HEALTH SERVICES PERMIT AGENCY

Enabling Laws

Act 929 of 2003 Arkansas Code Annotated 20-8-101 et seq. Developmental Disabilities Assistance and Bill of Rights Act of 2000 (Public Law 106-402)

History and Organization

Health Services Permit Agency

Arkansas Code Ann. 20-8-101 et seq. authorizes the Health Services Permit Agency as an independent agency under the supervision and control of the Governor. With direction from a nine (9) member Health Services Permit Commission, the Agency is responsible for implementing the State's Health Services Program which includes a Permit of Approval (POA) process. The current POA process evolved from federal initiatives in the sixties resulting in passage of an Arkansas Certificate of Need (CON) law in 1975. Legislation in 1987 abolished the CON program and established the existing program. Arkansas Act 593 of 1987, as amended, created the Health Services Permit Commission (Commission) and the Health Services Permit Agency (Agency) to implement the State's long term care planning and review program. Act 1800 of 2001 added one member to represent the Hospice Association to the Commission, which is composed of the following membership appointed by the Governor and confirmed by the Senate:

- A member from the Arkansas Hospital Association,
- A member from the Arkansas Health Care Association,
- A member from the Arkansas Chapter, American Association of Retired Persons,
- A member from the Arkansas Home Care Assoc. of Arkansas
- A member from the Arkansas Residential Assisted Living Association
- A representative of the Department of Human Services,
- A consumer knowledgeable in business health insurance,
- A practicing physician, and
- A Representative from the Arkansas Hospice Association.

Mission Statement: The Commission/Agency mission is to ensure appropriate distribution of health care providers through the regulation of new services, protection of quality care and negotiation of competing interests so that community needs are appropriately met without unnecessary duplication and expense.

Developmental Disabilities Council

Vision: We envision a world where everyone has an equal and real opportunity to lead a meaningful life.

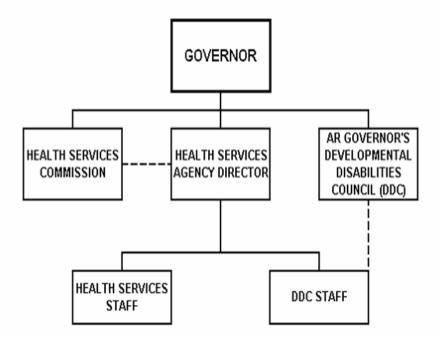
Mission Statement: The Arkansas Governor's Developmental Disabilities Council Supports people with developmental disabilities in achieving independence, productivity, integration and inclusion into the community through advocating and promoting service systems that enhance their lives. The Council

believes society gains from the full participation of a wide variety of people.

The Council believes in the right of individuals to live, work, play, learn, worship and experience life as they choose. The Council believes independence entails economic self-sufficiency, equal opportunity, a right to make choices, a right to dignity and respect, dignity of risk and the opportunity to maximize one's potential and to achieve individual goals. The Council supports individuals with developmental disabilities in achieving independence, productivity, integration and inclusion into the community. The purpose of the Council is to engage in advocacy, capacity building and systemic change activities that contribute to a comprehensive system of community services.

The DD Council includes twenty-six members, appointed by the Governor, and includes individuals with developmental disabilities, parents and/or guardians, State agency representatives, and other interested individuals. The purpose of the Council is to bring the perspective of the individual with a disability and his or her family to policymakers in order to make needed improvements to the service system to improve and/or enhance the quality of services provided. The Council plays a major role as a system's advocate and a resource to provide information on needed changes.

Council funding is available for demonstration projects and activities that build the infrastructure and capacity of the State to meet the needs of individuals and their families. Sub-grantee recipients include non-profit organizations, State agencies, and other groups that demonstrate, through an approved application, their ability to accomplish activities identified and requested by the Council.



