

Stricken language will be deleted and underlined language will be added.
Act 213 of the Fiscal Session

1 State of Arkansas
2 93rd General Assembly
3 Fiscal Session, 2022
4

As Engrossed: S3/2/22

A Bill

SENATE BILL 54

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, 2023; 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 2022-2023 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 2022-2023 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 2022-2023
32	(1)	N027N DHS DEPUTY DIRECTOR ADULT SERVICES	1	GRADE SE01
33	(2)	L016N REGISTERED PHARMACIST	4	GRADE MP05
34	(3)	L009C NURSE MANAGER	1	GRADE MP03
35	(4)	L020C NURSING SERVICES UNIT MANAGER	1	GRADE MP02
36	(5)	L027C REGISTERED NURSE SUPERVISOR	3	GRADE MP02



1	(6)	L038C REGISTERED NURSE	9	GRADE MP01
2	(7)	D007C INFORMATION SYSTEMS MANAGER	2	GRADE IT08
3	(8)	D030C INFORMATION SYSTEMS COORDINATOR	1	GRADE IT07
4	(9)	D038C SENIOR SOFTWARE SUPPORT ANALYST	1	GRADE IT06
5	(10)	D061C INFORMATION SYSTEMS COORDINATION SPEC	2	GRADE IT05
6	(11)	D058C COMPUTER OPERATIONS COORDINATOR	1	GRADE IT04
7	(12)	D068C INFORMATION SYSTEMS ANALYST	2	GRADE IT04
8	(13)	N016N DHS DEP DIR ADMINISTRATIVE SVCS	1	GRADE GS15
9	(14)	G286C DMS DEPUTY DIRECTOR	1	GRADE GS15
10	(15)	N142N DHS/DAAS DEPUTY DIRECTOR	1	GRADE GS14
11	(16)	A010C AGENCY CONTROLLER II	1	GRADE GS13
12	(17)	N168N DHS DIR HOME & COMMUNITY BASED SVCS	1	GRADE GS12
13	(18)	P004N DHS DIRECTOR OF PUBLIC RELATIONS	1	GRADE GS12
14	(19)	A016C DHS DMS BUSINESS OPERATIONS MANAGER	8	GRADE GS12
15	(20)	N167N DHS POLICY & RESEARCH DIRECTOR	1	GRADE GS12
16	(21)	G076C ADMINISTRATIVE SERVICES MANAGER	1	GRADE GS10
17	(22)	G073C ATTORNEY	1	GRADE GS10
18	(23)	L010C DHS DMS MEDICAL ASSISTANCE MANAGER	3	GRADE GS10
19	(24)	G099C DHS PROGRAM ADMINISTRATOR	16	GRADE GS09
20	(25)	R021C BUDGET ANALYST	1	GRADE GS08
21	(26)	G152C DHS PROGRAM MANAGER	8	GRADE GS08
22	(27)	X067C HEALTH FACILITIES SURVEYOR	1	GRADE GS08
23	(28)	A081C AUDITOR	1	GRADE GS07
24	(29)	G183C DHS PROGRAM COORDINATOR	6	GRADE GS07
25	(30)	M039C MEDICAID SERVICES SUPERVISOR	1	GRADE GS07
26	(31)	P013C PUBLIC INFORMATION COORDINATOR	1	GRADE GS07
27	(32)	C037C ADMINISTRATIVE ANALYST	2	GRADE GS06
28	(33)	R027C BUDGET SPECIALIST	1	GRADE GS06
29	(34)	G180C GRANTS ANALYST	1	GRADE GS06
30	(35)	C013C MEDICAL SERVICES REPRESENTATIVE	1	GRADE GS06
31	(36)	G178C POLICY DEVELOPMENT COORDINATOR	1	GRADE GS06
32	(37)	X136C QUALITY ASSURANCE REVIEWER	1	GRADE GS06
33	(38)	C050C ADMINISTRATIVE SUPPORT SUPERVISOR	1	GRADE GS05
34	(39)	L070C HEALTH CARE ANALYST	7	GRADE GS05
35	(40)	C056C ADMINISTRATIVE SPECIALIST III	4	GRADE GS04
36	(41)	A098C FISCAL SUPPORT SPECIALIST	1	GRADE GS04

