

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

SENATE BILL 189

By: Senator D. Johnson
By: Representatives Williams, Vines

For An Act To Be Entitled

AN ACT TO MAKE VARIOUS CORRECTIONS TO TITLE 20 OF THE
ARKANSAS CODE CONCERNING PUBLIC HEALTH AND WELFARE;
AND FOR OTHER PURPOSES.

Subtitle

AN ACT TO MAKE TECHNICAL CORRECTIONS TO
TITLE 20 OF THE ARKANSAS CODE CONCERNING
PUBLIC HEALTH AND WELFARE.

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

SECTION 1. Arkansas Code § 20-2-103(a)(1)(B), concerning the powers and duties of the Arkansas Minority Health Commission, is amended to make grammatical corrections to read as follows:

(B) Statewide educational programming regarding disparities in health and health care and ~~equity~~ equal access to health and health care services; and

SECTION 2. Arkansas Code § 20-8-106(a), concerning the Health Services Program of the Health Services Permit Agency, is amended to remove obsolete language and to make grammatical corrections to read as follows:

(a)(1)(A) ~~From March 8, 1989, until June 1, 1989, there shall be no new home health care agencies or nursing homes, with the exception of intermediate care facilities for the mentally retarded with fifteen (15) or fewer beds and with the exception of nursing home applications under review by the Health Services Permit Agency on June 2, 1987, and except for nursing~~



~~homes with thirty five (35) beds or fewer attached to or a part of hospitals located in cities or towns where no nursing home exists, provided that applicants for such nursing homes shall obtain a permit of approval from the proper authority pursuant to this subchapter, nor shall there be any additional beds licensed for existing nursing homes or intermediate care facilities in this state.~~

~~(B) The Health Services Permit Commission may remove any or all of the moratoria anytime after June 1, 1988, provided the commission has duly adopted and promulgated standards for the review of the health facility for which the moratorium is removed.~~

~~(C) Nursing home applications under review by the agency on June 2, 1987, shall be considered under this subchapter under updated standards on a county-by-county basis.~~

~~(2)(1)~~ No A permit of approval shall not be required by the agency or the commission for any applicant to qualify for a Class B license, as provided in § 20-10-801 et seq., to operate a home health care services agency, if the agency was serving patients on or before June 30, 1988, and if the agency serves the residents of the county where the principal office is located.

~~(3)(2)~~ Nursing home applications under review by the agency on June 2, 1987, ~~shall be~~ are considered under the provisions of this subchapter under updated standards on a county-by-county basis.

~~(4)(3)(A)~~ Beginning July 1, 2005, the agency may not accept applications for permits of approval for the construction of new residential care facilities.

(B) Applications for replacement of residential care facilities may not be accepted and processed after July 1, 2005.

(C) However, applications for replacement of residential care facilities shall be accepted for residential care facilities of sixteen (16) beds or fewer but only if the number of beds required for replacement is less than or equal to the number of beds for which the residential care facility was licensed before the application for replacement.

SECTION 3. Arkansas Code § 20-9-1202(3), concerning definitions for the Health Facility Infection Disclosure Act of 2007, is amended to use the full names of a division and an agency and to make grammatical corrections to

read as follows:

(3) "National Healthcare Safety Network" means the secure, Internet-based ~~data collection~~ surveillance system managed by the Division of ~~Health~~ Healthcare Quality Promotion at the Centers for Disease Control and Prevention created by the center for accumulating, exchanging, and integrating relevant information on infectious adverse events associated with healthcare delivery.

SECTION 4. Arkansas Code § 20-10-107(b)(2), concerning notice to long-term care facilities of certain incidents, is amended to specify the class of the violation to read as follows :

(2) A long-term care facility that does not comply with this subsection commits a Class C violation under § 20-10-205 and is subject to a fine under § 20-10-206.

