

Stricken language will be deleted and underlined language will be added.

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

As Engrossed: S3/27/23

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 | 1 | 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 | 96 | |

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:

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| | | |
|----|---------------|------------------|
| 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. Personal Care Program - Private care agency participation
26 requirements.

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

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

35 (A) Allow the private care agencies to be eligible to
36 provide Medicaid reimbursed personal care services seven (7) days a week but

1 does not supersede rules promulgated by the Department of Human Services
2 establishing monthly benefit limits and prior authorization requirements; and

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

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

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

8 (2) Are certified as Home and Community Based Services
9 Providers;

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

12 (4) Are covered by liability insurance of not less than one
13 million dollars (\$1,000,000) covering their employees and independent
14 contractors while engaging in providing services such as personal care,
15 respite, chore services, and homemaker services.

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

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

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

27 (2) The Department of Health shall supervise the conduct of the
28 private care agencies.

29
30 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
32 HEALTH AND OPPORTUNITY FOR ME AND ARKANSAS HEALTH INSURANCE MARKETPLACE
33 RESTRICTIONS. (a) As used in this section, "Arkansas Health and Opportunity
34 for Me" means Arkansas Health and Opportunity for Me established under the
35 Arkansas Health and Opportunity for Me Act of 2021, Arkansas Code § 23-61-
36 1001 et seq.

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

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

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

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

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

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

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

21 (A) Unsolicited communications mailed to potential
22 recipients;

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

24 (C) Billboard or mobile billboard advertising;

25 (D) Advertisements printed in newspapers, magazines, or
26 other print media; and

27 (E) Internet websites and electronic media.

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

29 (A) Direct communications with:

30 (i) Licensed insurance agents; and

31 (ii) Persons licensed by the department;

32 (B) Solicited communications with potential recipients;

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

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

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

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

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

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

21 (ii) Subdivision (e)(1)(A)(i) of this section does
22 not apply to regulatory and training responsibilities related to navigators,
23 guides, certified application counselors, and certified licensed producers;
24 and

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

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

33 (f) An appropriation authorized by the General Assembly shall not be
34 subject to the provisions allowed through reallocation of resources or
35 transfer of appropriation authority for the purpose of transferring an
36 appropriation to any other appropriation authorized for the Department of

1 Human Services to be allocated, budgeted, expended, or utilized in a manner
2 prohibited by this section.

3 (g) The provisions of this section are severable, and the invalidity
4 of any subsection or subdivision of this section shall not affect other
5 provisions of the section that can be given effect without the invalid
6 provision.

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

8
9 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL
11 SERVICES – COMMUNITY AND EMPLOYMENT SUPPORTS MEDICAID WAIVER.

12 (a) Of the funding allocated to the Department of Human Services Grants
13 Fund Account under § 19-5-402, the first thirty-seven million six hundred
14 thousand dollars (\$37,600,000) shall be set aside in its own subfund by the
15 Department of Human Services and shall be used only for home and community-
16 based services to individuals with intellectual and developmental
17 disabilities under the Community and Employment Supports Medicaid Waiver
18 Program or a successor Medicaid Waiver program that provides home and
19 community-based services to individuals with intellectual and developmental
20 disabilities.

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

25 (c) The provisions of this section shall be in effect only from July 1,
26 ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

27
28 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
30 ASSISTED LIVING FACILITY REIMBURSEMENT - ACCOUNTING OF HOME AND COMMUNITY-
31 BASED FUNDS.

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

36 (2) The department shall study and explore methods to increase the

1 reimbursement rates for assisted living facilities under the Living Choices
2 Assisted Living Waiver, including without limitation setting the
3 reimbursement rate for assisted living facilities under the Living Choices
4 Assisted Living Waiver as a percentage of the reimbursement rate for nursing
5 home facilities.

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

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

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

16

17 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
19 SEVERABILITY. If any provisions of this act or the application of this act
20 to any person or circumstance is held invalid, such invalidity shall not
21 affect other provisions or applications of the act which can be given effect
22 without the invalid provision or application, and to this end the provisions
23 of this act are declared to be severable.

24

25 SECTION 16. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
26 authorized by this act shall be limited to the appropriation for such agency
27 and funds made available by law for the support of such appropriations; and
28 the restrictions of the State Procurement Law, the General Accounting and
29 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
30 Procedures and Restrictions Act, or their successors, and other fiscal
31 control laws of this State, where applicable, and regulations promulgated by
32 the Department of Finance and Administration, as authorized by law, shall be
33 strictly complied with in disbursement of said funds.

34

35 SECTION 17. LEGISLATIVE INTENT. It is the intent of the General
36 Assembly that any funds disbursed under the authority of the appropriations

1 contained in this act shall be in compliance with the stated reasons for
2 which this act was adopted, as evidenced by the Agency Requests, Executive
3 Recommendations and Legislative Recommendations contained in the budget
4 manuals prepared by the Department of Finance and Administration, letters, or
5 summarized oral testimony in the official minutes of the Arkansas Legislative
6 Council or Joint Budget Committee which relate to its passage and adoption.
7

8 SECTION 18. EMERGENCY CLAUSE. It is found and determined by the
9 General Assembly, that the Constitution of the State of Arkansas prohibits
10 the appropriation of funds for more than a one (1) year period; that the
11 effectiveness of this Act on July 1, 2023 is essential to the operation of
12 the agency for which the appropriations in this Act are provided, and that in
13 the event of an extension of the legislative session, the delay in the
14 effective date of this Act beyond July 1, 2023 could work irreparable harm
15 upon the proper administration and provision of essential governmental
16 programs. Therefore, an emergency is hereby declared to exist and this Act
17 being necessary for the immediate preservation of the public peace, health
18 and safety shall be in full force and effect from and after July 1, 2023.
19

20 /s/ Joint Budget Committee
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