1	(42) N249N DHS DIVISION DIRECTOR	1	GRADE SE02
2	(43) D006N STATE SYSTEMS ARCHITECT	1	GRADE IT10
3	(44) P077C DHS COMM & COMMUNITY ENGAGEMENT OFCR	1	GRADE GS14
4	(45) D026N DHS ELIGIBILITY SYSTEM PROGRAM MGR	1	GRADE GS13
5	(46) N110N DHS ASST DIR CONTRACT MONITORING UNIT	1	GRADE GS13
6	(47) G024C DEP ADMINISTRATIVE LAW JUDGE	1	GRADE GS12
7	(48) L040C DIETARY SERVICES DIRECTOR	<u>1</u>	GRADE GS09
8	MAX. NO. OF EMPLOYEES	102	

9

10 SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for
 11 the Department of Human Services - Division of Medical Services for the 2022-
 12 2023 fiscal year, the following maximum number of part-time or temporary
 13 employees, to be known as "Extra Help", payable from funds appropriated
 14 herein for such purposes: ten (10) temporary or part-time employees, when
 15 needed, at rates of pay not to exceed those provided in the Uniform
 16 Classification and Compensation Act, or its successor, or this act for the
 17 appropriate classification.

18

19 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated,
 20 to the Department of Human Services, to be payable from the paying account as
 21 determined by the Chief Fiscal Officer of the State, for personal services
 22 and operating expenses of the Department of Human Services - Division of
 23 Medical Services for the fiscal year ending June 30, 2023, the following:

24

25	ITEM	FISCAL YEAR
26	<u>NO.</u>	<u>2022-2023</u>
27	(01) REGULAR SALARIES	\$6,555,157
28	(02) EXTRA HELP	201,892
29	(03) PERSONAL SERVICES MATCHING	2,194,598
30	(04) OVERTIME	2,241
31	(05) MAINT. & GEN. OPERATION	
32	(A) OPER. EXPENSE	1,813,290
33	(B) CONF. & TRAVEL	40,099
34	(C) PROF. FEES	500,000
35	(D) CAP. OUTLAY	0
36	(E) DATA PROC.	0

1	(06) DATA PROCESSING SERVICES	<u>1,499,600</u>
2	TOTAL AMOUNT APPROPRIATED	<u><u>\$12,806,877</u></u>

3
 4 SECTION 4. APPROPRIATION - GRANTS. There is hereby appropriated, to
 5 the Department of Human Services, to be payable from the paying account as
 6 determined by the Chief Fiscal Officer of the State, for grant payments of
 7 the Department of Human Services - Division of Medical Services for the
 8 fiscal year ending June 30, 2023, the following:

10	ITEM	FISCAL YEAR
11	<u>NO.</u>	<u>2022-2023</u>
12	(01) ARKIDS B PROGRAM	\$207,222,020
13	(02) HOSPITAL AND MEDICAL SERVICES	7,547,865,506
14	(03) PRESCRIPTION DRUGS	579,386,547
15	(04) PRIVATE NURSING HOME CARE	842,142,061
16	(05) CHILD AND FAMILY LIFE INSTITUTE	2,100,000
17	(06) INFANT INFIRMARY	18,588,441
18	(07) PUBLIC NURSING HOME CARE	<u>257,529,350</u>
19	TOTAL AMOUNT APPROPRIATED	<u><u>\$9,454,833,925</u></u>

20
 21 SECTION 5. APPROPRIATION - NURSING HOME CLOSURE COSTS. There is hereby
 22 appropriated, to the Department of Human Services - Division of Medical
 23 Services, to be payable from the Long-Term Care Trust Fund, for the payment
 24 of relocation costs of residents in long-term care facilities, maintenance
 25 and operation of a facility pending correction of deficiencies or closure,
 26 and reimbursement of residents for personal funds lost for the fiscal year
 27 ending June 30, 2023, the following:

29	ITEM	FISCAL YEAR
30	<u>NO.</u>	<u>2022-2023</u>
31	(01) EXPENSES	<u><u>\$4,500,000</u></u>

32
 33 SECTION 6. APPROPRIATION - LONG-TERM CARE FACILITY RECEIVERSHIP. There
 34 is hereby appropriated, to the Department of Human Services, to be payable
 35 from the Long Term Care Facility Receivership Fund Account, for the payment
 36 of expenses of long-term care facility receivers as authorized by law of the

1 Department of Human Services - Division of Medical Services - Long-Term Care
 2 Facility Receivership for the fiscal year ending June 30, 2023, the
 3 following:

5 ITEM	FISCAL YEAR
6 <u>NO.</u>	<u>2022-2023</u>
7 (01) EXPENSES	<u>\$100,000</u>

8
 9 SECTION 7. APPROPRIATION - NURSING HOME QUALITY GRANTS. There is
 10 hereby appropriated, to the Department of Human Services, to be payable from
 11 the Long-Term Care Trust Fund, for Nursing Home Quality Care Grants of the
 12 Department of Human Services - Division of Medical Services - Nursing Home
 13 Quality Grants for the fiscal year ending June 30, 2023, the following:

15 ITEM	FISCAL YEAR
16 <u>NO.</u>	<u>2022-2023</u>
17 (01) NURSING HOME QUALITY GRANTS AND AID	<u>\$4,000,000</u>

18
 19 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL
 21 SERVICES - PHARMACEUTICAL DISPENSING FEE SURVEY. No more than two years prior
 22 to making any changes to the current pharmaceutical dispensing fee, the State
 23 shall conduct an independent survey utilizing generally accepted accounting
 24 principles, to determine the cost of dispensing a prescription by pharmacists
 25 in Arkansas. Only factors relative to the cost of dispensing shall be
 26 surveyed. These factors shall not include actual acquisition costs or average
 27 profit or any combination of actual acquisition costs or average profit. The
 28 survey results shall be the basis for establishing the dispensing fee paid to
 29 participating pharmacies in the Medicaid prescription drug program in
 30 accordance with Federal requirements. The dispensing fee shall be no lower
 31 than the cost of dispensing as determined by the survey. Nothing in this
 32 section shall be construed to prohibit the State from increasing the
 33 dispensing fee at any time.

34 The provisions of this section shall be in effect only from July 1, ~~2021~~
 35 2022 through June 30, ~~2022~~ 2023.

36

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

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

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

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

31 Determining the maximum number of employees and the maximum amount of
32 appropriation and general revenue funding for a state agency each fiscal year
33 is the prerogative of the General Assembly. This is usually accomplished by
34 delineating such maximums in the appropriation act(s) for a state agency and
35 the general revenue allocations authorized for each fund and fund account by
36 amendment to the Revenue Stabilization law. Further, the General Assembly has

1 determined that the Department of Human Services – Division of Medical
2 Services may operate more efficiently if some flexibility is provided to the
3 Department of Human Services – Division of Medical Services authorizing broad
4 powers under this section. Therefore, it is both necessary and appropriate
5 that the General Assembly maintain oversight by requiring prior approval of
6 the Legislative Council or Joint Budget Committee as provided by this
7 section. The requirement of approval by the Legislative Council or Joint
8 Budget Committee is not a severable part of this section. If the requirement
9 of approval by the Legislative Council or Joint Budget Committee is ruled
10 unconstitutional by a court of competent jurisdiction, this entire section is
11 void.

12 The provisions of this section shall be in effect only from July 1, ~~2021~~
13 2022 through June 30, ~~2022~~ 2023.

14

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

25 The provisions of this section shall be in effect only from July 1, ~~2021~~
26 2022 through June 30, ~~2022~~ 2023.

27

28 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STATE
30 PLAN. The State Plan must include the provision of EPSDT services as those
31 services are defined in 42 U.S.C. §1396d(r). See 42 U.S.C. §§
32 1396a(a)(10)(A), 1396d(a)(4)(B); see also 1396a(a)(43). Section 1396d(r)
33 lists in detail the screening services, vision services, dental services, and
34 hearing services that the State Plan must expressly include, but with regard
35 to treatment services, it states that EPSDT means "[s]uch other necessary
36 health care, diagnostic services, treatment, and other measures described in

1 subsection (a) of this section to correct or ameliorate defects and physical
2 and mental illnesses and conditions discovered by the screening services,
3 whether or not such services are covered under the State Plan." 42 U.S.C. §
4 1396d(r)(5) (emphasis added). Reading 42 U.S.C. § 1396a, 42 U.S.C. §
5 1396d(a), and 42 U.S.C. § 1396d(r) together, we believe that the State Plan
6 need not specifically list every treatment service conceivably available
7 under the EPSDT mandate.

8 The State Plan, however, must pay part or all of the cost of treatments to
9 ameliorate conditions discovered by the screening process when those
10 treatments meet the definitions set forth in 42 U.S.C. § 1396a. See 42 U.S.C.
11 § 1396d(r)(5); see also 42 U.S.C. §§ 1396a(a)(10), 1396a(a)(43), and
12 1396d(a)(4)(B). The Arkansas State Plan states that the "State will provide
13 other health care described in [42 U.S.C. 1396d(a)] that is found to be
14 medically necessary to correct or ameliorate defects and physical and mental
15 illnesses and conditions discovered by the screening services, even when such
16 health care is not otherwise covered under the State Plan." See State Plan
17 Under Title XIX of the Social Security Act, State Of Arkansas at §4.b. This
18 provision meets the EPSDT mandate of the Medicaid Act.