SECTION 5. Arkansas Code § 20-10-224(i), concerning licensure fees for long-term care facilities, is amended to clarify and subdivide the text to read as follows:

(i)(1) Annual licensure fees are payable in one (1) sum.

(2) Fees for new licensure applications may be prorated by dividing the total fee by three hundred sixty-five (365) and multiplying the ~~quotient, that is, the result,~~ by the number of days from the date the application is approved through June 30, inclusive.

(3) Applications for licensure renewal shall be delivered, or if mailed shall be postmarked, on or before March 1.

SECTION 6. Arkansas Code § 20-13-208(b), concerning the powers and duties of the State Board of Health, is amended to make grammatical corrections to read as follows:

(b) In addition, the board may establish appropriate rules, regulations, and standards defining or limiting the emergency medical procedures or services that may be rendered by a licensed emergency medical services personnel who ~~is~~ are authorized to legally perform these services under the conditions set forth by the board, except that before implementing any rules, regulations, and standards, the board shall submit and obtain the review of the House Committee on Public Health, Welfare, and Labor and the

Senate Committee on Public Health, Welfare, and Labor or appropriate subcommittees.

SECTION 7. Arkansas Code § 20-13-806(b)(1), concerning data collection for the Trauma Registry, is amended to make grammatical corrections and to remove unnecessary language to read as follows:

(1) The department may collect, ~~as deemed necessary and appropriate,~~ data and information regarding patients treated and transported from the field, and admitted to a facility through the emergency department, through a trauma center, or directly to a special care unit or post-hospitalization facility.

SECTION 8. Arkansas Code § 20-13-1003(a)(1), concerning choice of care facility for ambulances, is amended to make grammatical corrections to read as follows:

(1)(A) A licensee under this subchapter may transport any patient to the care facility of the patient's choice ~~if the licensee considers~~ subject to service area limitations, ~~and subject to~~ applicable federal law, and the licensee's local protocol.

(B) If the patient is unable to make a choice and if the attending physician is present and has expressed a ~~choice of care~~ choice of care facility, the licensee may comply with the attending physician's choice ~~if the licensee considers~~ subject to service area limitations and ~~subject to~~ applicable federal law.

(C) If the patient is unable to make a choice ~~or if~~ and the attending physician is not present or has not expressed a choice of facility, the licensee may, subject to applicable federal law, transport the patient to the nearest appropriate care facility ~~and subject to applicable federal law~~.

SECTION 9. Arkansas Code § 20-13-1101(7), concerning definitions regarding criminal record checks for emergency medical services personnel, is amended to clarify a reference to an agency to read as follows:

(7) "Index" means the database maintained by the ~~bureau~~ Identification Bureau of the Department of Arkansas State Police of criminal records checks that have been conducted on applicants for emergency medical services

personnel licensure and relicensure;

SECTION 10. Arkansas Code § 20-13-1102(b), concerning criminal history checks for emergency medical services personnel, is amended to reflect current law and to clarify a reference to an agency to read as follows:

(b) The Division of ~~EMS and Trauma Systems~~ Emergency Medical Services of the Department of Health shall conduct a state or national criminal history check, or both, on the applicant and determine whether the applicant is disqualified from ~~certification~~ licensure based on the report of the applicant's criminal history and forward its determination to the applicant directly.

SECTION 11. Arkansas Code § 20-13-1105 is amended to reflect current law to read as follows:

20-13-1105. Response – File copies.

The Division of ~~EMS and Trauma Systems~~ Emergency Medical Services of the Department of Health shall maintain on file for a period of three (3) years, subject to inspection by the Arkansas Crime Information Center or the Identification Bureau of the Department of Arkansas State Police, a copy of each criminal history check completed by all applicants requesting state ~~certification~~ licensure.

SECTION 12. Arkansas Code § 20-15-1002 is amended to remove unnecessary language to read as follows:

20-15-1002. Definitions.