Agency Commentary

Health Services Permit Agency

Health Services Permit Agency is requesting one new position and a reclassification of an existing position. The new position requested is a Management Project Analyst II. This position was

recommended by the 2002 Study of the Permit of Approval process in Arkansas. Following the 2001 Legislative Session, Governor Huckabee requested a study of the Permit of Approval process and the study was commissioned by the Department of Human Services. The study recommended that the agency and commission be given more formal data collection analysis authority and role. The study included the recommendation that at least one full time data analyst would be needed in order to achieve the recommendation. The purpose of the job is to assist the Health Services Permit Agency in its mission to conduct health planning by using population projections and service utilization to determine the need for Permits of Approval for long term care services in Arkansas. This position will also conduct regional State training to health care agency and facility administrators on completion of the annual reports. These activities and responsibilities will provide the agency with the information to determine and project need for additional long term care services.

The Agency is requesting a reclassification of the Executive Secretary position to an Administrative Assistant I position, due to additional duties assumed by the agency in the last two years. This position works under the supervision of the Agency Director. Additional responsibilities have occurred because the agency has added new industries to the Permit of Approval process and the agency has also begun to require annual reports from each of these industries. In some cases, quarterly reports will be introduced. As a result of these additions, this position has more interaction with interested parties and with the agencies and facilities that are governed by the Permit of Approval.

The Agency requests to fund the additional position and the reclassification from general revenue and maintain its current base levels for operations. The Agency will continue its role in implementing the policies and procedures adopted by the Health Services Permit Commission and reviewing all Permit of Approval applications.

Developmental Disabilities Council

The Developmental Disabilities Council (DD Council) is responsible for management and oversight of the developmental disabilities program funded by the Developmental Disabilities and Bill of Rights Act of 2000. The program is federally funded by the U.S. Department of Health and Human Services, Administration for Children and Families. The purpose of the program is to support advocacy, capacity building and systemic change activities that support the development and improvement of a consumer and family centered system of community services for individuals with developmental disabilities. The Council appropriation includes federal and state funding.

The DD Council requests \$5,000 in Capital Outlay appropriation each year of the biennium to replace computer equipment as needed.

The DD Council requests reclassification of an Administrative Assistant I position (Grade 15) to an Administrative Assistant II (Grade 17) position. The job duties and responsibilities for this position have changed significantly over the past few years requiring increasing skill level and knowledge of technology and an increasing work load as the Council has expanded the job duties and responsibilities. Request is also made to upgrade the DDPC Coordinator's position to a Grade 22. This request is made to allow the DD Council to be in a position to offer a competitive salary commensurate with similar positions within the state with the same or equal job duties and responsibilities and to also make it more comparable to the DDC position in other states of similar size and budget.

The Council requests additional state general revenue in the amount of \$87,458 each year of the biennium to provide match for receipt of federal funds. Federal legislation requires the State to provide assurance that it will provide reasonable state participation in administering the DD program. This amount reflects only slightly more than one-half of the total required to match the federal funding received. The majority of this funding will be available to support sub-grants to benefit individuals with developmental disabilities.

DIVISION OF LEGISLATIVE AUDIT

Audit Findings

		AUDIT OF											
HEALTH SERVICES PERMIT AGENCY													
FOR THE YEAR ENDED JUNE 30, 2003													
Fi	indings			Recommer	dations								
None		No	one										
Employment Sum	imary												
		Male	Female	Total	%								
White Employees		1	3	4	57 %								
Black Employees		0	3	3	43 %								
Other Racial Minorities		0	0	0	0%								
	Total Minorities Total Employees			3 7	43% 100%								

Publications

A.C.A 25-1-204

	Statutory	Requir	ed for	# Of	Reason (s) for Continued	
Name	Authorization	Governor	General Assembly	Copies	Publication and Distribution	
None	N/A	Ν	N	0	N/A	