19 We affirm the district court's decision to the extent that it holds that a
20 Medicaid-Eligible individual has a federal right to early intervention day
21 treatment when a physician recommends such treatment. Section 1396d(r)(5)
22 states that EPSDT includes any treatments or measures outlined in 42 U.S.C.
23 §1396d(a). There are twenty-seven sub-parts to 42 U.S.C. §1396d(a), and we
24 find that sub-part (a)(13), in particular, when read with the other sections
25 of the Medicaid Act listed above, mandates that early intervention day
26 treatment be provided when it is prescribed by a physician. See 42 U.S.C.
27 §1396d(a)(13) (defining medical assistance reimbursable by Medicaid as "other
28 diagnostic, screening, preventive, and rehabilitative services, including any
29 medical or remedial services recommended by a physician...for the maximum
30 reduction of physical and mental disability and restoration of an individual
31 to the best possible functional level"). Therefore, after CHMS clinic staff
32 perform a diagnostic evaluation of an eligible child, if the CHMS physician
33 prescribes early intervention day treatment as a service that would lead to
34 the maximum reduction of medical and physical disabilities and restoration of
35 the child to his or her best possible functional level, the Arkansas State
36 Plan must reimburse the treatment. Because CHMS clinics are the only

1 providers of early intervention day treatment, Arkansas must reimburse those
2 clinics.

3 The provisions of this section shall be in effect only from July 1, ~~2021~~
4 2022 through June 30, ~~2022~~ 2023.

5

6 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL
8 SERVICES - STATE MEDICAID PROGRAM/PERSONAL CARE PROGRAM.

9 (a) It is the legislative intent that the Department of Human Services in
10 its administration of the Arkansas Medicaid Program set forth Medicaid
11 provider participation requirements for "personal care providers" that will
12 insure sufficient available providers to meet the required needs of all
13 eligible recipients, to include insuring available in home services twenty-
14 four (24) hours a day and seven (7) days a week for personal care.

15 (b) For the purposes of this section, "private care agencies" are defined
16 as those providers licensed by the Department of Labor, certified as Home and
17 Community Based Services Providers and who furnish in home staffing services
18 for respite, chore services, and homemaker services, and are covered by
19 liability insurance of not less than one million dollars (\$1,000,000)
20 covering their employees and independent contractors while they are engaged
21 in providing services, such as personal care, respite, chore services, and
22 homemaker services.

23 (c) The purpose of this section is to allow the private care agencies
24 defined herein to be eligible to provide Medicaid reimbursed personal care
25 services seven (7) days a week, and does not supersede Department of Human
26 Services rules establishing monthly benefit limits and prior authorization
27 requirements.

28 (d) The availability of providers shall not require the Department of
29 Human Services to reimburse for twenty-four (24) hours per day of personal
30 care services.

31 (e) The Arkansas Department of Human Services, Medical Services Division
32 shall take such action as required by the Centers for Medicare and Medicaid
33 Services to amend the Arkansas Medicaid manual to include private care
34 agencies as qualified entities to provide Medicaid reimbursed personal care
35 services.

36 (f) The private care agencies shall comply with rules and regulations

1 promulgated by the Arkansas Department of Health which shall establish a
2 separate licensure category for the private care agencies for the provision
3 of Medicaid reimbursable personal care services seven (7) days a week.

4 (g) The Arkansas Department of Health shall supervise the conduct of the
5 personal care agencies defined herein.

6 (h) The purpose of this section is to insure the care provided by the
7 private care agencies is consistent with the rules and regulations of the
8 Arkansas Department of Health.

9 The provisions of this section shall be in effect only from July 1, ~~2021~~
10 2022 through June 30, ~~2022~~ 2023.

11
12 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
14 HEALTH AND OPPORTUNITY FOR ME AND ARKANSAS HEALTH INSURANCE MARKETPLACE
15 RESTRICTIONS. (a) As used in this section, "Arkansas Health and Opportunity
16 for Me" means Arkansas Health and Opportunity for Me established under the
17 Arkansas Health and Opportunity for Me Act of 2021, Arkansas Code § 23-61-
18 1001 et seq.

