

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

A Bill

SENATE BILL 53

5 By: Joint Budget Committee
6

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
9 AND OPERATING EXPENSES FOR THE DEPARTMENT OF HUMAN
10 SERVICES - DIVISION OF MEDICAL SERVICES FOR THE
11 FISCAL YEAR ENDING JUNE 30, 2024; AND FOR OTHER
12 PURPOSES.
13
14

Subtitle

15 AN ACT FOR THE DEPARTMENT OF HUMAN
16 SERVICES - DIVISION OF MEDICAL SERVICES
17 APPROPRIATION FOR THE 2023-2024 FISCAL
18 YEAR.
19
20
21

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

24 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established
25 for the Department of Human Services - Division of Medical Services for the
26 2023-2024 fiscal year, the following maximum number of regular employees.
27

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2023-2024
32	(1) N249N	DHS DIVISION DIRECTOR	1	GRADE SE02
33	(2) N027N	DHS DEPUTY DIRECTOR ADULT SERVICES	1	GRADE SE01
34	(3) L016N	REGISTERED PHARMACIST	4	GRADE MP05
35	(4) L009C	NURSE MANAGER	1	GRADE MP03
36	(5) L027C	REGISTERED NURSE SUPERVISOR	3	GRADE MP02



1	(6)	L038C REGISTERED NURSE	9	GRADE MP01
2	(7)	D006N STATE SYSTEMS ARCHITECT	1	GRADE IT10
3	(8)	D007C INFORMATION SYSTEMS MANAGER	2	GRADE IT08
4	(9)	D030C INFORMATION SYSTEMS COORDINATOR	1	GRADE IT07
5	(10)	D038C SENIOR SOFTWARE SUPPORT ANALYST	1	GRADE IT06
6	(11)	D061C INFORMATION SYSTEMS COORDINATION SPEC	1	GRADE IT05
7	(12)	D058C COMPUTER OPERATIONS COORDINATOR	1	GRADE IT04
8	(13)	D068C INFORMATION SYSTEMS ANALYST	2	GRADE IT04
9	(14)	A019N DHS DEP CHIEF FIN OFFICER-MEDICAL SVCS	1	GRADE GS15
10	(15)	G286C DMS DEPUTY DIRECTOR	1	GRADE GS15
11	(16)	P077C DHS COMM & COMMUNITY ENGAGEMENT OFCR	1	GRADE GS14
12	(17)	N100N DHS/DMS ADD - MEDICAL SERVICES	1	GRADE GS14
13	(18)	N110N DHS ASST DIR CONTRACT MONITORING UNIT	1	GRADE GS13
14	(19)	N128N DHS ASST DIR QUALITY ASSURANCE	1	GRADE GS13
15	(20)	D026N DHS ELIGIBILITY SYSTEM PROGRAM MGR	1	GRADE GS13
16	(21)	G025C ATTORNEY SUPERVISOR	1	GRADE GS12
17	(22)	N168N DHS DIR HOME & COMMUNITY BASED SVCS	1	GRADE GS12
18	(23)	A016C DHS DMS BUSINESS OPERATIONS MANAGER	8	GRADE GS12
19	(24)	G073C ATTORNEY	1	GRADE GS10
20	(25)	L010C DHS DMS MEDICAL ASSISTANCE MANAGER	4	GRADE GS10
21	(26)	G099C DHS PROGRAM ADMINISTRATOR	17	GRADE GS09
22	(27)	R021C BUDGET ANALYST	1	GRADE GS08
23	(28)	G152C DHS PROGRAM MANAGER	8	GRADE GS08
24	(29)	A081C AUDITOR	1	GRADE GS07
25	(30)	G183C DHS PROGRAM COORDINATOR	7	GRADE GS07
26	(31)	C037C ADMINISTRATIVE ANALYST	2	GRADE GS06
27	(32)	R027C BUDGET SPECIALIST	1	GRADE GS06
28	(33)	C013C MEDICAL SERVICES REPRESENTATIVE	1	GRADE GS06
29	(34)	C036C ADMINISTRATIVE REVIEW ANALYST	1	GRADE GS05
30	(35)	L070C HEALTH CARE ANALYST	4	GRADE GS05
31	(36)	C056C ADMINISTRATIVE SPECIALIST III	4	GRADE GS04
32	(37)	A098C FISCAL SUPPORT SPECIALIST	<u>1</u>	GRADE GS04
33		MAX. NO. OF EMPLOYEES	98	