Department Appropriation / Program Summary

			Historical Data						Agency Request and Executive Recommendation							
		2003-200)4	2004-200)5	2004-200)5	2005-2006				2006-2007				
Appropriation / Pr	ogram	Actual	Pos	Budget	Pos	Authorized	Pos	Agency	Pos	Executive	Pos	Agency	Pos	Executive	Pos	
0665P01 Permit of Approva	I	282,314	4	318,183	4	307,328	4	361,427	5	321,173	4	368,727	5	327,381	4	
0665P02 Dev Disabilities Co	ouncil	993,372	5	1,370,098	6	1,370,274	6	1,390,910	6	1,361,908	5	1,398,448	6	1,368,637	5	
Total		1,275,686	9	1,688,281	10	1,677,602	10	1,752,337	11	1,683,081	9	1,767,175	11	1,696,018	9	
Funding Sources			%		%				%		%		%		%	
Fund Balance	4000005	214,068	13.9	260,834	13.4			256,338	12.8	256,338	13.2	252,322	12.5	252,322	13.0	
General Revenue	4000010	323,068	21.0	323,161	16.6			459,819	22.9	332,107	17.2	467,001	23.2	338,197	17.4	
Federal Revenue	4000020	930,858	60.6	1,306,112	67.2			1,238,502	61.8	1,296,958	67.0	1,245,114	61.8	1,302,761	67.0	
Merit Adjustment Fund	4000055	1,504	0.1	7,512	0.4			0	0.0	0	0.0	0	0.0	0	0.0	
Permit of Approval Fees	4000375	67,022	4.4	47,000	2.4			50,000	2.5	50,000	2.6	50,000	2.5	50,000	2.6	
Total Funds		1,536,520	100.0	1,944,619	100.0			2,004,659	100.0	1,935,403	100.0	2,014,437	100.0	1,943,280	100.0	
Excess Appropriation/(Fundi	ng)	(260,834)		(256,338)				(252,322)		(252,322)		(247,262))	(247,262)		
Grand Total		1,275,686		1,688,281				1,752,337		1,683,081		1,767,175		1,696,018		

1

Analysis of Budget Request

Appropriation / Program:	0665P01 - Permit of Approval
Funding Sources:	HUA-Miscellaneous Agencies Fund; Other Funds

The Permit of Approval program is funded from general revenue and fees collected from certificate of need fees as authorized by Arkansas Code Annotated 20-8-108. The agency reviews all applications for permits of approval (for nursing homes, residential care facilities, etc.) addressing such issues as need, staffing, and economic feasibility.

The agency's Progress Report for this program for the 2004 Fiscal Year indicates it has met all three targets of the Strategic Plan and exceeded the key measure of "Number of annual site visits to Permit of Approval recipients" by one visit or 20 percent.

Base Level for this program includes graduated salary increases of 3% to 1.5% each year over FY05 salary levels, along with related Personal Services Matching costs for the four Base Level positions. This includes a \$600 minimum increase for employees earning \$20,000 or below. Included in Personal Services Matching is a \$40 increase in the monthly contribution for State employee's health insurance for a total State match of \$320 per month.

The Agency requests the addition of a Management Project Analyst II position, Grade 20, and General Revenue funding which would increase appropriation and funding \$28,538 in FY06 and \$29,394 in FY07, plus matching. This new position was recommended by the Governor's 2002 Study of the Permit of Approval Process in Arkansas commissioned by the Department of Human Services following the 2001 Legislative Session. The study recommended that the Agency and Commission perform a more formal data collection and analysis role and that at least one full time analyst would be needed to achieve this. The position will assist the Agency in its mission by conducting health planning using population projections and service utilization to determine Permit of Approval needs for long-term care in the State and conducting regional State training for health care agency and facility administrators on the filing of annual reports.

The Agency requests the reclassification of the Executive Secretary/Admin. Secretary, Grade 14, to an Administrative Assistant I, Grade 15, increasing General Revenue funding and appropriation \$2,112 in FY06 and \$2,176 in FY07, plus matching, due to additional duties placed upon this position as the agency has added new industries to the Permit of Approval process with additional annual and quarterly reports and increased contact with parties, facilities, and other agencies.

The Executive Recommendation provides for Base Level.

Appropriation / Program: Permit of Approval 0665P01

Funding Sources:

HUA-Miscellaneous Agencies Fund; Other Funds

Program Description	Program Goals
The Health Services Permit Agency 1) ensures appropriate distribution of health care providers through the regulation of new services 2) protects quality care 3) negotiates with competing interests so that community needs are appropriately met without unnecessary duplication and expense.	Homes, Residential Care Facilities, Home Health and Hospice Agencies, Psychiatric

Objective Code	Name	Description
00JY		Decisions on applications will be made and published within 90 days of the application deadline.

