

Stricken language would be deleted from and underlined language would be added to present law.
Act 703 of the Regular Session

State of Arkansas
94th General Assembly
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As Engrossed: S3/30/23 S3/30/23
A Bill

SENATE BILL 465

By: Senator J. Dotson
By: Representative Bentley

For An Act To Be Entitled

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

Subtitle

TO CREATE THE CONTINUUM OF CARE PROGRAM WITHIN THE DEPARTMENT OF HUMAN SERVICES; AND TO AMEND THE LIFE CHOICES LIFELINE PROGRAM TO CLARIFY LANGUAGE AND ENSURE PROPER ADMINISTRATION OF THE PROGRAM.

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

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

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

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



(2) The use of licensed nurses, community health workers, or other individuals of equivalent experience to offer healthy pregnancy program services to participants in the Life Choices Lifeline Program, including:

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

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

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

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

SECTION 3. Arkansas Code Title 20, Chapter 8, Subchapter 10, is amended to add additional sections to read as follows:

20-8-1002. Administration.

(a)(1) The Department of Human Services may contract with one (1) or more organizations to deliver one (1) or more of the services described in § 20-8-1001 but may not contract with an organization that:

(A) Is an abortion provider;

(B) Assists women in obtaining an abortion, refers women to an abortion provider, recommends abortion, or promotes abortion;

(C) Owns or operates an abortion provider or an entity that assists women in obtaining an abortion, refers women to an abortion provider, recommends abortion, or promotes abortion;

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

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

(2)(A) The procurement of one (1) or more vendors to serve as organizations shall be done through the Arkansas Procurement Law, § 19-11-201 et seq., by the Office of State Procurement.

(B) If by July 1, 2024, the Department of Human Services has not contracted with one (1) or more organizations to deliver one (1) or more of the services described in § 20-8-1001, the Department of Human Services shall submit a written report to the Legislative Council documenting

the reasons why no contract has been procured and the status of the provision of the services required by § 20-8-1001.

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

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

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

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

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

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

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

(B) Education or training for a professional certification;

(C) Housing assistance;

(D) Employment assistance;

(E) Resume development;

(F) Childcare;

(G) Adoption services;

(H) Financial assistance;

(I) Substance abuse treatment and alcohol abuse treatment;

(J) Mental health care;

(K) Medical care;

(L) Human trafficking; or

(M) Health benefit plan coverage; and

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

(c) The department shall not:

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

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

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

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

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

20-8-1003. Continuum of Care Program.

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

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

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

(b)(1) The purpose of the program is to facilitate the operation of a statewide telemedicine support network that provides community outreach, consultations, and care coordination for women who are challenged with unexpected pregnancies.

(2) The program shall:

(A) Encourage healthy childbirth;

(B) Support childbirth as an alternative to abortion;

(C) Promote family formation;

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

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

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

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

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

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

(2) The program shall include:

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

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

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

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

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

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

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

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

(iii) Assist program participants in:

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

(b) Accomplishing elements of the care plan.

(f) Any organization contracted by the department to provide services under this section and any of its subcontractors or agents providing services under this section shall:

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

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

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

(4) Not own or operate an abortion provider;

(5) Not own or operate with a person who promotes, refers for, facilitates, or assists women in obtaining an abortion;

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

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

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

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

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

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

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

(3) Information provided to the department shall not include any personally identifying information regarding program participants.

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

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

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

SECTION 5. Arkansas Code § 20-16-2405(a), concerning agencies providing resource access assistance offers under the Every Mom Matters Act, is amended to read as follows:

(a) ~~The Department of Health~~ Upon the effective date of this section, the Department of Human Services shall:

(1)(A) Contract with a number of agencies sufficient to ensure

that each pregnant woman seeking an abortion in Arkansas receives a resource access assistance offer and has the opportunity to receive care plan coordination services and healthy pregnancy program services.

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

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

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

SECTION 6. Arkansas Code § 20-16-2407(a), concerning the administration of the resource access assistance offer program under the Every Mom Matters Act, is amended to read as follows:

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

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

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

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

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

(3)(A) Before implementation of the resource access assistance offer, develop ~~Develop~~ and maintain a secure database.

(B) The secure database shall:

(i) Generate a unique identifying number;

(ii) Be accessible only to a person who is to perform

an abortion or an agent of the person performing an abortion, agencies, and the department; and

(iii) Not transmit any information to:

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

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

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

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

SECTION 7. Arkansas Code § 20-16-2409(e), concerning penalties within the Every Mom Matters Act, is repealed.

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

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

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

SECTION 9. Arkansas Code § 20-16-2411 is amended to read as follows:
20-16-2411. Conscience protections.

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

SECTION 10. DO NOT CODIFY. Contingent effective date.

Section 5 of this act and § 20-16-2405 shall become effective on and after the certification of the Attorney General that:

(1) The United States Supreme Court or the Arkansas Supreme Court issues a final decision that restricts, in whole or in part, the authority of the State of Arkansas to prohibit abortions other than those necessary to save the life of a pregnant woman in a medical emergency; or

(2) An amendment to the United States Constitution or Arkansas Constitution is adopted that restricts, in whole or in part, the authority of the State of Arkansas to prohibit abortions other than those necessary to save the life of a pregnant woman in a medical emergency.

SECTION 11. DO NOT CODIFY. Rules.

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

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

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

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

/s/J. Dotson

APPROVED: 4/11/23