34

35 SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for
 36 the Department of Human Services - Division of Medical Services for the 2023-

1 2024 fiscal year, the following maximum number of part-time or temporary
 2 employees, to be known as "Extra Help", payable from funds appropriated
 3 herein for such purposes: ten (10) temporary or part-time employees, when
 4 needed, at rates of pay not to exceed those provided in the Uniform
 5 Classification and Compensation Act, or its successor, or this act for the
 6 appropriate classification.

7

8 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated,
 9 to the Department of Human Services, to be payable from the paying account as
 10 determined by the Chief Fiscal Officer of the State, for personal services
 11 and operating expenses of the Department of Human Services - Division of
 12 Medical Services for the fiscal year ending June 30, 2024, the following:

13

14 ITEM	FISCAL YEAR
15 <u>NO.</u>	<u>2023-2024</u>
16 (01) REGULAR SALARIES	\$6,527,589
17 (02) EXTRA HELP	201,892
18 (03) PERSONAL SERVICES MATCHING	2,257,092
19 (04) OVERTIME	2,241
20 (05) MAINT. & GEN. OPERATION	
21 (A) OPER. EXPENSE	1,813,290
22 (B) CONF. & TRAVEL	40,099
23 (C) PROF. FEES	700,000
24 (D) CAP. OUTLAY	0
25 (E) DATA PROC.	0
26 (06) DATA PROCESSING SERVICES	<u>1,299,600</u>
27 TOTAL AMOUNT APPROPRIATED	<u>\$12,841,803</u>

28

29 SECTION 4. APPROPRIATION - GRANTS. There is hereby appropriated, to
 30 the Department of Human Services, to be payable from the paying account as
 31 determined by the Chief Fiscal Officer of the State, for grant payments of
 32 the Department of Human Services - Division of Medical Services for the
 33 fiscal year ending June 30, 2024, the following:

34

35 ITEM	FISCAL YEAR
36 <u>NO.</u>	<u>2023-2024</u>

1	(01) ARKIDS B PROGRAM	\$207,222,020
2	(02) HOSPITAL AND MEDICAL SERVICES	8,034,125,877
3	(03) PRESCRIPTION DRUGS	509,386,547
4	(04) PRIVATE NURSING HOME CARE	957,142,061
5	(05) CHILD AND FAMILY LIFE INSTITUTE	2,100,000
6	(06) INFANT INFIRMARY	2,588,441
7	(07) PUBLIC NURSING HOME CARE	<u>217,529,350</u>
8	TOTAL AMOUNT APPROPRIATED	<u>\$9,930,094,296</u>

9

10 SECTION 5. APPROPRIATION - NURSING HOME CLOSURE COSTS. There is hereby
 11 appropriated, to the Department of Human Services - Division of Medical
 12 Services, to be payable from the Long-Term Care Trust Fund, for the payment
 13 of relocation costs of residents in long-term care facilities, maintenance
 14 and operation of a facility pending correction of deficiencies or closure,
 15 and reimbursement of residents for personal funds lost for the fiscal year
 16 ending June 30, 2024, the following:

17

18	ITEM	FISCAL YEAR
19	<u>NO.</u>	<u>2023-2024</u>
20	(01) EXPENSES	<u>\$4,500,000</u>

21

22 SECTION 6. APPROPRIATION - LONG-TERM CARE FACILITY RECEIVERSHIP. There
 23 is hereby appropriated, to the Department of Human Services, to be payable
 24 from the Long Term Care Facility Receivership Fund Account, for the payment
 25 of expenses of long-term care facility receivers as authorized by law of the
 26 Department of Human Services - Division of Medical Services - Long-Term Care
 27 Facility Receivership for the fiscal year ending June 30, 2024, the
 28 following:

29

30	ITEM	FISCAL YEAR
31	<u>NO.</u>	<u>2023-2024</u>
32	(01) EXPENSES	<u>\$100,000</u>

33

34 SECTION 7. APPROPRIATION - NURSING HOME QUALITY GRANTS. There is
 35 hereby appropriated, to the Department of Human Services, to be payable from
 36 the Long-Term Care Trust Fund, for Nursing Home Quality Care Grants of the

1 Department of Human Services - Division of Medical Services - Nursing Home
 2 Quality Grants for the fiscal year ending June 30, 2024, the following:

ITEM NO.	FISCAL YEAR 2023-2024
(01) NURSING HOME QUALITY GRANTS AND AID	<u>\$4,000,000</u>

7
 8 SECTION 8. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code Title 20,
 9 Chapter 77, Subchapter 4, is amended to add an additional section to codify
 10 special language in appropriation acts to read as follows:

11 20-77-407. Pharmaceutical dispensing fee survey.

12 (a) No more than two (2) years before making any changes to the
 13 current pharmaceutical dispensing fee, the Department of Human Services shall
 14 conduct an independent survey utilizing generally accepted accounting
 15 principles to determine the cost of dispensing a prescription by pharmacists
 16 in Arkansas.

17 (b)(1) Only factors relative to the cost of dispensing shall be
 18 surveyed under subsection (a) of this section.

19 (2) The factors surveyed under subsection (a) of this section
 20 shall not include actual acquisition costs, average profit, or any
 21 combination of actual acquisition costs or average profit.

22 (c)(1) The survey results obtained under this section shall be the
 23 basis for establishing the dispensing fee paid to participating pharmacies in
 24 the Medicaid prescription drug program in accordance with federal
 25 requirements.

26 (2) The dispensing fee shall be no lower than the cost of
 27 dispensing as determined by the survey conducted under this section.

28 (d) This section does not prohibit the department from increasing the
 29 dispensing fee at any time.

30
 31 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 33 MEDICAL SERVICES - GENERAL MEDICAID RATE METHODOLOGY PROVISIONS.

34 (a) Rates established by the Division of Medical Services for the services
 35 or programs covered by this Act shall be calculated by the methodologies
 36 approved by the Centers for Medicare and Medicaid Services (CMS). The

1 Division of Medical Services shall have the authority to reduce or increase
2 rates based on the approved methodology. Further, the Division of Medical
3 Services shall have the authority to increase or decrease rates for good
4 cause including, but not limited to: (1) Identification of provider(s) who
5 can render needed services of equal quality at rates less than traditionally
6 charged and who meet the applicable federal and state laws, rules and
7 regulations pertaining to the provision of a particular service;
8 (2) Identification that a provider or group of providers has consistently
9 charged rates to the Arkansas Medicaid Program greater than to other
10 purchasers of medical services of similar size;
11 (3) The Division determines that there has been significant changes in the
12 technology or process by which services are provided by a provider or group
13 of providers which has affected the costs of providing services, or;
14 (4) A severe economic downturn in the Arkansas economy which has affected the
15 overall state budget of the Division of Medical Services.

16 The Division of Medical Services shall make available to requesting
17 providers, the CMS's inflationary forecasts (CMS Market Basket Index). Rates
18 established with cost of living increases based on the CMS Market Basket
19 Index or other indices will be adjusted annually except when the state budget
20 does not provide sufficient appropriation and funding to affect the change or
21 portion thereof.

22 (b) Any rate methodology changes proposed by the Division of Medical
23 Services both of a general and specific nature, shall be subject to prior
24 approval by the Legislative Council or Joint Budget Committee.

25 Determining the maximum number of employees and the maximum amount of
26 appropriation and general revenue funding for a state agency each fiscal year
27 is the prerogative of the General Assembly. This is usually accomplished by
28 delineating such maximums in the appropriation act(s) for a state agency and
29 the general revenue allocations authorized for each fund and fund account by
30 amendment to the Revenue Stabilization law. Further, the General Assembly has
31 determined that the Department of Human Services – Division of Medical
32 Services may operate more efficiently if some flexibility is provided to the
33 Department of Human Services – Division of Medical Services authorizing broad
34 powers under this section. Therefore, it is both necessary and appropriate
35 that the General Assembly maintain oversight by requiring prior approval of
36 the Legislative Council or Joint Budget Committee as provided by this

1 section. The requirement of approval by the Legislative Council or Joint
 2 Budget Committee is not a severable part of this section. If the requirement
 3 of approval by the Legislative Council or Joint Budget Committee is ruled
 4 unconstitutional by a court of competent jurisdiction, this entire section is
 5 void.