As used in this subchapter:

(1) "Accreditation body" means a body that has been approved by the Secretary of the United States Department of Health and Human Services to accredit mammography facilities under the federal Mammography Quality Standards Act of 1992, Pub. L. No. 102-539 (21 C.F.R. 900), ~~the federal Mammography Quality Standards Act of 1992~~;

(2) "Diagnostic mammography" ~~is~~ means a problem-solving radiologic procedure of higher intensity than screening mammography provided to a woman who is suspected of having breast pathology. A patient is usually referred for analysis of palpable abnormalities or for further evaluation of mammographically detected abnormalities. All images are immediately reviewed

by the physician interpreting the study, and additional views are obtained as needed. A physical examination of the breast by the interpreting physician to correlate the radiologic findings is often performed as part of the study;

~~(3) "Division" means the Division of Health of the Department of Health and Human Services;~~

~~(4)~~(3) "Mammography" means radiography of the breast; and

~~(5)~~(4) "Screening mammography" ~~is~~ means a radiologic procedure provided to a woman who has no signs or symptoms of breast cancer for the purpose of early detection of breast cancer. The procedure entails two (2) views of each breast and includes a physician's interpretation of the results of the procedure.

SECTION 13. Arkansas Code § 20-15-1003(b)(1), concerning the creation of the mammography advisory committee, is amended to clarify a reference to read as follows:

(1) The Director of Mammography of ~~University Hospital~~ the Department of Radiology at the University of Arkansas for Medical Sciences, or his or her designee;

SECTION 14. Arkansas Code § 20-15-1203(a)(3), concerning guidelines for registering immunizations, is amended to clarify references to read as follows:

(3)(A) A provider may report the administration of adult immunizations to individuals twenty-two (22) years of age or older to the department.

(B) A provider may report the administration of an adult immunization to an individual twenty-two (22) years of age or older under subdivision (a)(3)(A) of this section only after receiving consent from the adult.

SECTION 15. Arkansas Code § 20-15-1803(b)(2), concerning the creation of the Arkansas HIV-AIDS Minority Task Force, is amended to clarify references to read as follows:

(2) The Chair of the Senate ~~Interim~~ Committee on Public Health, Welfare, and Labor and the Chair of the House ~~Interim~~ Committee on Public Health, Welfare, and Labor shall serve as ex officio members of the task

force.

SECTION 16. Arkansas Code § 20-17-102(k)(1), concerning the Arkansas Final Disposition Rights Act of 2009, is amended to clarify a reference and to make grammatical corrections to read as follows:

(1) In the event that a person claiming the right of disposition directs the cremation of the remains of a decedent or in the event that a funeral director assumes responsibility for the disposition of the remains of a decedent under this section and proceeds to cremate the remains of the decedent, and thereafter ~~no~~ a person or entity identified in subdivision (d)(1) of this section ~~claims~~ does not claim custody of the cremated remains for a period of ninety (90) days following the cremation, the funeral director may dispose of the cremated remains of the decedent.

SECTION 17. Arkansas Code § 20-17-706(d), concerning the cost of embalming and transporting dead bodies, is amended to correct references to read as follows:

(d) If the deceased had provided for the use of his or her body for medical science under the Revised Arkansas Anatomical Gift Act, § ~~20-17-601~~ 20-17-1201 et seq., and provided funds in his or her estate for burial, the University of Arkansas for Medical Sciences shall be free of all claims for the expenses as ordinarily provided under subsections (a)-(c) of this section.

SECTION 18. Arkansas Code § 20-17-1004(b)(3), concerning the creation of the Arkansas Cemetery Board, is amended to use consistent language to read as follows :

(3) The ~~alternative~~ alternate member shall substitute for an absent member if necessary to constitute a quorum under § 20-17-1005(c).

