

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

A Bill

SENATE BILL 424

5 By: Senator J. Dotson
6

For An Act To Be Entitled

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

Subtitle

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

27 SECTION 1. Arkansas Code § 20-8-1001(a), concerning the creation of
28 the Life Choices Lifeline Program, is amended to read as follows:

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

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

36 (2) The use of licensed nurses, community health workers, or



1 other individuals of equivalent experience to offer healthy pregnancy program
 2 services to participants in the Life Choices Lifeline Program, including:

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

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

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

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

11
 12 SECTION 3. Arkansas Code § 20-8-1001(d)(3), concerning the components
 13 of the Life Choices Lifeline Program, is amended to read as follows:

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

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

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

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

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

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

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

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

32
 33 SECTION 4. Arkansas Code Title 20, Chapter 8, Subchapter 10, is
 34 amended to add additional sections to read as follows:

35 20-8-1002. Administration.

36 (a)(1) The Department of Human Services shall contract with one (1) or

1 more organizations to deliver the services described in § 20-8-1001 but may
2 not contract with an organization that:

3 (A) Is an abortion provider;

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (C) Housing assistance;

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

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

13 (c) The department shall not:

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

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

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

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

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

26
27 20-8-1003. Continuum of Care Program.

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

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

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

35 (b)(1) The purpose of the program is to facilitate the operation of a
36 statewide telemedicine support network that provides community outreach,

1 consultations, and care coordination for women who are challenged with
2 unexpected pregnancies.

3 (2) The program shall:

4 (A) Encourage healthy childbirth;

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

6 (C) Promote family formation;

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

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

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

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

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

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

21 (2) The program shall include:

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

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

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

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

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

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

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

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

4 (iii) Assist program participants in:

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

7 (b) Accomplishing elements of the care plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (3) Information provided to the department shall not include any

1 personally identifying information regarding program participants.

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

4
5 SECTION 5. Arkansas Code § 20-16-2402(3), concerning the definition of
6 "agency" within the Every Mom Matters Act, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (B) The secure database shall:

13 (i) Generate a unique identifying number;

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

17 (iii) Not transmit any information to:

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

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

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

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

29
30 SECTION 8. Arkansas Code § 20-16-2408(a), concerning the medical
31 record audit procedure within the Every Mom Matters Act, is amended to read
32 as follows:

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

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

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

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

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

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

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

21 SECTION 12. DO NOT CODIFY. Rules.

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

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

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

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