6 The provisions of this section shall be in effect only from July 1, ~~2022~~
 7 2023 through June 30, ~~2023~~ 2024.

8

9 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
 11 USAGE AUTHORIZED. The Arkansas Children’s Hospital may request the Department
 12 of Human Services - Division of Medical Services to retain in the Department
 13 of Human Services Grant Fund account an amount not to exceed \$2,100,000 from
 14 funds made available by this Act in the Child and Family Life Institute line
 15 item of the Grants appropriation to be used to match federal funds used for
 16 supplemental Medicaid payments to Arkansas Children’s Hospital. These
 17 retained funds shall not be recovered to transfer to the General Revenue
 18 Allotment Reserve Fund.

19 The provisions of this section shall be in effect only from July 1, ~~2022~~
 20 2023 through June 30, ~~2023~~ 2024.

21

22 SECTION 11. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code Title
 23 20, Chapter 77, Subchapter 1, is amended to add an additional section to
 24 codify special language in appropriation acts to read as follows:

25 20-77-148. Early and Periodic Screening, Diagnostic, and Treatment.

26 (a) The General Assembly finds that:

27 (1) The Medicaid State Plan must include the provision of early
 28 and periodic screening, diagnostic, and treatment services as those services
 29 are defined in 42 U.S.C. §§ 1396d(r), 1396a(a)(10)(A), 1396d(a)(4)(B), and
 30 1396a(a)(43);

31 (2) Federal law, 42 U.S.C. § 1396d(r)(5), lists in detail the
 32 screening services, vision services, dental services, and hearing services
 33 that the State Medicaid Plan must expressly include, but with regard to
 34 treatment services, it states that early and periodic screening, diagnostic,
 35 and treatment means "[s]uch other necessary health care, diagnostic services,
 36 treatment, and other measures described in section 1950(a) to correct or

1 ameliorate defects and physical and mental illnesses and conditions
2 discovered by the screening services, whether or not such services are
3 covered under the State Plan";

4 (3) Federal law, 42 U.S.C. § 1396d(r)(5) states that early and
5 periodic screening, diagnostic, and treatment services includes any
6 treatments or measures outlined in 42 U.S.C. § 1396d(a), which has twenty-
7 seven sub-parts;

8 (4) Sub-part (a)(13) of 42 U.S.C. § 1396d(a), in particular,
9 which defines medical assistance reimbursable by Medicaid as "other
10 diagnostic, screening, preventive, and rehabilitative services, including any
11 medical or remedial services recommended by a physician . . . for the maximum
12 reduction of physical and mental disability and restoration of an individual
13 to the best possible functional level," when read with the other sections of
14 the federal Medicaid Act, mandates that early intervention day treatment be
15 provided when it is prescribed by a physician;

16 (5) Reading 42 U.S.C. § 1396a, 42 U.S.C. § 1396d(a), and 42
17 U.S.C. § 1396d(r) together, the Medicaid State Plan need not specifically
18 list every treatment service conceivably available under the early and
19 periodic screening, diagnostic, and treatment mandate;

20 (6) The Medicaid State Plan, however, must pay part or all of
21 the cost of treatments to ameliorate conditions discovered by the screening
22 process when those treatments meet the definitions set forth in 42 U.S.C. §
23 1396a; and

24 (7)(A) The Medicaid State Plan states that the "State will
25 provide other health care described in [42 U.S.C. 1396d(a)] that is found to
26 be medically necessary to correct or ameliorate defects and physical and
27 mental illnesses and conditions discovered by the screening services, even
28 when such health care is not otherwise covered under the State Plan."

