

**REPORT OF THE SPECIAL LANGUAGE SUBCOMMITTEE  
OF THE  
ARKANSAS LEGISLATIVE COUNCIL/JOINT BUDGET COMMITTEE**

**B.1**

November 14, 2018

Co-Chairs:

The Special Language Subcommittee met on November 13 and makes the recommendations listed below to the Arkansas Legislative Council/Joint Budget Committee.

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**Volume 1****Waterways Commission**

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**Volume 3****DFA - Disbursing Officer**

TRANSFER PROCEDURES - VARIOUS  
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STATE AGENCIES AND INSTITUTIONS  
(Attachment #6)

Respectfully submitted by Subcommittee Co-Chairs Senator David Wallace and Representative Douglas House



# Request for Special Language: Fund Transfer

AGENCY: 0590 CAREER EDUCATION, DEPARTMENT OF

ACT#: NEW

SECTION#: NEW

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

FUND TRANSFER. Upon approval from the Chief Fiscal Officer of the State, the Department of Career Education may make a one-time transfer in an amount not to exceed four hundred fifty thousand dollars (\$450,000) from the Alternative Retirement Program Cash Fund to the Public School Career Education Fund Account for Vocational start-up Grants and Aids.

The provisions of this section shall be in effect only from July 1, 2019 through June 30, 2020.

**EXECUTIVE RECOMMENDATION**

AGENCY REQUEST

# Request for Special Language: Fund Transfer

AGENCY: 0590 CAREER EDUCATION, DEPARTMENT OF

ACT#: NEW 2

SECTION#: NEW 2

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

FUND TRANSFER. Upon approval from the Chief Fiscal Officer of the State, the Department of Career Education may transfer in an amount not to exceed fifty thousand dollars (\$50,000) per fiscal year from the Alternative Retirement Program Cash Fund to the Public School Career Education Fund Account for Vocational start-up Grants and Aids.

The provisions of this section shall be in effect only from July 1, 2019 through June 30, 2020.

**LEGISLATIVE RECOMMENDATION**

AGENCY REQUEST



# Request for Special Language: Promotional Items

AGENCY: 0480 CORRECTION, DEPARTMENT OF

ACT#: 223

SECTION #: 36

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**LEGISLATIVE RECOMMENDATION**

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PROMOTIONAL ITEMS. The Department of Correction is hereby authorized to purchase from Maintenance & General Operations Classifications in the Industry Program (SDD0100) appropriation provided by this act, up to an amount not to exceed five thousand dollars (\$5,000) each fiscal year for promotional items produced by its prison industry division, to meet the Agency's employee recruitment needs; subject to the authorization of the Director of the Agency, and with the approval of the Chief Fiscal Officer of the State. The Director of the Agency shall report quarterly to the Board of Corrections the amount and type of promotional items purchased under this section.

The provisions of this section shall be in effect only from July 1, 2019 through June 30, 2020.

# Request for Special Language: Braille and Large Print Textbooks

AGENCY: 0510 BLIND, ARKANSAS SCHOOL FOR THE

ACT#: 144

SECTION#: 11

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**LEGISLATIVE RECOMMENDATION**

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BRAILLE AND LARGE PRINT TEXTBOOKS. The State Board of Education shall make reasonable rules and regulations to implement the Braille and Large Print Textbooks appropriation and is hereby authorized to negotiate directly with publishers of Braille and Large Print Textbooks for the purchase of such textbooks. The Arkansas School for the Blind (ASB) is authorized to use funds from this account for costs associated with providing Braille Textbooks and Large Print Textbooks to public schools. If funding allows and the need is present, the Arkansas School for the Blind is authorized to use funds from this account to purchase electronic textbooks, adaptive technology, and library media.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, 2019 2020.



# Request for Special Language: Promotional Items

AGENCY: 0341 WATERWAYS COMMISSION

ACT#: new

SECTION#: new

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

PROMOTIONAL ITEMS. Upon approval of the Chief Fiscal Officer of the State, the Arkansas Waterways Commission is hereby authorized to transfer appropriation from Operating Expenses to Promotional Items in the Operations Appropriation provided by this Act in an amount not to exceed one thousand five hundred dollars (\$1,500) each fiscal year to meet the Commission's educational/outreach needs.

The provisions of this section shall be in effect only from July 1, 2019 through June 30, 2020.

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**EXECUTIVE RECOMMENDATION**

AGENCY REQUEST

**DFA - Disbursing Officer - Proposed New Special language  
Representative Dotson**

SECTION XX. APPROPRIATION - VARIOUS TEMPORARY APPROPRIATION FOR STATE AGENCIES AND INSTITUTIONS. There is hereby appropriated, to the Department of Finance and Administration - Disbursing Officer, to be payable from various state agency funds, for providing various state agencies and institutions with additional appropriation for the fiscal year ending June 30, 2020, the following:

ITEM NO.	FISCAL YEAR 2019-2020
(01) ADDITIONAL APPROPRIATION - VARIOUS AGENCIES AND INSTITUTIONS	<u>\$250,000,000</u>

SECTION XX. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER PROCEDURES - VARIOUS TEMPORARY APPROPRIATION FOR STATE AGENCIES AND INSTITUTIONS. (i) In the event that sufficient appropriation is not provided by the General Assembly for any state agency or institution, an agency or institution may request a transfer of appropriation, as provided in the Various Temporary Appropriation for State Agencies and Institutions Appropriation Section of this Act, from the Chief Fiscal Officer of the State, stating clearly the amount requested, purpose and any additional information requested by the Chief Fiscal Officer of the State.

