

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

State of Arkansas  
91st General Assembly  
Regular Session, 2017

As Engrossed: S2/13/17 S2/27/17  
**A Bill**

SENATE BILL 206

By: Senator Irvin

### **For An Act To Be Entitled**

AN ACT TO AVOID UNNECESSARY EXPANSION IN MEDICAID COSTS AND SERVICES RELATED TO REHABILITATIVE SERVICES FOR PERSONS WITH MENTAL ILLNESS; TO CODIFY THE REHABILITATIVE SERVICES FOR PERSONS WITH MENTAL ILLNESS MORATORIUM; AND FOR OTHER PURPOSES.

### **Subtitle**

TO AVOID UNNECESSARY EXPANSION IN MEDICAID COSTS AND SERVICES RELATED TO REHABILITATIVE SERVICES FOR PERSONS WITH MENTAL ILLNESS; AND TO CODIFY THE REHABILITATIVE SERVICES FOR PERSONS WITH MENTAL ILLNESS MORATORIUM.

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

SECTION 1. Arkansas Code Title 20, Chapter 47, is amended to add an additional subchapter to read as follows:

Subchapter 8 – Rehabilitative Services for Persons with Mental Illness

20-47-801. Legislative findings and intent.

(a) The General Assembly finds that:

(1) There are more than three hundred (300) outpatient service sites in the state for the delivery of rehabilitative services for persons with mental illness;

(2) There is no information that any eligible Medicaid beneficiary has experienced or is experiencing difficulty obtaining medically



necessary rehabilitative services for persons with mental illness;

(3) The Arkansas Medicaid Program has projected that there will be insufficient state general revenues available to maintain the current level of services beginning in state fiscal year 2017; and

(4) Federal funding incentives are not available for the expansion of rehabilitative services for persons with mental illness program.

(b) The intent of this subchapter is to avoid unnecessary expansion in costs and services related to rehabilitative services for persons with mental illness.

20-47-802. Definitions.

As used in this subchapter, "rehabilitative services for persons with mental illness" means an array of clinical services for individuals with mental illness intended to provide core mental health services for the treatment and prevention of mental disorders in Medicaid recipients.

20-47-803. Certification – Moratorium.

(a) The Division of Behavioral Health Services of the Department of Human Services shall:

(1) Process a certification request for a site for rehabilitative services for persons with mental illness within ninety (90) calendar days of receiving all information that is necessary to review and process the certification request; and

(2) Notify a prospective provider of rehabilitative services for persons with mental illness or an existing provider of rehabilitative services for persons with mental illness in writing of the certification determination and furnish a copy to the Division of Medical Services of the Department of Human Services.

(b)(1) Certification of a site for rehabilitative services for persons with mental illness that was not certified as of October 31, 2008, shall be suspended unless:

(A) The site had a pending application under review by the Division of Behavioral Health Services on October 31, 2008;

(B) The site is a replacement site opened by an existing provider of rehabilitative services for persons with mental illness to provide continuity of rehabilitative services for persons with mental illness

when the provider of rehabilitative services for persons with mental illness is terminating services at a currently certified and operating site; or

(C) The site is an existing operation.

(2) This moratorium shall remain in effect until January 1, 2018.

(c)(1) If the Director of the Division of Behavioral Health Services determines that the suspension is causing an undue hardship on a person with mental illness, the director may authorize a reasonable accommodation.

(2) An undue hardship may exist if medically necessary services become unavailable due to the closure of a site for rehabilitative services for persons with mental illness or the ceasing of operations of a provider of rehabilitative services for persons with mental illness.

(d) The suspension shall not prohibit an existing provider of rehabilitative services for persons with mental illness from delivering rehabilitative services for persons with mental illness in a public school.

*/s/Irvin*