

Stricken language will be deleted and underlined language will be added.
Act 863 of the Regular Session

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: S3/27/23

A Bill

SENATE BILL 51

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
AND OPERATING EXPENSES FOR THE DEPARTMENT OF HUMAN
SERVICES - DIVISION OF DEVELOPMENTAL DISABILITIES
SERVICES FOR THE FISCAL YEAR ENDING JUNE 30, 2024;
AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE DEPARTMENT OF HUMAN
SERVICES - DIVISION OF DEVELOPMENTAL
DISABILITIES SERVICES APPROPRIATION FOR
THE 2023-2024 FISCAL YEAR.

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

SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established for the Department of Human Services - Division of Developmental Disabilities Services for the 2023-2024 fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual
				Salary Rate Fiscal Year
				2023-2024
(1)	N249N	DHS DIVISION DIRECTOR	1	GRADE SE02
(2)	L008N	PHYSICIAN SPECIALIST	6	GRADE MP07
(3)	L011N	DENTIST	2	GRADE MP06
(4)	L017N	DHS ALEXANDER CHIEF PSYCHOLOGIST	1	GRADE MP05



(5)	L018N NURSE PRACTITIONER	7	GRADE MP04
(6)	L001C PSYCHOLOGIST SUPERVISOR	1	GRADE MP04
(7)	L009C NURSE MANAGER	5	GRADE MP03
(8)	L003C PSYCHOLOGIST	1	GRADE MP03
(9)	L015C CLINICAL SPEECH PATHOLOGIST	10	GRADE MP02
(10)	L036C NURSE INSTRUCTOR	4	GRADE MP02
(11)	L019C REGISTERED NURSE COORDINATOR	6	GRADE MP02
(12)	L027C REGISTERED NURSE SUPERVISOR	15	GRADE MP02
(13)	L038C REGISTERED NURSE	69	GRADE MP01
(14)	D065C NETWORK SUPPORT ANALYST	1	GRADE IT04
(15)	D079C COMPUTER SUPPORT TECHNICIAN	5	GRADE IT02
(16)	N175N DHS DDS ASST DIR FOR RESIDENTIAL SVC	1	GRADE GS15
(17)	N144N DHS DDS DIR CLIENT SERVICES	1	GRADE GS14
(18)	N081N DHS DDS SUPT HDC/CONWAY	1	GRADE GS14
(19)	N101N DHS/DCO ASST DEP DIR PGM & ADMN SPT	1	GRADE GS14
(20)	N110N DHS ASST DIR CONTRACT MONITORING UNIT	1	GRADE GS13
(21)	N126N DHS DDS SUPT HDC	4	GRADE GS13
(22)	N145N DHS ASSISTANT DIRECTOR CMS	1	GRADE GS12
(23)	N167N DHS POLICY & RESEARCH DIRECTOR	1	GRADE GS12
(24)	M005C DHS ASSISTANT SUPERINTENDENT - CONWAY	1	GRADE GS11
(25)	G099C DHS PROGRAM ADMINISTRATOR	24	GRADE GS09
(26)	L040C DIETARY SERVICES DIRECTOR	2	GRADE GS09
(27)	G109C GRANTS MANAGER	1	GRADE GS09
(28)	M009C LICENSED CERTIFIED SOCIAL WORKER	1	GRADE GS09
(29)	L021C NURSING HOME ASSISTANT ADMINISTRATOR	4	GRADE GS09
(30)	L033C PSYCHOLOGICAL EXAMINER	11	GRADE GS09
(31)	X038C QUALITY ASSURANCE MANAGER	2	GRADE GS09
(32)	E024C TEACHER SUPERVISOR	1	GRADE GS09
(33)	A116C BUSINESS OPERATIONS MANAGER	1	GRADE GS08
(34)	E035C CERTIFIED MASTERS TEACHER	2	GRADE GS08
(35)	G152C DHS PROGRAM MANAGER	23	GRADE GS08
(36)	E026C EDUCATION & INSTRUCTION COORDINATOR	4	GRADE GS08
(37)	L047C MEDICAL TECHNOLOGIST SUPERVISOR	1	GRADE GS08
(38)	R014C PERSONNEL MANAGER	1	GRADE GS08
(39)	X062C QUALITY ASSURANCE COORDINATOR	2	GRADE GS08
(40)	E023C TRAINING PROJECT MANAGER	1	GRADE GS08

