

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

State of Arkansas *As Engrossed: H3/14/17 H3/16/17 H3/20/17*
91st General Assembly **A Bill**
Regular Session, 2017

HOUSE BILL 1809

By: Representatives Watson, Warren, Johnson

By: Senator D. Sanders

For An Act To Be Entitled

AN ACT TO REFORM MEDICAID SERVICES FOR CHILDREN WITH DEVELOPMENTAL DISABILITIES AND MEDICALLY COMPLEX CONDITIONS; TO ACHIEVE SAVINGS THROUGH ANNUAL EVALUATIONS, REVISED ELIGIBILITY CRITERIA, CLEAR DISTINCTIONS BETWEEN CHILDREN'S PROGRAMS, AND OTHER MEASURES; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO REFORM MEDICAID SERVICES FOR CHILDREN WITH DEVELOPMENTAL DISABILITIES AND MEDICALLY COMPLEX CONDITIONS; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 20-48-1102(2), concerning the definition of "child health management services" for the managed expansion for child health management services, is amended to read as follows:

(2) "Child health management services" means an array of clinic services for children:

(A) Intended to provide full medical multidiscipline diagnosis, evaluation, and treatment of ~~developmental delays~~ significant medical conditions or multiple or complex medical conditions in Medicaid recipients under twenty-two (22) years of age; and

(B) That is diagnostic, screening, evaluative, preventive,



therapeutic, palliative, or rehabilitative services, including early intervention day treatment services;

SECTION 2. Arkansas Code § 20-48-1102(5)(A), concerning the definition of "early intervention day treatment" for the managed expansion for child health management services, is amended to read as follows:

(5)(A) "Early intervention day treatment" means, for the purposes of this subchapter, services provided ~~by a pediatric day treatment program run by early childhood specialists, overseen by a physician, and serving children with developmental disabilities, developmental delays, or a medical condition that puts them at risk for developmental delay in a developmental day treatment clinic services program or child health management services program.~~

SECTION 3. Arkansas Code § 20-48-1104(a), concerning the determination of underserved status for expansion of services, is amended to read as follows:

(a) An expansion of early intervention day treatment services in a county is necessary when the Division of Developmental Disabilities Services of the Department of Human Services determines that a county is underserved with regard to:

- (1) Early intervention day treatment services; or*
- (2) A specific category of early intervention day treatment services ~~currently offered to children with developmental disabilities or delays.~~*

SECTION 4. Arkansas Code § 20-48-1108 is repealed.

~~20-48-1108. Successor program.~~

~~(a) On or before July 1, 2013, the Department of Human Services shall convene stakeholders, including without limitation representatives of the Child Health Management Services Association and the Developmental Disabilities Provider Association, to assist in determining the feasibility of combining or merging the child health management services program and the developmental day treatment clinic services program for children into a successor program.~~

~~(b)(1) This subchapter does not require a successor program to include~~

~~child health management services programs operated by an academic medical center.~~

~~(2) Child health management services programs operated by an academic medical center shall be subject to all other provisions of this subchapter, including without limitation §§ 20-48-1103 and 20-48-1104.~~

SECTION 5. Arkansas Code Title 20, Chapter 48, Subchapter 11, is amended to add an additional section to read as follows:

20-48-1109. Reforms.

(a)(1) On and after July 1, 2017, the Department of Human Services shall promulgate rules to accomplish the following within the child health management services program:

(A) Revise:

(i) The child health management services provider manual to ensure that the program operates as a medical model providing preventive, diagnostic, therapeutic, rehabilitative, palliative, day habilitation, and related services to children who have significant medical conditions or multiple or complex medical conditions or have or are at risk for developmental disabilities or delays;

(ii) The eligibility criteria to focus on children with more serious medical conditions or multiple or complex medical conditions;

(iii) Staffing ratios to ensure that the needs of the target populations are effectively and efficiently met; and

(iv) Staff credentials to ensure that services are provided to target populations by staff that are licensed, certified, or specially trained in the services that they are providing; and

(B) Require evaluations of children to be conducted at least annually for each type of service billed to ensure that the Arkansas Medicaid Program does not pay for services that a child no longer needs.

(2) If a provider that is certified as a child health management services program serves children whose primary need for services is due to a developmental disability or delay, the provider shall also comply with the staffing ratios, staffing qualifications, annual evaluations, eligibility criteria, and other rules satisfying at least the minimum requirements of the rules for the developmental day treatment clinic services program and as

determined by the department.

(b)(1) On and after July 1, 2017, the department shall promulgate rules to accomplish the following within the developmental day treatment clinic services program:

(A) Revise:

(i) The developmental day treatment clinic services provider manual to ensure that the program provides preventive, diagnostic, therapeutic, rehabilitative, palliative, day habilitation, and related services to children who have or are at risk for developmental disabilities or delays or have significant medical conditions or multiple or complex medical conditions;

(ii) The eligibility criteria to focus on children with more significant developmental disabilities and delays; and

(iii) Staff credentials to ensure that services are provided to target populations by staff who are licensed, certified, or specially trained in the services that they are providing;

(B) Require evaluations of children to be conducted at least annually for each type of service billed to ensure that the Arkansas Medicaid Program does not pay for services that a child no longer needs; and

(C) Develop staffing ratios to ensure that the needs of the target populations are effectively and efficiently met.

(2) If a provider that is certified as a developmental day treatment clinic services program serves children whose primary need for services is due to a medical condition or multiple or complex medical condition, the provider shall also comply with the staffing ratios, staffing qualifications, annual evaluations, eligibility criteria, and other rules satisfying at least the minimum requirements of the rules for the child health management services program and as determined by the department.

SECTION 6. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the populations served by developmental day treatment services programs and child health management services programs are not clearly and distinctly defined; that overutilization of services is occurring due to the lack of clarity; that referring providers need more clarity as to the types of services provided in each program; and that this act is immediately necessary to ensure proper

screenings, referrals, and treatment for the populations served by these programs and to prevent overutilization or the provision of services in the wrong setting. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/Watson