29 (B) This provision meets the early and periodic screening,
30 diagnostic, and treatment mandate of the federal Medicaid Act.

31 (b) It is the intent of the General Assembly to affirm the district
32 court's decision in Pediatric Specialty Care, Inc. v. Arkansas Dept. of Human
33 Services, 293 F.3d 472 (8th Cir. 2002), to the extent that it holds that a
34 Medicaid-eligible individual has a federal right to early intervention day
35 treatment when a physician recommends such treatment.

36 (c)(1) After child health management services clinic staff perform a

1 diagnostic evaluation of an eligible child, if the child health management
2 services physician prescribes early intervention day treatment as a service
3 that would lead to the maximum reduction of medical and physical disabilities
4 and restoration of the child to his or her highest possible functional level,
5 the Arkansas Medicaid State Plan shall reimburse the treatment.

6 (2) As child health management services clinics are the only
7 providers of early intervention day treatment, the Arkansas Medicaid Program
8 shall reimburse child health management services clinics.

9
10 SECTION 12. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code Title
11 20, Chapter 77, Subchapter 1, is amended to add an additional section to
12 codify special language in appropriation acts to read as follows:

13 20-77-148. Personal Care Program - Private care agency participation
14 requirements.

15 (a)(1) It is the intent of the General Assembly that the Department of
16 Human Services, in the administration of the Arkansas Medicaid Program, set
17 forth Medicaid provider participation requirements for personal care
18 providers that will ensure sufficient available personal care providers to
19 meet the required needs of all eligible recipients, including ensuring
20 available in-home services twenty-four (24) hours a day and seven (7) days a
21 week for personal care.

22 (2) The purpose of this section is to:

23 (A) Allow the private care agencies to be eligible to
24 provide Medicaid reimbursed personal care services seven (7) days a week but
25 does not supersede rules promulgated by the Department of Human Services
26 establishing monthly benefit limits and prior authorization requirements; and

27 (B) Ensure the care provided by the private care agencies
28 is consistent with the rules promulgated by the Department of Health.

29 (b) As used in this section, "private care agencies" means healthcare
30 providers that:

31 (1) Are licensed by the United States Department of Labor;

32 (2) Are certified as Home and Community Based Services
33 Providers;

34 (3) Furnish in-home staffing services for respite, chore
35 services, and homemaker services; and

36 (4) Are covered by liability insurance of not less than one

1 million dollars (\$1,000,000) covering their employees and independent
 2 contractors while engaging in providing services such as personal care,
 3 respite, chore services, and homemaker services.

4 (c) The availability of providers shall not require the Department of
 5 Human Services to reimburse for twenty-four (24) hours per day of personal
 6 care services.

7 (d) The Department of Human Services shall take necessary action as
 8 required by the Centers for Medicare and Medicaid Services to amend the
 9 Arkansas Medicaid Program to include private care agencies as qualified
 10 entities to provide Medicaid reimbursed personal care services.

11 (e)(1) The private care agencies shall comply with rules promulgated
 12 by the Department of Health, which shall establish a separate licensure
 13 category for the private care agencies for the provision of Medicaid
 14 reimbursable personal care services seven (7) days a week.

15 (2) The Department of Health shall supervise the conduct of the
 16 private care agencies.

17
 18 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
 20 HEALTH AND OPPORTUNITY FOR ME AND ARKANSAS HEALTH INSURANCE MARKETPLACE
 21 RESTRICTIONS. (a) As used in this section, "Arkansas Health and Opportunity
 22 for Me" means Arkansas Health and Opportunity for Me established under the
 23 Arkansas Health and Opportunity for Me Act of 2021, Arkansas Code § 23-61-
 24 1001 et seq.

25 (b)(1) Determining the maximum number of employees, the maximum amount
 26 of appropriation, for what purposes an appropriation is authorized, and
 27 general revenue funding for a state agency each fiscal year is the
 28 prerogative of the General Assembly.

29 (2) The purposes of subdivision (b)(1) of this section are
 30 typically accomplished by:

31 (A) Identifying the purpose in the appropriation act;

32 (B) Delineating such maximums in the appropriation act for
 33 a state agency; and

34 (C) Delineating the general revenue allocations authorized
 35 for each fund and fund account by amendment to the Revenue Stabilization Law,
 36 Arkansas Code § 19-5-101 et seq.

