

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4  
5 By: Senator K. Hammer

# A Bill

SENATE BILL 546

## For An Act To Be Entitled

8 AN ACT TO DIRECT THE DEPARTMENT OF HUMAN SERVICES TO  
9 APPLY FOR A STATE PLAN AMENDMENT TO ALLOW OPIOID  
10 ADDICTION TREATMENT IN AN ELIGIBLE INSTITUTION FOR  
11 MENTAL DISEASE; TO DECLARE AN EMERGENCY; AND FOR  
12 OTHER PURPOSES.

## Subtitle

16 TO DIRECT THE DEPARTMENT OF HUMAN  
17 SERVICES TO APPLY FOR A STATE PLAN  
18 AMENDMENT TO ALLOW OPIOID ADDICTION  
19 TREATMENT IN AN ELIGIBLE INSTITUTION FOR  
20 MENTAL DISEASE; AND TO DECLARE AN  
21 EMERGENCY.

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

26 SECTION 1. Arkansas Code Title 20, Chapter 77, Subchapter 1, is  
27 amended to add an additional section to read as follows:

28 20-77-135. Opioid addiction treatment.

29 (a)(1) The General Assembly finds that:

30 (A) The federal Substance Use-Disorder Prevention that  
31 Promotes Opioid Recovery and Treatment for Patients and Communities Act, also  
32 known as the "SUPPORT for Patients and Communities Act", Pub. L. No. 115-271,  
33 authorizes state Medicaid agencies to submit a state plan amendment to  
34 provide opioid use-disorder treatment to individuals who are twenty-one (21)  
35 years of age to sixty-four (64) years of age in an eligible institution for  
36 mental disease for individuals for up to thirty (30) days per year if the



1 institution for mental disease offers two (2) or more forms of medication-  
2 assisted treatment; and

3 (C) Arkansas should take advantage of all available  
4 opportunities to combat substance abuse, especially opioid abuse.

5 (2) It is the intent of this section ensure that the State of  
6 Arkansas takes advantage of all opportunities possible to combat substance  
7 abuse.

8 (b)(1) As used in this section, "institution of mental disease" means  
9 a hospital, nursing facility, or other institution of more than sixteen (16)  
10 beds that is primarily engaged in providing diagnosis, treatment, or care of  
11 individuals with mental diseases, including providing medical attention,  
12 nursing care, and related services.

13 (2) An "institution of mental disease" does not include an  
14 institution for individuals with intellectual disabilities.

15 (c) On or before July 1, 2019, the Department of Human Services shall  
16 submit a state plan amendment in the Arkansas Medicaid Program for approval  
17 to cover opioid use-disorder treatment in an eligible institution for mental  
18 disease for up to thirty (30) days per year for individuals twenty-one (21)  
19 years of age to sixty-four (64) years of age.

20 (d) The coverage described under subsection (c) of this section shall  
21 begin on October 1, 2019, or the earliest date authorized by the Centers for  
22 Medicare and Medicaid Services.

23  
24 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
25 General Assembly of the State of Arkansas that the State of Arkansas is  
26 currently struggling with a substance abuse epidemic, especially regarding  
27 opioids; that authorizing additional coverage under the Arkansas Medicaid  
28 Program for opioid use-disorder treatment would slow the substance abuse  
29 epidemic in the State of Arkansas; that without this act, fewer citizens of  
30 Arkansas will receive coverage for opioid use-disorder treatment and will  
31 require more funding to treat their medical conditions that result from  
32 untreated opioid use-disorder; and that this act is immediately necessary to  
33 address the substance abuse epidemic and the urgent need for substance abuse  
34 treatment. Therefore, an emergency is declared to exist, and this act being  
35 immediately necessary for the preservation of the public peace, health, and  
36 safety shall become effective on:

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(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.