Performance Measures

		Key Measures			2004 Target Authorized /	2006 Target	2007 Target
Objective	Exec	Leg	Туре	Description	Actual		_
1	х	X	Outcome	Percentage of applications that are reviewed and processed within required time frames.	100%/100%	100%	100%
1			Output	Number of annual site visits to Permit of Approval recipients	5/6	7	8
1	х	Х	Outcome	Number of updated bed need books published per year	4/4	4	4
1	x	Х	Outcome	Number of industries regulated by the POA process for which annual reports have been developed, disseminated, collected and analyzed.		4	5
1	х	Х	Outcome	Number of prior year audit findings repreated in subsequent audit.		0	0
1			Outcome	Number of days to enter all year-end closing entries into AASIS required for CAFR Report.		63 days	63 days
1			Outcome	Number of security and privacy policies promulgated by the State Executive Chief Information Officer implemented in required timeframe.		4	4

Appropriation / Program:	0665P01	Permit of Approval
Authorized Program Amount		307,328

		Histori	cal Data	Agency Request and Executive Recommendation						
Commitment It	em .	2003-2004 Actual	2004-2005 Budget	Base Level	2005-2006 Agency	Executive	Base Level	Executive		
								Agency		
Regular Salaries	5010000	178,577	182,317	187,412	218,062	187,412	192,637	224,207	192,637	
#Positions		4	4	4	5	4	4	5	4	
Personal Services Matching	5010003	46,785	47,698	50,593	60,197	50,593	51,576	61,352	51,576	
Operating Expenses	5020002	37,593	60,627	60,627	60,627	60,627	60,627	60,627	60,627	
Travel-Conference Fees	5050009	3,076	5,274	5,274	5,274	5,274	5,274	5,274	5,274	
Professional Fees and Services	5060010	16,283	17,267	17,267	17,267	17,267	17,267	17,267	17,267	
Capital Outlay	5120011	0	5,000	0	0	0	0	0	0	
Total		282,314	318,183	321,173	361,427	321,173	327,381	368,727	327,381	
Funding Sources										
Fund Balance	4000005	214,068	260,834	256,338	256,338	256,338	252,322	252,322	252,322	
General Revenue	4000010	260,554	260,629	267,157	307,411	267,157	272,321	313,667	272,321	
Merit Adjustment Fund	4000055	1,504	6,058	0	0	0	0	0	0	
Permit of Approval Fees	4000375	67,022	47,000	50,000	50,000	50,000	50,000	50,000	50,000	
Total Funding		543,148	574,521	573,495	613,749	573,495	574,643	615,989	574,643	
Excess Appro/(Funding)		(260,834)	(256,338)	(252,322)	(252,322)	(252,322)	(247,262)	(247,262)	(247,262)	
Grand Total		282,314	318,183	321,173	361,427	321,173	327,381	368,727	327,381	

The FY05 Budgeted amounts in Regular Salaries and Personal Services Matching exceed the authorized amounts due to salary and matching rate adjustments during the 2003-2005 biennium.

Objective Summary

Objective: 00JY Permit of Approval-Objective 1-Treasury

Description: Decisions on applications will be made and published within 90 days of the application deadline.

		Histori	cal Data		Agency Re	quest and Exe	ecutive Recommendation			
		2003-2004	2004-2005		2005-2006		2006-2007			
Commitment Iten	า	Actual	Budget	Base Level	Agency	Executive	Base Level	Agency	Executive	
Regular Salaries	5010000	178,577	182,317	187,412	218,062	187,412	192,637	224,207	192,637	
#Positions		4	4	4	5	4	4	5	4	
Personal Services Matching	5010003	46,785	47,698	50,593	60,197	50,593	51,576	61,352	51,576	
Operating Expenses	5020002	37,593	60,627	60,627	60,627	60,627	60,627	60,627	60,627	
Travel-Conference Fees	5050009	3,076	5,274	5,274	5,274	5,274	5,274	5,274	5,274	
Professional Fees and Services	5060010	16,283	17,267	17,267	17,267	17,267	17,267	17,267	17,267	
Capital Outlay	5120011	0	5,000	0	0	0	0	0	0	
Objective Total		282,314	318,183	321,173	361,427	321,173	327,381	368,727	327,381	