SECTION 19. Arkansas Code § 20-22-603(4), concerning exceptions to the law regarding fire extinguishers, is amended to correct references and to make grammatical corrections to read as follows :

(4) Firms engaged in the retailing or wholesaling of portable fire extinguishers as defined in § ~~20-22-602(8)~~ 20-22-602 but not engaged in the installing, servicing, or recharging of portable fire extinguishers ~~shall~~

~~only be~~ are exempt from the registration and licensing provisions ~~as~~ outlined in § 20-22-610, but all other provisions of this subchapter shall apply;

SECTION 20. Arkansas Code §20-22-613(g), concerning actions regarding fire extinguishers, is amended to make grammatical corrections to read as follows :

(g) A person who has been issued a license or permit under this subchapter to service portable fire extinguishers, install or service fixed fire protection systems, or ~~to~~ install and service fire protection sprinkler systems ~~must~~ shall be an employee, agent, or servant of a firm that holds a current and valid certificate of registration issued under this subchapter.

SECTION 21. Arkansas Code §20-22-613(j)(1), concerning actions regarding fire extinguishers, is amended to make grammatical corrections to read as follows :

(j)(1) Any fire protection sprinkler system that was installed ~~prior to~~ before September 1, 1985 ~~must~~ shall be serviced, maintained, inspected, and repaired under current rules of the board.

SECTION 22. Arkansas Code § 20-27-2401(7) is amended to make a grammatical correction to read as follows :

(7) Herbal snuff is used in ~~Adult Tobacco Cessation Programs~~ adult tobacco cessation programs; and

SECTION 23. Arkansas Code § 20-27-2402, concerning definitions regarding herbal snuff, is amended to clarify a reference to read as follows:

As used in this ~~section~~ subchapter:

SECTION 24. Arkansas Code § 20-27-2404 is amended to correct references to read as follows:

20-27-2404. Rules – Enforcement.

(a) The Arkansas Tobacco Control Board shall adopt rules to implement this ~~chapter~~ subchapter.

(b)(1) The board and its authorized agents may enforce compliance with this ~~chapter~~ subchapter and any rules adopted under this section by the board.

(2) The board and its authorized agents may enter upon and inspect the premises of any public place at any reasonable time and in a reasonable manner.

SECTION 25. Arkansas Code § 20-38-105(b)(43), concerning criminal history records checks for health service provider employment applicants, is amended to make technical corrections to read as follows :

(43) Burglary, § 5-39-201 and § 5-39-204;

SECTION 26. Arkansas Code § 20-38-105(d)(2)(C), concerning criminal history records checks for health service provider employment applicants, is amended to make a grammatical correction and to remove unnecessary language as follows:

(C) The individual has no criminal convictions or pleas of guilty or nolo contendere ~~of any type or nature~~ during the ten-year period preceding the request for a criminal history records check.

SECTION 27. Arkansas Code § 20-38-112(e)(2)(C) and (D), concerning exclusions of certain licensed professionals from the requirement for criminal history records checks, are amended to make technical corrections to read as follows:

(C) The service provider maintains evidence acceptable to the licensing or certifying agency that the service provider types for which employment determinations and criminal records checks are accepted under this subsection ~~(e) of this section~~ are operated and administered by the same service provider; and

(D) The service provider maintains an original or copy of the determination letter for each employee at the service provider type for which employment determinations and criminal records checks are accepted under this subsection ~~(e) of this section~~ and at which the employee who is the subject of the determination letter is employed.

SECTION 28. Arkansas Code § 20-46-105(a), concerning monthly reports regarding emotionally disturbed youth, is amended to correct a reference and to clarify and subdivide the text to read as follows:

(a)(1) The Department of Human Services shall report monthly to the

House ~~Interim~~ Committee on Aging, Children, and Youth, Legislative and Military Affairs and the Senate ~~Interim~~ Committee on Children and Youth or appropriate subcommittees thereof the number of children placed in residential and inpatient treatment programs, including sexual offender treatment, when Medicaid is the payment source.

