

Stricken language would be deleted from and underlined language would be added to present law.
Act 571 of the Regular Session

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: H3/11/21 S3/16/21
A Bill

HOUSE BILL 1548

By: Representative Penzo
By: Senator K. Hammer

For An Act To Be Entitled

AN ACT TO CREATE THE PERSONAL CARE MEDICAID REIMBURSEMENT ACT; TO ENSURE AN APPROPRIATE REIMBURSEMENT RATE FOR PERSONAL CARE SERVICES IN THE ARKANSAS MEDICAID PROGRAM; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE PERSONAL CARE MEDICAID REIMBURSEMENT ACT; AND TO ENSURE AN APPROPRIATE REIMBURSEMENT RATE FOR PERSONAL CARE SERVICES IN THE ARKANSAS MEDICAID PROGRAM.

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

SECTION 1. DO NOT CODIFY. Title.

This act shall be known and may be cited as the "Personal Care Medicaid Reimbursement Act".

SECTION 2. Arkansas Code § 20-77-115 is amended to read as follows:

20-77-115. Personal care reimbursement rates - Legislative findings -
Definition.

(a) The General Assembly finds that:

(1) The provision of high-quality personal care services in Arkansas is a priority concern;

(2) Personal care service:

(A) Is an essential service that enables residents of



Arkansas to live in their own homes and avoid institutional care;

(B) Is vital for allowing residents of Arkansas to remain in their own homes and maintain a level of personal independence and freedom; and

(C) Saves the healthcare system money by avoiding prolonged institutionalization, high costs, and associated adverse implications; and

(3) Providers of personal care services should be paid at a rate that is consistent with efficiency, economy, and quality of care and is sufficient to enlist enough providers so that in-home care and services are available statewide.

(b) As used in this section, "personal care services" means assistance with activities of daily living, respite care, or attendant care provided in the home through the Arkansas Medicaid Personal Care Program.

(c)(1) Personal care reimbursement rates shall be established at twelve dollars and thirty five cents (\$12.35) per unit or at lesser amounts as may be established for a program of client directed personal care which may be developed and implemented by the Department of Human Services If there is an increase in the state or federal minimum wage that is higher than the minimum wage that applies to employees in Arkansas, the Arkansas Medicaid Program shall conduct a review of the reimbursement rates for personal care services within one hundred eighty (180) days of the publishing of the rate by the Department of Labor and Licensing.

(2) Within one hundred eighty (180) days of the completion of the review of the reimbursement rates under subdivision (c)(1) of this section, the Department of Human Services shall submit a state plan amendment, waiver, or other necessary authorization to modify the reimbursement rate of personal care services.

(3) The reimbursement rate modifications described in subdivision (c)(2) of this section shall be retroactive to the maximum date of the increase in the state or federal minimum wage that is allowable under federal law as it relates to the federal medical assistance percentage.

(d) A reimbursement payment made under this section may not exceed the Medicaid upper payment limit as established by the Centers for Medicare & Medicaid Services.

(e) The program shall make sufficient funds available to a beneficiary

to reimburse or pay a provider of personal care services for the number of hours of personal care services that the beneficiary needs or is qualified or eligible for.

/s/Penzo

APPROVED: 4/5/21