

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: S3/12/15
A Bill

SENATE BILL 273

By: Senator Irvin

For An Act To Be Entitled

AN ACT TO ENSURE THE PROVISION OF INDIVIDUALIZED CARE
IN THE PROGRAM FOR INDIGENT MEDICAL CARE; AND FOR
OTHER PURPOSES.

Subtitle

TO ENSURE THE PROVISION OF INDIVIDUALIZED
CARE IN THE PROGRAM FOR INDIGENT MEDICAL
CARE.

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

SECTION 1. Arkansas Code § 20-77-107, concerning the program for indigent medical care and the rules and regulations of the program, is amended to add additional subsections to read as follows:

(g)(1) The department shall be prohibited from employing a model of reimbursement to providers, whether referred to as "episodes of care" or any other description, that:

(A) Limits reimbursements to a predetermined aggregate amount based solely upon the diagnosis of the beneficiaries comprising the aggregate;

(B) Pays a claim on any basis other than a predetermined unit rate of reimbursement for care deemed medically necessary by medical personnel, which is actually rendered to an individual beneficiary and properly documented; or

(C) Affects a recovery or recoupment by any means other than that which is permitted in this section.

(2) This subsection does not preclude:



(A) Reimbursement to a residential care facility or assisted living facility for Medicaid personal care using the tiered multi-hour daily service rate;

(B) Reimbursement for services provided by Program of All-Inclusive Care for the Elderly organizations, also known as PACE organizations, using a capitated rate; or

(C) Reimbursement methodologies negotiated between providers and the Division of Aging and Adult Services of the Department of Human Services for home and community based services including without limitation the ElderChoices waiver, the Alternatives for Adults with Physical Disabilities waiver, Independent Choices waiver, Personal Care programs, assisted living programs, and any successors to these programs.

(h) The department shall not recover, recoup, or withhold any portion of the reimbursement provided for service rendered in the indigent medical program unless the department provides, with respect to each claim for which recovery, recoupment, or withholding is sought, a particularized finding that:

(1) The claim or service provided was fraudulent;

(2) The provision of services or documentation of services were not in compliance with rules of the department; or

(3) The services were not medically necessary, subject to § 20-77-1701 et seq.

/s/Irvin