(2) The monthly report shall include the following information:

~~(1)~~(A) The total number of males and the total number of females placed in in-state residential programs and the total number of males and the total number of females placed in inpatient acute psychiatric programs, excluding sexual offender treatment programs, that were paid for by Medicaid during the previous month;

~~(2)~~(B) The total number of males and the total number of females placed in out-of-state residential programs and the total number of males and the total number of females placed in inpatient acute psychiatric programs, excluding sexual offender treatment programs, that were paid for by Medicaid during the previous month;

~~(3)~~(C) The total number of males and the total number of females placed in in-state residential and inpatient sexual offender treatment programs that were paid for by Medicaid during the previous month;

~~(4)~~(D) The total number of males and the total number of females placed in out-of-state residential and inpatient sexual offender treatment programs that were paid for by Medicaid during the previous month;

~~(5)~~(E) The total amount of money paid by Medicaid for the previous month for in-state residential and inpatient psychiatric programs with sexual offender treatment programs, residential and acute separately identified;

~~(6)~~(F) The total amount of money paid by Medicaid for the previous month for out-of-state residential and inpatient psychiatric programs with sexual offender treatment programs, residential and acute separately identified;

~~(7)~~(G) The total number of juveniles in residential and inpatient programs, including sexual offender treatment programs, that were paid for by Medicaid during the previous month;

~~(8)~~(H) The total number of juveniles in residential and inpatient programs, including sexual offender treatment programs, that were paid for by Medicaid during the previous month, who are within fifty (50)

miles of an Arkansas border; and

~~(9)~~(I) The total number of juveniles in residential and inpatient programs, including sexual offender treatment programs, that were paid for by Medicaid during the previous month, who are more than fifty (50) miles from an Arkansas border.

SECTION 29. Arkansas Code § 20-46-301, concerning the powers and duties of the Division of Behavioral Health of the Department of Human Services, is amended to correct references to read as follows:

20-46-301. Department of Human Services – Division of ~~Mental Health Services~~ Behavioral Health – Powers and duties.

(a) The Department of Human Services shall have the authority and power to create and maintain a Division of ~~Mental Health Services~~ Behavioral Health and to provide services for community mental health clinics and centers, which shall be administered through such divisions, offices, sections, or units of the department as may be determined by the Director of the Department of Human Services.

SECTION 30. Arkansas Code § 20-46-306(a), concerning minimum standards for purchasing procedures for the Division of ~~Mental Health Services~~ Behavioral Health of the Department of Human Services, is amended to correct spelling to read as follows:

(a) The minimum standards prescribed by the Division of ~~Mental Health Services~~ Behavioral Health for purchases by community mental health centers ~~shall~~, so far as practicable, shall be comparable to the limits set for small purchases pursuant to the purchasing procedures established by the State Procurement Director and shall require ~~competitive~~ competitive bidding for purchases exceeding those limits.

SECTION 31. Arkansas Code § 20-47-505(b), concerning the creation of the Child and Adolescent Service System Program Coordinating Council, is amended to clarify references and to remove unnecessary language to read as follows :

(b) The coordinating council shall:

(1) Advise and report to the ~~directors~~ commissioner and the director on matters of policy and programs related to children with emotional

disturbance and their families;

(2) Identify and recommend fiscal, policy, training, and program initiatives and revisions based on needs identified in the planning process;

(3) Provide specific guidelines for the development of regional services and plans based on the guiding principles of the system of care;

(4) Review and approve regional plans developed by regional program teams and incorporate the regional plans into the statewide plan;

(5) Ensure that mechanisms for accountability are developed and implemented;

(6) Submit a statewide plan and budget recommendations to the ~~directors~~ commissioner and the director on or before March 15 of each even-numbered year thereafter preceding the legislative session;

(7) Develop and recommend special projects to the ~~directors~~ commissioner and the director;

(8) Provide a written report on a quarterly basis to the House ~~Interim~~ Committee on Aging, Children and Youth, Legislative and Military Affairs and the Senate ~~Interim~~ Committee on Children and Youth that summarizes progress implementing this subchapter;

(9) Establish guidelines and procedures for the voting membership, officers, and annual planning of both the coordinating council and the regional program planning teams which the coordinating council will review and update on an annual basis; and

(10) Make recommendations for corrective action plans to the ~~directors~~ commissioner and the director in the event that a regional program planning team does not produce a timely regional plan that meets a plan of care or fails to implement the approved regional plan.