1 (3) It is both necessary and appropriate that the General
2 Assembly restrict the use of appropriations authorized in this act.

3 (c)(1) Except as provided in this subsection, the Department of Human
4 Services shall not allocate, budget, expend, or utilize any appropriation
5 authorized by the General Assembly for the purpose of advertisement,
6 promotion, or other activities designed to promote or encourage enrollment in
7 the Arkansas Health Insurance Marketplace or Arkansas Health and Opportunity
8 for Me, including without limitation:

9 (A) Unsolicited communications mailed to potential
10 recipients;

11 (B) Television, radio, or online commercials;

12 (C) Billboard or mobile billboard advertising;

13 (D) Advertisements printed in newspapers, magazines, or
14 other print media; and

15 (E) Internet websites and electronic media.

16 (2) This subsection does not prohibit the department from:

17 (A) Direct communications with:

18 (i) Licensed insurance agents; and

19 (ii) Persons licensed by the department;

20 (B) Solicited communications with potential recipients;

21 (C)(i) Responding to an inquiry regarding the coverage for
22 which a potential recipient might be eligible, including without limitation
23 providing educational materials or information regarding any coverage for
24 which the individual might qualify.

25 (ii) Educational materials and information
26 distributed under subdivision (c)(2)(C)(i) of this section shall contain only
27 factual information and shall not contain subjective statements regarding the
28 coverage for which the potential recipient might be eligible; and

29 (D) Using an Internet website for the exclusive purpose of
30 enrolling individuals in the Arkansas Health Insurance Marketplace or
31 Arkansas Health and Opportunity for Me.

32 (d) The Department of Human Services shall not apply for or accept any
33 funds, including without limitation federal funds, for the purpose of
34 advertisement, promotion, or other activities designed to promote or
35 encourage enrollment in the Arkansas Health Insurance Marketplace or Arkansas
36 Health and Opportunity for Me.

1 (e)(1) Except as provided in subdivision (e)(2) of this section, the
 2 Department of Human Services shall not:

3 (A)(i) Except as provided in subdivision (e)(1)(A)(ii) of
 4 this section, allocate, budget, expend, or utilize an appropriation
 5 authorized by the General Assembly for the purpose of funding activities of
 6 navigators, guides, certified application counselors, and certified licensed
 7 producers under the Arkansas Health Insurance Marketplace Navigator, Guide,
 8 and Certified Application Counselors Act, Arkansas Code § 23-64-601 et seq.

9 (ii) Subdivision (e)(1)(A)(i) of this section does
 10 not apply to regulatory and training responsibilities related to navigators,
 11 guides, certified application counselors, and certified licensed producers;
 12 and

13 (B) Apply for or accept any funds, including without
 14 limitation federal funds, for the purpose of funding activities of
 15 navigators, guides, certified application counselors, and certified licensed
 16 producers under the Arkansas Health Insurance Marketplace Navigator, Guide,
 17 and Certified Application Counselors Act, Arkansas Code § 23-64-601 et seq.

18 (2) Subdivision (e)(1) of this section does not apply to
 19 certified application counselors at health related institutions, including
 20 without limitation the University of Arkansas for Medical Sciences.

21 (f) An appropriation authorized by the General Assembly shall not be
 22 subject to the provisions allowed through reallocation of resources or
 23 transfer of appropriation authority for the purpose of transferring an
 24 appropriation to any other appropriation authorized for the Department of
 25 Human Services to be allocated, budgeted, expended, or utilized in a manner
 26 prohibited by this section.

27 (g) The provisions of this section are severable, and the invalidity
 28 of any subsection or subdivision of this section shall not affect other
 29 provisions of the section that can be given effect without the invalid
 30 provision.

31 (h) This section expires on June 30, ~~2023~~ 2024.

32
 33 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL
 35 SERVICES – COMMUNITY AND EMPLOYMENT SUPPORTS MEDICAID WAIVER.