(41)	R024C ASSISTANT PERSONNEL MANAGER	5	GRADE GS07
(42)	S008C CAMPUS MAINTENANCE SUPERVISOR	1	GRADE GS07
(43)	M043C DDS PROGRAM COORDINATOR	3	GRADE GS07
(44)	A055C DHS INSTITUTION BUSINESS MANAGER	4	GRADE GS07
(45)	G183C DHS PROGRAM COORDINATOR	58	GRADE GS07
(46)	M042C DHS STAFF SUPERVISOR	1	GRADE GS07
(47)	G182C DHS/DDS PROGRAM COORDINATOR	34	GRADE GS07
(48)	L055C DIETICIAN	1	GRADE GS07
(49)	S019C DIRECTOR MAINTENANCE	1	GRADE GS07
(50)	E048C EDUCATION & INSTRUCTION SPECIALIST	10	GRADE GS07
(51)	E032C EDUCATION COUNSELOR	1	GRADE GS07
(52)	M026C LICENSED SOCIAL WORKER	3	GRADE GS07
(53)	S017C MAINTENANCE COORDINATOR	4	GRADE GS07
(54)	L061C MEDICAL TECHNOLOGIST	3	GRADE GS07
(55)	M025C PROGRAM ELIGIBILITY COORDINATOR I	1	GRADE GS07
(56)	X095C QUALITY ASSURANCE ANALYST	6	GRADE GS07
(57)	M024C RESIDENTIAL SERVICES MANAGER	14	GRADE GS07
(58)	E040C STAFF DEVELOPMENT COORDINATOR	5	GRADE GS07
(59)	C037C ADMINISTRATIVE ANALYST	6	GRADE GS06
(60)	R027C BUDGET SPECIALIST	1	GRADE GS06
(61)	E044C CERTIFIED BACHELORS TEACHER	3	GRADE GS06
(62)	M057C CHAPLAIN	1	GRADE GS06
(63)	G210C DHS PROGRAM SPECIALIST	5	GRADE GS06
(64)	E038C EDUCATION & INSTRUCTION ANALYST	1	GRADE GS06
(65)	A074C FISCAL SUPPORT SUPERVISOR	1	GRADE GS06
(66)	G180C GRANTS ANALYST	1	GRADE GS06
(67)	R025C HUMAN RESOURCES ANALYST	7	GRADE GS06
(68)	L069C LICENSED PRACTICAL NURSE	104	GRADE GS06
(69)	S033C MAINTENANCE SUPERVISOR	6	GRADE GS06
(70)	A084C PROGRAM/FIELD AUDIT SPECIALIST	1	GRADE GS06
(71)	X136C QUALITY ASSURANCE REVIEWER	1	GRADE GS06
(72)	C026C RECORDS/INTAKE SUPERVISOR	1	GRADE GS06
(73)	L060C REHAB INSTRUCTOR SUPERVISOR	26	GRADE GS06
(74)	M098C RESIDENTIAL CARE SHIFT MANAGER	56	GRADE GS06
(75)	X094C SERVICES & PROGRAM LICENSING SPEC	8	GRADE GS06
(76)	M054C SOCIAL SERVICE WORKER	11	GRADE GS06