SECTION 32. Arkansas Code § 20-47-510(d)(1)(B), concerning coordination and oversight of the Comprehensive Children's Behavioral Health System of Care Plan, is amended to remove unnecessary language to read as follows:

(B) The House ~~Interim~~ Committee on Aging, Children and Youth, Legislative and Military Affairs and the Senate Interim Committee on Children and Youth.

SECTION 33. Arkansas Code § 20-47-510(e)(1)(B), concerning

coordination and oversight of the Comprehensive Children's Behavioral Health System of Care Plan, is amended to remove unnecessary language to read as follows:

(B) The House ~~Interim~~ Committee on Aging, Children and Youth, Legislative and Military Affairs and the Senate Interim Committee on Children and Youth.

SECTION 34. Arkansas Code § 20-47-708 is amended to remove unnecessary language to read as follows:

The Department of Human Services shall report annually on progress to the:

- (1) Governor;
- (2) House ~~Interim~~ Committee on Aging, Children and Youth, Legislative and Military Affairs and the Senate Interim Committee on Children and Youth; and
- (3) House ~~Interim~~ Committee on Public Health, Welfare, and Labor and the Senate ~~Interim~~ Committee on Public Health, Welfare, and Labor.

SECTION 35. Arkansas Code § 20-48-603(1)(B), concerning definitions for the Location Act for Community Homes for Developmentally Disabled Persons, is amended to use consistent language to read as follows :

(B) "~~Development~~ Developmental disability" does not refer to other forms of mental disease or defect not defined in this section;

SECTION 36. Arkansas Code § 20-48-1004(a)(3)(B), concerning the use of funds under the Alternative Community Services Waiver, is amended to make technical corrections to read as follows:

(B) The amount resulting from the next five-tenths of one percent (0.5%) of the provider fee shall be used by the Division of Developmental Disabilities Services of the Department of Human Services for the support of the state's ~~Human Development Centers~~ human development centers.

SECTION 37. Arkansas Code § 20-64-902 is amended to make technical corrections to read as follows:

20-64-902. Definition.

An "alcohol and drug abuse treatment program" ~~is~~ means a program that renders or offers to render to a person or group of persons any service that assists the person or group to develop an understanding of alcoholism and drug dependency problems and to define goals and plan courses of action reflecting the person's or group's interests, abilities, and needs as affected by alcoholism and drug dependency problems. The definition includes actions taken with the intent of the cessation of harmful or addictive use of alcohol or other drugs. It includes, but is not restricted to, one (1) or more of the following:

- ~~(A)~~(1) Counseling with individuals, families, or groups;
- ~~(B)~~(2) Helping persons or families obtain other services appropriate to alcoholism and drug abuse rehabilitation; and
- ~~(C)~~(3) Engaging in alcoholism and drug abuse research, education, or prevention through the administration of alcoholism and drug abuse counseling.

SECTION 38. Arkansas Code § 20-64-903(b)(4), concerning the rulemaking authority of the Office of Alcohol and Drug Abuse Prevention, is amended to make technical corrections to read as follows:

- (4) Self-help or twelve-step programs such as Alcoholics Anonymous, Cocaine Anonymous, Narcotics Anonymous, Al-Anon, or ~~Nare-Anon~~ Nar-Anon.