36 (a) Of the funding allocated to the Department of Human Services Grants

1 Fund Account under § 19-5-402, the first thirty-seven million six hundred
2 thousand dollars (\$37,600,000) shall be set aside in its own subfund by the
3 Department of Human Services and shall be used only for home and community-
4 based services to individuals with intellectual and developmental
5 disabilities under the Community and Employment Supports Medicaid Waiver
6 Program or a successor Medicaid Waiver program that provides home and
7 community-based services to individuals with intellectual and developmental
8 disabilities.

9 (b) At the close of the fiscal year ending June 30, ~~2023~~ 2024, any
10 unexpended balance of monies set aside as established in subsection (a)
11 herein shall be transferred forward and made available for the same purpose
12 for the fiscal year ending June 30, ~~2024~~ 2025.

13 (c) The provisions of this section shall be in effect only from July 1,
14 ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

15
16 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
18 ASSISTED LIVING FACILITY REIMBURSEMENT - ACCOUNTING OF HOME AND COMMUNITY-
19 BASED FUNDS.

20 (a)(1) The Department of Human Services shall take the necessary
21 action to submit a waiver application to the Centers for Medicare and
22 Medicaid Services to increase reimbursement rates for assisted living
23 facilities under the Living Choices Assisted Living Waiver.

24 (2) The department shall study and explore methods to increase the
25 reimbursement rates for assisted living facilities under the Living Choices
26 Assisted Living Waiver, including without limitation setting the
27 reimbursement rate for assisted living facilities under the Living Choices
28 Assisted Living Waiver as a percentage of the reimbursement rate for nursing
29 home facilities.

30 (b) The department shall provide an accounting of funds allocated to
31 qualifying entities under home and community-based services to the
32 Legislative Council.

33 (c)(1) The Secretary of the Department of Human Services shall
34 provide, in person, a monthly update to the Legislative Council on the status
35 of the actions listed in subsections (a) and (b) of this section until the
36 conclusion or resolution of these actions.

1 (2) If the General Assembly is in session, the secretary shall
2 provide the updates described in subdivision (c)(1) of this section to the
3 Joint Budget Committee.
4

5 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

7 SEVERABILITY. If any provisions of this act or the application of this act
8 to any person or circumstance is held invalid, such invalidity shall not
9 affect other provisions or applications of the act which can be given effect
10 without the invalid provision or application, and to this end the provisions
11 of this act are declared to be severable.
12

13 SECTION 17. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
14 authorized by this act shall be limited to the appropriation for such agency
15 and funds made available by law for the support of such appropriations; and
16 the restrictions of the State Procurement Law, the General Accounting and
17 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
18 Procedures and Restrictions Act, or their successors, and other fiscal
19 control laws of this State, where applicable, and regulations promulgated by
20 the Department of Finance and Administration, as authorized by law, shall be
21 strictly complied with in disbursement of said funds.
22

23 SECTION 18. LEGISLATIVE INTENT. It is the intent of the General
24 Assembly that any funds disbursed under the authority of the appropriations
25 contained in this act shall be in compliance with the stated reasons for
26 which this act was adopted, as evidenced by the Agency Requests, Executive
27 Recommendations and Legislative Recommendations contained in the budget
28 manuals prepared by the Department of Finance and Administration, letters, or
29 summarized oral testimony in the official minutes of the Arkansas Legislative
30 Council or Joint Budget Committee which relate to its passage and adoption.
31

32 SECTION 19. EMERGENCY CLAUSE. It is found and determined by the
33 General Assembly, that the Constitution of the State of Arkansas prohibits
34 the appropriation of funds for more than a one (1) year period; that the
35 effectiveness of this Act on July 1, 2023 is essential to the operation of
36 the agency for which the appropriations in this Act are provided, and that in

1 the event of an extension of the legislative session, the delay in the
2 effective date of this Act beyond July 1, 2023 could work irreparable harm
3 upon the proper administration and provision of essential governmental
4 programs. Therefore, an emergency is hereby declared to exist and this Act
5 being necessary for the immediate preservation of the public peace, health
6 and safety shall be in full force and effect from and after July 1, 2023.

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