(77)	G202C VOLUNTEER PROGRAM COORDINATOR	2	GRADE GS06
(78)	S021C WATER FILTER/WASTE DISPOSAL PLNT SUPV	1	GRADE GS06
(79)	C050C ADMINISTRATIVE SUPPORT SUPERVISOR	6	GRADE GS05
(80)	A088C ASSETS COORDINATOR	3	GRADE GS05
(81)	R033C BENEFITS ANALYST	1	GRADE GS05
(82)	S041C BOILER OPERATOR	2	GRADE GS05
(83)	V014C BUYER	2	GRADE GS05
(84)	A091C FISCAL SUPPORT ANALYST	1	GRADE GS05
(85)	L070C HEALTH CARE ANALYST	1	GRADE GS05
(86)	C030C HEALTH RECORDS SPECIALIST	1	GRADE GS05
(87)	D077C HELP DESK SPECIALIST	1	GRADE GS05
(88)	R032C HUMAN RESOURCES PROGRAM REPRESENTATIVE	3	GRADE GS05
(89)	C054C LOCAL OFFICE ADMINISTRATIVE SPEC	9	GRADE GS05
(90)	V015C PURCHASING SPECIALIST	3	GRADE GS05
(91)	M065C RECREATIONAL ACTIVITY SUPERVISOR	2	GRADE GS05
(92)	L066C REHABILITATION INSTRUCTOR	120	GRADE GS05
(93)	M004C RESIDENTIAL OPERATIONS MANAGER	321	GRADE GS05
(94)	S031C SKILLED TRADESMAN	25	GRADE GS05
(95)	E051C STAFF DEVELOPMENT SPECIALIST	2	GRADE GS05
(96)	S030C WATER FILTER/WASTE DISPOSAL PLNT OPER	2	GRADE GS05
(97)	C056C ADMINISTRATIVE SPECIALIST III	48	GRADE GS04
(98)	S053C AUTO/DIESEL MECHANIC	1	GRADE GS04
(99)	S061C CHDC LAUNDRY OPERATIONS MANAGER	1	GRADE GS04
(100)	L081C DENTAL ASSISTANT	1	GRADE GS04
(101)	L102C DIETETIC SPECIALIST	1	GRADE GS04
(102)	A098C FISCAL SUPPORT SPECIALIST	4	GRADE GS04
(103)	A102C FISCAL SUPPORT TECHNICIAN	3	GRADE GS04
(104)	S044C FOOD PREPARATION MANAGER	4	GRADE GS04
(105)	R038C HUMAN RESOURCES ASSISTANT	1	GRADE GS04
(106)	R036C HUMAN RESOURCES SPECIALIST	4	GRADE GS04
(107)	S047C LANDSCAPE SUPERVISOR	2	GRADE GS04
(108)	S046C MAINTENANCE TECHNICIAN	5	GRADE GS04
(109)	C044C MEDICAL BILLING SPECIALIST	1	GRADE GS04
(110)	M063C RESIDENTIAL CARE PROGRAM COORDINATOR	1	GRADE GS04
(111)	M073C RESIDENTIAL CARE SUPERVISOR	1	GRADE GS04
(112)	V023C STOREROOM SUPERVISOR	4	GRADE GS04

(113)	L074C THERAPY ASSISTANT	1	GRADE GS04
(114)	V025C WAREHOUSE SPECIALIST	4	GRADE GS04
(115)	C073C ADMINISTRATIVE SPECIALIST II	66	GRADE GS03
(116)	S081C APPRENTICE TRADESMAN	8	GRADE GS03
(117)	M084C BEHAV HLTH AIDE	39	GRADE GS03
(118)	L082C CERTIFIED NURSING ASSISTANT	812	GRADE GS03
(119)	M090C DHS PROGRAM ASSISTANT	40	GRADE GS03
(120)	S056C FOOD PREPARATION SUPERVISOR	6	GRADE GS03
(121)	S067C HOUSEKEEPER SUPERVISOR	1	GRADE GS03
(122)	S076C INSTITUTIONAL BEAUTICIAN	3	GRADE GS03
(123)	V027C INVENTORY CONTROL TECHNICIAN	3	GRADE GS03
(124)	S050C MAINTENANCE SPECIALIST	7	GRADE GS03
(125)	C066C PATIENT ACCOUNT SPECIALIST	4	GRADE GS03
(126)	T087C SECURITY OFFICER	1	GRADE GS03
(127)	C087C ADMINISTRATIVE SPECIALIST I	32	GRADE GS02
(128)	S083C BAKER	4	GRADE GS02
(129)	S082C CANTEEN SUPERVISOR	2	GRADE GS02
(130)	S070C EQUIPMENT TECHNICIAN	17	GRADE GS02
(131)	S085C FOOD PREPARATION SPECIALIST	13	GRADE GS02
(132)	S084C INSTITUTIONAL SERVICES SUPERVISOR	36	GRADE GS02
(133)	S088C KITCHEN ASSISTANT	64	GRADE GS02
(134)	L075C ORTHOTIST AIDE	4	GRADE GS02
(135)	L085C PHYSICAL THERAPY AIDE	1	GRADE GS02
(136)	M076C RECREATIONAL ACTIVITY LEADER II	4	GRADE GS02
(137)	E056C TEACHER ASSISTANT	1	GRADE GS02
(138)	L084C THERAPY AIDE	1	GRADE GS02
(139)	V028C WAREHOUSE WORKER	3	GRADE GS02
(140)	S086C COOK	13	GRADE GS01
(141)	S080C EQUIPMENT OPERATOR	1	GRADE GS01
(142)	S089C FOOD PREPARATION TECHNICIAN	31	GRADE GS01
(143)	S087C INSTITUTIONAL SERVICES ASSISTANT	88	GRADE GS01
(144)	S065C MAINTENANCE ASSISTANT	12	GRADE GS01
(145)	V029C PURCHASING ASSISTANT	<u>1</u>	GRADE GS01
	MAX. NO. OF EMPLOYEES	2,535	

SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for

the Department of Human Services - Division of Developmental Disabilities Services for the 2023-2024 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: two hundred (200) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, or this act for the appropriate classification.

SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated, to the Department of Human Services, to be payable from the paying account as determined by the Chief Fiscal Officer of the State, for personal services and operating expenses of the Department of Human Services - Division of Developmental Disabilities Services for the fiscal year ending June 30, 2024, the following:

ITEM NO.	FISCAL YEAR 2023-2024
(01) REGULAR SALARIES	\$97,014,979
(02) EXTRA HELP	2,910,944
(03) PERSONAL SERVICES MATCHING	42,033,860
(04) OVERTIME	4,310,000
(05) EXTRA SALARIES	27,000
(06) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	28,170,408
(B) CONF. & TRAVEL	98,870
(C) PROF. FEES	3,311,079
(D) CAP. OUTLAY	750,000
(E) DATA PROC.	0
(07) GRANTS/PATIENT SERVICES	4,987,134
(08) DATA PROCESSING SERVICES	1,000,000
(09) VOCATIONAL TRAINEES	239,000
(10) CHILDREN AND ADOLESCENT SERVICES	67,191
(11) PURCHASE OF SERVICES	<u>6,814,688</u>
TOTAL AMOUNT APPROPRIATED	<u>\$191,735,153</u>

SECTION 4. APPROPRIATION - SPECIAL OLYMPICS. There is hereby

appropriated, to the Department of Human Services, to be payable from the Developmental Disabilities Services Fund Account, for grants to the Arkansas Special Olympics by the Department of Human Services - Division of Developmental Disabilities Services for the fiscal year ending June 30, 2024, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2023-2024</u>
(01) GRANTS-SPECIAL OLYMPICS	<u>\$178,768</u>

SECTION 5. APPROPRIATION - COMMUNITY PROGRAMS. There is hereby appropriated, to the Department of Human Services, to be payable from the Developmental Disabilities Services-Dog Track Special Revenue Fund, for expenses of the private non-profit community based programs licensed by the Department of Human Services - Division of Developmental Disabilities Services for the fiscal year ending June 30, 2024, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2023-2024</u>
(01) COMMUNITY PROGRAMS	<u>\$50,000</u>

SECTION 6. APPROPRIATION - GRANTS-IN-AID. There is hereby appropriated, to the Department of Human Services, to be payable from the Developmental Disabilities Services Fund Account, for grants-in-aid to the community providers of services to the developmentally disabled by the Department of Human Services - Division of Developmental Disabilities Services for the fiscal year ending June 30, 2024, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2023-2024</u>
(01) GRANTS TO COMMUNITY PROVIDERS	<u>\$15,892,045</u>

SECTION 7. APPROPRIATION - INTER-DIVISIONAL PROGRAMS. There is hereby appropriated, to the Department of Human Services, to be payable from the Developmental Disabilities Services Fund Account, for integrated services and programs developed by the various divisions, for services and programs

developed in conjunction with other state agencies, and for the development and implementation of an integrated case management system for the Department of Human Services - Division of Developmental Disabilities for the fiscal year ending June 30, 2024, the following:

ITEM NO.	FISCAL YEAR 2023-2024
(01) INTER-DIVISIONAL PROGRAMS	<u>\$108,644</u>

SECTION 8. APPROPRIATION - GRANTS - STATE. There is hereby appropriated, to the Department of Human Services, to be payable from the Department of Human Services Grants Fund Account, for grant payments of the Department of Human Services - Division of Developmental Disabilities for the fiscal year ending June 30, 2024, the following:

ITEM NO.	FISCAL YEAR 2023-2024
(01) CHILDREN'S MEDICAL SERVICES-STATE	<u>\$1,729,279</u>

SECTION 9. APPROPRIATION - GRANTS - FEDERAL. There is hereby appropriated, to the Department of Human Services, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for federally funded grants of the Department of Human Services - Division of Developmental Disabilities Services for the fiscal year ending June 30, 2024, the following:

