

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

As Engrossed: S3/30/23

# 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

19 TO CREATE THE CONTINUUM OF CARE PROGRAM  
20 WITHIN THE DEPARTMENT OF HUMAN SERVICES;  
21 AND TO AMEND THE LIFE CHOICES LIFELINE  
22 PROGRAM TO CLARIFY LANGUAGE AND ENSURE  
23 PROPER ADMINISTRATION OF THE PROGRAM.  
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
27

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 and the 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 Title 20, Chapter 8, Subchapter 10, is  
14 amended to add additional sections to read as follows:

15 20-8-1002. Administration.

16 (a)(1) The Department of Human Services may contract with one (1) or  
17 more organizations to deliver one (1) or more of the services described in §  
18 20-8-1001 but may not contract with an organization that:

19 (A) Is an abortion provider;

20 (B) Assists women in obtaining an abortion, refers women  
21 to an abortion provider, recommends abortion, or directly or indirectly  
22 promotes abortion;

23 (C) Owns, operates, or is affiliated with an abortion  
24 provider or an entity that assists women in obtaining an abortion, refers  
25 women to an abortion provider, recommends abortion, or directly or indirectly  
26 promotes abortion;

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

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

32 (2)(A) The procurement of one (1) or more vendors to serve as  
33 organizations shall be done through the Arkansas Procurement Law, § 19-11-201  
34 et seq., by the Office of State Procurement.

35 (B) If by July 1, 2024, the Department of Human Services  
36 has not contracted with one (1) or more organizations to deliver one (1) or

1 more of the services described in § 20-8-1001, the Department of Human  
2 Services shall submit a written report to the Legislative Council documenting  
3 the reasons why no contract has been procured and the status of the provision  
4 of the services required by § 20-8-1001.

5 (b) An organization contracting with the department shall report to  
6 the department on no more frequent than a monthly basis the following  
7 information:

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

10 (2) The number of individuals who obtained care plan  
11 coordination services;

12 (3) The number of individuals who obtained healthy pregnancy  
13 program services;

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

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

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

20 (B) Education or training for a professional  
21 certification;

22 (C) Housing assistance;

23 (D) Employment assistance;

24 (E) Resume development;

25 (F) Childcare;

26 (G) Adoption services;

27 (H) Financial assistance;

28 (I) Substance abuse treatment and alcohol abuse treatment;

29 (J) Mental health care;

30 (K) Medical care;

31 (L) Human trafficking; or

32 (M) Health benefit plan coverage; and

33 (6) The resources, services, and referrals provided by the  
34 organization.

35 (c) The department shall not:

36 (1) Require any contracted organization, or its employees, to

1 refer a woman for any social or medical service to which the employee or  
2 agency has a conscience objection;

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

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

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

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

12  
13 20-8-1003. Continuum of Care Program.

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

16 (2) The department may contract with entities to operate the  
17 program.

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

21 (b)(1) The purpose of the program is to facilitate the operation of a  
22 statewide telemedicine support network that provides community outreach,  
23 consultations, and care coordination for women who are challenged with  
24 unexpected pregnancies.

25 (2) The program shall:

26 (A) Encourage healthy childbirth;

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

28 (C) Promote family formation;

29 (D) Assist parents in establishing successful parenting  
30 techniques; and

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

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

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

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

3 (e)(1) The program shall provide direct services, supports, social  
4 services case management, and referrals to biological parents of unborn  
5 children and biological or adoptive parents of children under two (2) years  
6 of age.

7 (2) The program shall include:

8 (A) Outreach to at-risk populations eligible for the  
9 program;

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

12 (i) Assess and evaluate program participant needs  
13 related to pregnancy or parenting;

14 (ii) Assist program participants in obtaining  
15 medical and mental health care; and

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

18 (C) Use of licensed social workers, nurses, community  
19 health workers, licensed professional counselors, or other individuals of  
20 equivalent experience to:

21 (i) Develop a care plan, resources, and supports for  
22 program participants to address identified needs;

23 (ii) Refer program participants to local resources  
24 including without limitation state and federal benefits programs and local  
25 charitable organizations; and

26 (iii) Assist program participants in:

27 (a) Applying for state and federal benefits  
28 programs; and

29 (b) Accomplishing elements of the care plan.

30 (f) Any organization contracted by the department to provide services  
31 under this section and any of its subcontractors or agents providing services  
32 under this section shall:

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

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

36 (3) Not directly or indirectly promote, refer for, facilitate,

1 or assist women in obtaining abortion services or abortion aid;

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

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

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

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

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

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

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

19 (A) The number of individuals served by the program, and  
20 for the individuals served; and

21 (B) The types of referrals and services provided to  
22 program participants.

