20-16-2405(a), concerning agencies  
13 providing resource access assistance offers under the Every Mom Matters Act,  
14 is amended to read as follows:

15           (a) The ~~Department of Health~~ Department of Human Services shall:

16           (1)(A) Contract with a number of agencies sufficient to ensure  
17 that each pregnant woman seeking an abortion in Arkansas receives a resource  
18 access assistance offer and has the opportunity to receive care plan  
19 coordination services and healthy pregnancy program services.

20           (B) The procurement of a vendor to serve as an agency  
21 shall be done through the Arkansas Procurement Law, § 19-11-201 et seq., by  
22 the Office of State Procurement;

23           (2) Annually, designate the proportion of resource access  
24 assistance offers to be provided by each agency's share of participants in  
25 care plan coordination services or healthy pregnancy program services; and

26           (3) Contract only with agencies that are capable of offering all  
27 of the services required under § 20-8-1001 or the resource access assistance  
28 offer.

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30           SECTION 7. Arkansas Code § 20-16-2407(a), concerning the  
31 administration of the resource access assistance offer program under the  
32 Every Mom Matters Act, is amended to read as follows:

33           (a) The ~~Department of Health~~ Department of Human Services shall:

34           (1)(A) Before implementation of the services under § 20-8-1001  
35 or the resource access assistance offer, create a program-specific website  
36 that describes the services offered by § 20-8-1001 and the resource access

1 assistance offer.

2 (B) The department may also create materials using other  
3 media, including print and electronic media, to convey information about the  
4 services under § 20-8-1001 and the resource access assistance offer to the  
5 public;

6 (2)(A) Establish a single toll-free number for pregnant women  
7 seeking an abortion in Arkansas to call in order to receive a resource access  
8 assistance offer.

9 (B) The toll-free number shall automatically connect the  
10 pregnant woman to an agency based on the proportion determined under § 20-16-  
11 2405(a)(2);

12 (3)(A) Develop and maintain a secure database.

13 (B) The secure database shall:

14 (i) Generate a unique identifying number;

15 (ii) Be accessible only to a person who is to perform  
16 an abortion or an agent of the person performing an abortion, agencies, and  
17 the department; and

18 (iii) Not transmit any information to:

19 (a) The agency or care agent concerning the  
20 identity or location of the person who performs the abortion or the facility  
21 at which the abortion is performed; or

22 (b) The person providing the abortion or the  
23 agent of the person performing the abortion concerning the identity of the  
24 agency or care agent providing the resource access assistance offer.

25 (C) The unique identifying number shall not contain  
26 personally identifiable information; and

27 (4) For each agency, report on the department’s website the  
28 percentage of pregnant women who received a resource access assistance offer  
29 from the agency and subsequently obtained an abortion in the state.

30

31 SECTION 8. Arkansas Code § 20-16-2408(a), concerning the medical  
32 record audit procedure within the Every Mom Matters Act, is amended to read  
33 as follows:

34 (a) The ~~Department of Health~~ Department of Human Services shall audit  
35 abortion facilities and persons performing abortions to ensure compliance  
36 with this subchapter.



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2 SECTION 9. Arkansas Code § 20-16-2409(e), concerning penalties within  
3 the Every Mom Matters Act, is repealed.

4 ~~(e) The Department of Health shall revoke the license of an abortion~~  
5 ~~facility if more than five percent (5%) of audited medical records at the~~  
6 ~~abortion facility indicate noncompliance with the requirements of § 20-16-~~  
7 ~~2407(b).~~

8  
9 SECTION 10. Arkansas Code § 20-16-2410(a), concerning confidentiality  
10 and disclosure under the Every Mom Matters Act, is amended to read as  
11 follows:

12 (a) All personally identifiable information held by the ~~Department of~~  
13 ~~Health~~ Department of Human Services under this subchapter is confidential and  
14 is not subject to the Freedom of Information Act of 1967, § 25-19-101 et seq.

15  
16 SECTION 11. Arkansas Code § 20-16-2411 is amended to read as follows:  
17 20-16-2411. Conscience protections.

18 ~~The Department of Health~~ Department of Human Services shall not require  
19 any care agent or agency to refer a woman for any social or medical service  
20 to which the care agent or agency has a conscience objection.

21  
22 SECTION 12. DO NOT CODIFY. Rules.

23 (a) When adopting the initial rules required under this act, the  
24 Department of Human Services shall file the final rules with the Secretary of  
25 State for adoption under § 25-15-204(f):

26 (1) On or before January 1, 2024; or

27 (2) If approval under § 10-3-309 has not occurred by January 1,  
28 2024, as soon as practicable after approval under § 10-3-309.

29 (b) The department shall file the proposed rules with the Legislative  
30 Council under § 10-3-309(c) sufficiently in advance of January 1, 2024, so  
31 that the Legislative Council may consider the rules for approval before  
32 January 1, 2024.