SECTION 39. Arkansas Code § 20-64-911(c)(2)(A), concerning reports by the Task Force on Substance Abuse Treatment Services, is amended to make technical corrections to read as follows:

- (A) The task force shall report to the Legislative Council, the Senate ~~Interim~~ Committee on Public Health, Welfare, and Labor, and the House ~~Interim~~ Committee on Public Health, Welfare, and Labor.

SECTION 40. Arkansas Code § 20-64-1103(b), concerning the duties of the Task Force on Substance Abuse Prevention, is amended to make technical corrections to read as follows:

- (b) The task force shall submit an annual report to the Legislative Council, the Senate ~~Interim~~ Committee on Public Health, Welfare, and Labor, and the House ~~Interim~~ Committee on Public Health, Welfare, and Labor no later

than October 1 of each year.

SECTION 41. Arkansas Code § 20-76-105(k)(1)(B), concerning the creation of the Temporary Assistance for Needy Families Oversight Board, is amended to make technical corrections to read as follows:

(B) The board shall submit its recommended vision and blueprint to the Governor and the House ~~Interim~~ Committee on Public Health, Welfare, and Labor and the Senate ~~Interim~~ Committee on Public Health, Welfare, and Labor no later than December 31, 2007;

SECTION 42. Arkansas Code § 20-76-113(c)(3)(A), concerning promoting outcomes for the Transitional Employment Assistance Program and the Arkansas Work Pays Program, is amended to make technical corrections to read as follows:

(A) On the forty-fifth day after the end of the federal fiscal year, the report shall be submitted to the Governor and to the Chair of the House ~~Interim~~ Committee on Public Health, Welfare, and Labor and the Chair of the Senate ~~Interim~~ Committee on Public Health, Welfare, and Labor.

SECTION 43. Arkansas Code § 20-76-410(d), concerning administrative sanctions under the Transitional Employment Assistance Program, is amended to make technical corrections to read as follows:

(d) Beginning after July 27, 2011, the department shall include in the comprehensive annual program report information on the families sanctioned and the outcomes of the home visits to the Governor and the House ~~Interim~~ Committee on Public Health, Welfare, and Labor and the Senate ~~Interim~~ Committee on Public Health, Welfare, and Labor.

SECTION 44. Arkansas Code § 20-76-410(e), concerning administrative sanctions under the Transitional Employment Assistance Program, is amended to clarify language to read as follows:

(e) When appropriate, protective payees may be designated by the department and may include:

(1) A relative or other individual who is interested in or concerned with the welfare of the child or children and agrees in writing to utilize the assistance in the best interests of the child or children;

(2) A member of the community affiliated with a religious, community, neighborhood, or charitable organization who agrees in writing to utilize the assistance in the best interests of the child or children; or

(3) A volunteer or member of an organization who agrees in writing to utilize the assistance in the best interests of the child or children~~+~~.

~~(4)(A)(f)(1)~~ If it is in the best interest of the child or children, as determined by the department, for the staff member of a private agency, a public agency, the department, or any other appropriate organization to serve as a protective payee, the designation may be made.

~~(B)(2)~~ However, a protective payee shall not be any individual involved in determining eligibility for assistance for the family, staff handling any fiscal pressures related to the issuance of assistance, or landlords, grocers, or vendors of goods, services, or items dealing directly with the recipient.

SECTION 45. Arkansas Code § 20-76-438(b)(2)(E) and (F), concerning the purposes for grants of assistance under the Transitional Employment Assistance Program, are amended to remove obsolete language to read as follows:

~~(E) Consult with the Department of Human Services, the Temporary Assistance for Needy Families Oversight Board, and other state agencies and organizational experts to determine the most effective and efficient organization for administration of the Transitional Employment Assistance Program and make a recommendation to the Governor about how to implement that administration no later than January 1, 2008; and~~

~~(F)(E)~~ Prepare and submit any Temporary Assistance for Needy Families renewal plans that are required in § 402 of the Social Security Act, 42 U.S.C. § 651 et seq.