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

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

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

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

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

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

33 (c)(1) Except as provided in this subsection, the Department of Human
34 Services shall not allocate, budget, expend, or utilize any appropriation
35 authorized by the General Assembly for the purpose of advertisement,
36 promotion, or other activities designed to promote or encourage enrollment in

1 the Arkansas Health Insurance Marketplace or Arkansas Health and Opportunity
2 for Me, including without limitation:

3 (A) Unsolicited communications mailed to potential
4 recipients;

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

6 (C) Billboard or mobile billboard advertising;

7 (D) Advertisements printed in newspapers, magazines, or
8 other print media; and

9 (E) Internet websites and electronic media.

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

11 (A) Direct communications with:

12 (i) Licensed insurance agents; and

13 (ii) Persons licensed by the department;

14 (B) Solicited communications with potential recipients;

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

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

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

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

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

33 (A)(i) Except as provided in subdivision (e)(1)(A)(ii) of
34 this section, allocate, budget, expend, or utilize an appropriation
35 authorized by the General Assembly for the purpose of funding activities of
36 navigators, guides, certified application counselors, and certified licensed

1 producers under the Arkansas Health Insurance Marketplace Navigator, Guide,
2 and Certified Application Counselors Act, Arkansas Code § 23-64-601 et seq.

3 (ii) Subdivision (e)(1)(A)(i) of this section does
4 not apply to regulatory and training responsibilities related to navigators,
5 guides, certified application counselors, and certified licensed producers;
6 and

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

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

15 (f) An appropriation authorized by the General Assembly shall not be
16 subject to the provisions allowed through reallocation of resources or
17 transfer of appropriation authority for the purpose of transferring an
18 appropriation to any other appropriation authorized for the Department of
19 Human Services to be allocated, budgeted, expended, or utilized in a manner
20 prohibited by this section.

21 (g) The provisions of this section are severable, and the invalidity
22 of any subsection or subdivision of this section shall not affect other
23 provisions of the section that can be given effect without the invalid
24 provision.

25 (h) This section expires on June 30, ~~2022~~ 2023.

26
27 *SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
28 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL*
29 *SERVICES – COMMUNITY AND EMPLOYMENT SUPPORTS MEDICAID WAIVER.*

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

1 community-based services to individuals with intellectual and developmental
2 disabilities.

3 (b) At the close of the fiscal year ending June 30, 2023, any
4 unexpended balance of monies set aside as established in subsection (a)
5 herein shall be transferred forward and made available for the same purpose
6 for the fiscal year ending June 30, 2024.

7 (c) The provisions of this section shall be in effect only from July 1,
8 2022 through June 30, 2023.

9
10 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE
11 ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
12 ASSISTED LIVING FACILITY REIMBURSEMENT - ACCOUNTING OF HOME AND COMMUNITY-
13 BASED FUNDS.

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

18 (2) The department shall study and explore methods to increase the
19 reimbursement rates for assisted living facilities under the Living Choices
20 Assisted Living Waiver, including without limitation setting the
21 reimbursement rate for assisted living facilities under the Living Choices
22 Assisted Living Waiver as a percentage of the reimbursement rate for nursing
23 home facilities.

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

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

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

34
35 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

1 SEVERABILITY. If any provisions of this act or the application of this act
2 to any person or circumstance is held invalid, such invalidity shall not
3 affect other provisions or applications of the act which can be given effect
4 without the invalid provision or application, and to this end the provisions
5 of this act are declared to be severable.

6
7 SECTION 17. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
8 authorized by this act shall be limited to the appropriation for such agency
9 and funds made available by law for the support of such appropriations; and
10 the restrictions of the State Procurement Law, the General Accounting and
11 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
12 Procedures and Restrictions Act, or their successors, and other fiscal
13 control laws of this State, where applicable, and regulations promulgated by
14 the Department of Finance and Administration, as authorized by law, shall be
15 strictly complied with in disbursement of said funds.

16
17 SECTION 18. LEGISLATIVE INTENT. It is the intent of the General
18 Assembly that any funds disbursed under the authority of the appropriations
19 contained in this act shall be in compliance with the stated reasons for
20 which this act was adopted, as evidenced by the Agency Requests, Executive
21 Recommendations and Legislative Recommendations contained in the budget
22 manuals prepared by the Department of Finance and Administration, letters, or
23 summarized oral testimony in the official minutes of the Arkansas Legislative
24 Council or Joint Budget Committee which relate to its passage and adoption.

25
26 SECTION 19. EFFECTIVE DATE. This act is effective on and after July 1,
27 2022.

28
29 */s/ Joint Budget Committee*

30
31
32 **APPROVED: 3/8/22**