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

25 (i) The department shall promulgate rules necessary to implement this  
26 section.

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28 SECTION 4. Arkansas Code § 20-16-2402(3), concerning the definition of  
29 "agency" within the Every Mom Matters Act, is amended to read as follows:

30 (3) "Agency" means an entity that contracts with the ~~Department~~  
31 ~~of Health~~ Department of Human Services to provide the services required under  
32 § 20-8-1001 or the resource access assistance offer;

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34 SECTION 5. Arkansas Code § 20-16-2405(a), concerning agencies  
35 providing resource access assistance offers under the Every Mom Matters Act,  
36 is amended to read as follows:

1           (a) ~~The Department of Health~~ Upon the effective date of this section,  
2 the Department of Human Services shall:

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

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

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

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

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17           SECTION 6. Arkansas Code § 20-16-2407(a), concerning the  
18 administration of the resource access assistance offer program under the  
19 Every Mom Matters Act, is amended to read as follows:

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

21           (1)(A) Before implementation of the services under § 20-8-1001  
22 or the resource access assistance offer, create a program-specific website  
23 that describes the services offered by § 20-8-1001 and the resource access  
24 assistance offer.

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

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

32           (B) The toll-free number shall automatically connect the  
33 pregnant woman to an agency based on the proportion determined under § 20-16-  
34 2405(a)(2);

35           (3)(A) Before implementation of the resource access assistance  
36 offer, develop ~~Develop~~ and maintain a secure database.

- 1 (B) The secure database shall:
- 2 (i) Generate a unique identifying number;
- 3 (ii) Be accessible only to a person who is to perform
- 4 an abortion or an agent of the person performing an abortion, agencies, and
- 5 the department; and
- 6 (iii) Not transmit any information to:
- 7 (a) The agency or care agent concerning the
- 8 identity or location of the person who performs the abortion or the facility
- 9 at which the abortion is performed; or
- 10 (b) The person providing the abortion or the
- 11 agent of the person performing the abortion concerning the identity of the
- 12 agency or care agent providing the resource access assistance offer.
- 13 (C) The unique identifying number shall not contain
- 14 personally identifiable information; and
- 15 (4) For each agency, report on the department's website the
- 16 percentage of pregnant women who received a resource access assistance offer
- 17 from the agency and subsequently obtained an abortion in the state.
- 18

19 SECTION 7. Arkansas Code § 20-16-2409(e), concerning penalties within

20 the Every Mom Matters Act, is repealed.

21 ~~(e) The Department of Health shall revoke the license of an abortion~~

22 ~~facility if more than five percent (5%) of audited medical records at the~~

23 ~~abortion facility indicate noncompliance with the requirements of § 20-16-~~

24 ~~2407(b).~~

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26 SECTION 8. Arkansas Code § 20-16-2410(a), concerning confidentiality

27 and disclosure under the Every Mom Matters Act, is amended to read as

28 follows:

29 (a) *All personally identifiable information held by the Department of*

30 *Health or Department of Human Services under this subchapter is confidential*

31 *and is not subject to the Freedom of Information Act of 1967, § 25-19-101 et*

32 *seq.*

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34 SECTION 9. Arkansas Code § 20-16-2411 is amended to read as follows:

35 20-16-2411. Conscience protections.

36 ~~The Department of Health~~ Department of Human Services shall not require



1 any care agent or agency to refer a woman for any social or medical service  
2 to which the care agent or agency has a conscience objection.

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4 *SECTION 10. DO NOT CODIFY. Contingent effective date.*

5 Section 5 of this act and § 20-16-2405 shall become effective on and  
6 after the certification of the Attorney General that:

7 (1) The United States Supreme Court or the Arkansas Supreme  
8 Court issues a final decision that restricts, in whole or in part, the  
9 authority of the State of Arkansas to prohibit abortions other than those  
10 necessary to save the life of a pregnant woman in a medical emergency; or

11 (2) An amendment to the United States Constitution or Arkansas  
12 Constitution is adopted that restricts, in whole or in part, the authority of  
13 the State of Arkansas to prohibit abortions other than those necessary to  
14 save the life of a pregnant woman in a medical emergency.

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16 *SECTION 11. DO NOT CODIFY. Rules.*

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

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

21 (2) If approval under § 10-3-309 has not occurred by January 1,  
22 2024, as soon as practicable after approval under § 10-3-309.

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

27  
28 /s/J. Dotson  
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