SECTION 46. Arkansas Code § 20-76-443(a)(3)(D)(i), concerning education and training under the Transitional Employment Assistance Program, is amended to clarify references to read as follows:

(i) The Department of Human Services may suspend the allowance to enroll only if the ~~board~~ Temporary Assistance for Needy Families Oversight Board certifies that allowing education to count toward a program

recipient's required work activities would affect the state's ability to meet federal work participation rates.

SECTION 47. Arkansas Code § 20-77-111(b)(2), concerning data reports for the Arkansas Medicaid Program, is amended to make technical corrections to read as follows:

(2) It shall include other comparisons in the format as may be requested by the Legislative Council, the House ~~Interim~~ Committee on Public Health, Welfare, and Labor, and the Senate ~~Interim~~ Committee on Public Health, Welfare, and Labor or appropriate subcommittees thereof to which the reports are to be delivered.

SECTION 48. Arkansas Code § 20-77-120(c)(2), concerning the Medicaid waiver for home and community-based care, is amended to make technical corrections to read as follows:

(2) Report the progress of the program at least quarterly to the House ~~Interim~~ Committee on Public Health, Welfare, and Labor and the Senate ~~Interim~~ Committee on Public Health, Welfare, and Labor.

SECTION 49. Arkansas Code § 20-77-315 is amended to make grammatical corrections to read as follows:

20-77-315. Distribution of proceeds from a third-party settlement, judgment, or award, or from other third-party payment.

(a) The Department of Human Services is entitled to reimbursement for past medical assistance payments from that portion of a third-party settlement, judgment, or award or from any other third-party payment that compensates for the medical expenses.

(b) The department is entitled to receive the full amount of its medical assistance claim under this subchapter unless the portion of the third-party settlement, judgment, or award, or other third-party payment that compensates for the medical expenses is less than the full amount of the department's medical assistance claim.

(c) The department's claim for medical assistance payments under this subchapter has priority over any claim by a medical care provider.

(d) The department's rights under this subchapter are not extinguished by any right possessed, asserted, or not asserted, by a medical assistance

recipient or other person.

SECTION 50. Arkansas Code § 20-77-911(d), concerning rewards for persons providing information regarding Medicaid fraud, is amended to make grammatical corrections to read as follows:

(d) ~~Employees~~ An employee or a fiscal agent ~~agents~~ agent charged with the duty of referring or investigating cases of Medicaid fraud who ~~are~~ is employed by or who ~~contract~~ contracts with any governmental entity shall not be eligible to receive a reward under this section.

SECTION 51. Arkansas Code § 20-77-1608(2), concerning the creation of the Advisory Council to the Arkansas Youth Suicide Prevention Task Force, is amended to make technical corrections to read as follows:

(2) Research and make recommendations to the task force, the House ~~Interim~~ Committee on Public Health, Welfare, and Labor, the Senate ~~Interim~~ Committee on Public Health, Welfare, and Labor, and the General Assembly regarding successful youth suicide prevention programs used in other states;

SECTION 52. Arkansas Code § 20-77-2001(5), concerning findings regarding the ARKids First Medical Assistance Programs Enrollment and Retention Improvement Program, is amended to clarify a reference to read as follows:

(5) Working to enroll all eligible children can help to inform planning efforts to effectively enroll newly eligible adults in Medicaid or private insurance as the state implements the Patient Protection and Affordable Care Act, Pub. L. No. 111-148.

SECTION 53. DO NOT CODIFY. The enactment and adoption of this act shall not repeal, expressly or impliedly, the acts passed at the regular session of the Eighty-Ninth General Assembly. All such acts shall have the full force and effect and, so far as those acts intentionally vary from or conflict with any provision contained in this act, those acts shall have the effect of subsequent acts and as amending or repealing the appropriate parts of the Arkansas Code of 1987.

APPROVED: 04/11/2013