

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

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

SENATE BILL 546

By: Senator K. Hammer

For An Act To Be Entitled

AN ACT TO DIRECT THE DEPARTMENT OF HUMAN SERVICES TO APPLY FOR A STATE PLAN AMENDMENT TO ALLOW OPIOID ADDICTION TREATMENT IN AN ELIGIBLE INSTITUTION FOR MENTAL DISEASE; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO DIRECT THE DEPARTMENT OF HUMAN SERVICES TO APPLY FOR A STATE PLAN AMENDMENT TO ALLOW OPIOID ADDICTION TREATMENT IN AN ELIGIBLE INSTITUTION FOR MENTAL DISEASE; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code Title 20, Chapter 77, Subchapter 1, is amended to add an additional section to read as follows:

20-77-135. Opioid addiction treatment.

(a)(1) The General Assembly finds that:

(A) The federal Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act, also known as the "SUPPORT for Patients and Communities Act", Pub. L. No. 115-271, authorizes state Medicaid agencies to submit a state plan amendment to provide opioid use-disorder treatment to individuals who are twenty-one (21) years of age to sixty-four (64) years of age in an eligible institution for mental disease for individuals for up to thirty (30) days per year if the



institution for mental disease offers two (2) or more forms of medication-assisted treatment; and

(C) Arkansas should take advantage of all available opportunities to combat substance abuse, especially opioid abuse.

(2) It is the intent of this section ensure that the State of Arkansas takes advantage of all opportunities possible to combat substance abuse.

(b)(1) As used in this section, "institution of mental disease" means a hospital, nursing facility, or other institution of more than sixteen (16) beds that is primarily engaged in providing diagnosis, treatment, or care of individuals with mental diseases, including providing medical attention, nursing care, and related services.

(2) An "institution of mental disease" does not include an institution for individuals with intellectual disabilities.

(c) On or before July 1, 2019, the Department of Human Services shall submit a state plan amendment in the Arkansas Medicaid Program for approval to cover opioid use-disorder treatment in an eligible institution for mental disease for up to thirty (30) days per year for individuals twenty-one (21) years of age to sixty-four (64) years of age.

(d) The coverage described under subsection (c) of this section shall begin on October 1, 2019, or the earliest date authorized by the Centers for Medicare and Medicaid Services.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the State of Arkansas is currently struggling with a substance abuse epidemic, especially regarding opioids; that authorizing additional coverage under the Arkansas Medicaid Program for opioid use-disorder treatment would slow the substance abuse epidemic in the State of Arkansas; that without this act, fewer citizens of Arkansas will receive coverage for opioid use-disorder treatment and will require more funding to treat their medical conditions that result from untreated opioid use-disorder; and that this act is immediately necessary to address the substance abuse epidemic and the urgent need for substance abuse treatment. 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.