(ii) After reviewing a request the Chief Fiscal Officer of the State may deny, modify or approve the agencies or institutions request based on the estimated amount of appropriation needed and currently available, purpose, estimated funding available and preferred spending priority. Upon approval or modification of a request by the Chief Fiscal Officer of the State and after meeting the requirements of subsection (iii) or (iv) herein, the Department of Finance and Administration shall establish the transfer of appropriation on the books of the Department of Finance and Administration and the State Auditor, in compliance with the applicable classifications of appropriations as enumerated in Arkansas Code §§ 19-4-521 through 19-4-525.

(iii) Any request as authorized in subsection (ii) herein in the last month of a fiscal year that is equal to or less than 10% of the authorized commitment item that the appropriation is requested for, shall be reported to the Arkansas Legislative Council or if meeting in Regular or Fiscal Session the Joint Budget Committee at the next meeting.

(iv) Any request approved as authorized in subsection (ii) herein that is not on the last month of a fiscal year or is greater than 10% on the last month of a fiscal year as defined in subsection (iii) herein, or establishes a new commitment item or new appropriation shall require prior approval by the Arkansas Legislative Council or if meeting in Regular or Fiscal Session the Joint Budget Committee.



(v) Any appropriation approved as authorized in this Section shall not be carried forward to the next fiscal year and shall be identified as a change level increase by the state agency or institution, if requested.

(vi) Determining the maximum amount of appropriation for a state agency or institution each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency or institution. Further, the General Assembly has determined that a state agency or institution may operate more efficiently if some flexibility is provided to the state agency or institution authorizing broad powers under this section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement or approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

(vii) The provisions of this section shall be in effect only from July 1, 2019 through June 30, 2020.

# Request for Special Language: Grants to Community Based Providers

AGENCY: 0745 DHS- DEVELOPMENTAL DISABILITIES

ACT#: 246

SECTION#: 11

## CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

## LEGISLATIVE RECOMMENDATION

DEVELOPMENTAL DISABILITIES - GRANTS TO COMMUNITY BASED PROVIDERS. Funds allocated ~~under the appropriation~~ for community-based services, ~~for~~ ~~under the appropriation for (i) Grants to Community Providers, in the~~ Developmental Disabilities Services—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 a private community provider licensed by a Provider-Led Arkansas Shared Savings Entity (PASSE). Non-profit community-based programs licensed by the Division of Developmental Disabilities Services or a Provider-Led Arkansas Shared Savings Entity 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 ~~DDS~~ 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 or under the Alternative Community Services Waiver Program (ACS) 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 ~~The State shall require each provider~~ funded from ~~this~~ these Appropriations for community based services, shall:

~~including funding from the Grants/Patient Services Line, in the Developmental Disabilities Services—Operations appropriation, or from the Grants to Community Providers Line, in the Developmental Disabilities Services—Grants-in-Aid appropriation;~~

~~1. to 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 for covered or waived services to individuals who are eligible for coverage under the Arkansas Medicaid Program or the ACS Waiver.~~

~~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, 2018 2019 through June 30, 2019 2020.~~



# Request for Special Language: Medical Services - State Medicaid Program/Personal Care Program

AGENCY: 0710 DHS - MEDICAL SERVICES DIVISION

ACT#: 241

SECTION#: 12

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

MEDICAL SERVICES — STATE MEDICAID PROGRAM/PERSONAL CARE PROGRAM.

(a) It is the legislative intent that the Department of Human Services in its administration of the Arkansas Medicaid Program set forth Medicaid provider participation requirements for 'personal care providers' that will insure sufficient available providers to meet the required needs of all eligible recipients, to include insuring available in home services twenty-four (24) hours a day and seven (7) days a week for personal care.

(b) For the purposes of this section, 'private care agencies' are defined as those providers licensed by the Department of Labor, certified as ElderChoices Home and Community Based Services Providers and who furnish in home staffing services for respite, chore services, and homemaker services, and are covered by liability insurance of not less than one million dollars (\$1,000,000) covering their employees and independent contractors while they are engaged in providing services, such as personal care, respite, chore services, and homemaker services.

(c) The purpose of this section is to allow the private care agencies defined herein to be eligible to provide Medicaid reimbursed personal care services seven (7) days a week, and does not supercede Department of Human Services rules establishing monthly benefit limits and prior authorization requirements.

(d) The availability of providers shall not require the Department of Human Services to reimburse for twenty-four (24) hours per day of personal care services.

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**EXECUTIVE RECOMMENDATION**

REVISED AGENCY REQUEST

(e) The Arkansas Department of Human Services, Medical Services Division shall take such action as required by the Centers for Medicare and Medicaid Services to amend the Arkansas Medicaid manual to include private care agencies as qualified entities to provide Medicaid reimbursed personal care services.

(f) The private care agencies shall comply with rules and regulations promulgated by the Arkansas Department of Health which shall establish a separate licensure category for the private care agencies for the provision of Medicaid reimbursable personal care services seven (7) days a week.

(g) The Arkansas Department of Health shall supervise the conduct of the personal care agencies defined herein.

(h) The purpose of this section is to insure the care provided by the private care agencies is consistent with the rules and regulations of the Arkansas Department of Health.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.