ITEM NO.	FISCAL YEAR 2023-2024
(01) CHILDREN'S MEDICAL SERVICES-FEDERAL	<u>\$1,446,205</u>

SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DEVELOPMENTAL DISABILITIES - GRANTS TO COMMUNITY BASED PROVIDERS. Funds allocated for community-based services under the appropriation for (i) the Grants-in-Aid appropriation in this act, (ii) the Grants/Patient Services Line in the Operations appropriation in this act, and (iii) the Inter-

Divisional Programs appropriation in this act, shall be used only to provide services through private community based services licensed or certified by the Arkansas Division of Developmental Disabilities Services (DDS) or licensed or certified by a Provider-Led Arkansas Shared Savings Entity (PASSE). Non-profit community-based programs licensed by the Division of Developmental Disabilities Services are quasi-governmental instrumentalities of the state which provide supports and services to individuals who have a developmental disability or delay, who would otherwise require supports and services through state-operated programs and facilities owned by the State of Arkansas. When licensed providers are involved in delivering services which are Medicaid reimbursable, they must enroll as a provider with the Arkansas Medicaid Program and must bill the Arkansas Medicaid Program for all covered services for eligible individuals.

Services which are covered by the Arkansas State Medicaid Program, including the Provider-Led Arkansas Shared Savings Entity (PASSE) model, will be utilized to the maximum extent possible for any individual who is eligible for Medicaid coverage. It is the intent of this section that DDS, as a general policy, maximize the use of Medicaid funding available for appropriate services.

Licensed private community providers funded from these appropriations for community based services shall:

1. Screen each individual to whom services are provided for a determination of eligibility or ineligibility for Medicaid coverage within thirty days of the first date that services are provided.
2. Meet minimum standards of performance in the delivery of services to people with disabilities as defined by the Department of Human Services - Division of Developmental Disabilities Services.
3. Supply statistical and financial data to the Department of Human Services - Division of Developmental Disabilities Services.
4. Establish and maintain a sound financial management system in accordance with guidelines as set forth by the Department of Human Services.
5. Establish and maintain community support programs designed to provide coordinated care and treatment to ensure ongoing involvement and individualized services for persons with disabilities.

It is the intent of this section to insure that wherever possible and appropriate, Medicaid funds are utilized.

Nothing in this Act shall prevent the Division or any provider from extending emergency services when appropriate measures have been taken in a timely manner to secure Medicaid eligibility.

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

SECTION 11. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code Title 20, Chapter 48, Subchapter 4, is amended to add additional sections and to codify special language in appropriation acts to read as follows:

20-48-418. Vocational trainees.

The Division of Developmental Disabilities Services may provide employment opportunities for individuals with developmental disabilities who:

- (1) Reside at a human development center; and
- (2) Who work at a less than competitive employment level.

SECTION 12. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code Title 20, Chapter 48, Subchapter 4, is amended to add additional sections and to codify special language in appropriation acts to read as follows:

20-48-419. Prohibition on closure of human development centers.

(a) The Board of Developmental Disabilities Services and the Department of Human Services shall not close any of the existing five (5) human development centers.

SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

ELIMINATION OF AUTISM WAIVER SERVICES WAITING LIST. Immediately upon the effective date of this Act, the Department of Human Services - Division of Developmental Disabilities Services shall budget, allocate, and expend up to one million dollars (\$1,000,000) for the elimination of the Autism Waiver Services Program waiting list.

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

SECTION 14. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act shall be limited to the appropriation for such agency and funds made available by law for the support of such appropriations; and

the restrictions of the State Procurement Law, the General Accounting and Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary Procedures and Restrictions Act, or their successors, and other fiscal control laws of this State, where applicable, and regulations promulgated by the Department of Finance and Administration, as authorized by law, shall be strictly complied with in disbursement of said funds.

SECTION 15. LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds disbursed under the authority of the appropriations contained in this act shall be in compliance with the stated reasons for which this act was adopted, as evidenced by the Agency Requests, Executive Recommendations and Legislative Recommendations contained in the budget manuals prepared by the Department of Finance and Administration, letters, or summarized oral testimony in the official minutes of the Arkansas Legislative Council or Joint Budget Committee which relate to its passage and adoption.

SECTION 16. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2023 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2023 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2023.

/s/ Joint Budget Committee

APPROVED: 4/13/23