Analysis of Budget Request

Appropriation / Program:	0665P02 - Dev Disabilities Council
Funding Sources:	HUA-Miscellaneous Agencies Fund; FKM-Federal

The Developmental Disabilities Program Council (DDPC) is primarily funded by federal funds from the U.S. Department of Health and Human Services - Administration for Children and Families with matching general revenue. The purpose of the program is to support advocacy, capacity building, and systemic change activities that support the development and improvement of a consumer and family centered system of community services for individuals with developmental disabilities.

The agency's Progress Report for this program for the 2004 Fiscal Year indicates it has met all three targets of the Strategic Plan and exceeded the two key measures of "Number of persons with disabilities who participate in community activities" by 25 persons or 17.6 percent and "Number of persons trained via DDC training activities" by 150 persons or 33 percent. The agency was able to achieve this through the addition of a staff-person and through efforts to reach families and provide follow-up and support.

Base Level request for this program includes graduated salary increases of 3% to 1.5% each year over FY05 salary levels, along with related Personal Services Matching costs for the six Base Level positions. This includes a \$600 minimum increase for employees earning \$20,000 or below. Included in Personal Services Matching is a \$40 increase in the monthly contribution for State employee's health insurance for a total State match of \$320 per month.

The agency requests increased General Revenue Funding of \$87,458 each year of the biennium to provide match for the receipt of federal funds. Federal legislation requires the State to provide assurance that it will provide reasonable state participation in administering the Developmental Disabilities program. This requested increase in General Revenue funding will increase the State's participation to approximately 12%, which is 1% above an average of 19 surrounding or similarly funded states. The majority of this funding will be available to support sub-grants to benefit individuals with developmental disabilities.

Agency requests an upgrade of the DDPC Coordinator's position from Grade 21 to Grade 22 with a salary increase of \$3,292 in FY06 and \$3,387 in FY07, plus matching. This upgrade will allow the agency to offer a competitive salary commensurate with similar positions within the State with the same or equal job duties and responsibilities and make the position more comparable to DDPC positions in other states with similar sizes and budgets. Also, the agency requests a reclassification of an Administrative Assistant I position, Grade 15, to Administrative Assistant II, Grade 17, with a salary increase of \$1,560 in FY06 and \$1,607 in FY07, plus matching. This position's work load, required skill level and knowledge of technology have increased as the Council has expanded the duties and responsibilities of the position during the past few years. The agency also requests \$5,000 in Capital Outlay appropriation each year of the biennium in order to replace computer equipment as needed.

The Executive Recommendation provides for Base Level with a \$5,000 increase in Capital Outlay

appropriation each year, clip reclassification of the Admininstrative Assistant I position, no General Revenue funding increase, and the deletion of a currently unfilled Secretary II position.

Developmental Disabilities Council 0665P02 Appropriation / Program:

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Funding Sources: HUA-Miscellaneous Agencies F	und; FKM-Federal	
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Program Description	Program Goals
The 26 member Council supports individuals with developmental disabilities and their families by 1) advocating for needed improvements and changes to the service system; 2) providing training and education on disability issues; 3) working with other state agencies and organizations; 4) providing information and referral services; 5) providing funding for pilot projects; and, 6) maintaining contact with federal agencies and other state programs to collect updated information on emerging trends.	and regulation.

Objective Code	Name	Description
05JY		Compile DD Council state plan for advocacy, planning and implementation in accordance with DDC Act requirements.
06JY		Manage the Council's sub-grant program to fund the demonstration of new approaches to serve individuals with developmental disabilities to create systemic change.

Performance Measures

	Key Measures				2004 Target Authorized /	2006 Target	2007 Target	
Objective	Exec	Leg	Туре	Description	Actual			
1	х	X	Outcome	Number of persons with disabilities who participate in community activities	150/175	175	175	
1	х	х	Outcome	Number of persons trained via DDC training activities	450/600	500	500	
2			Outcome	Number of community based grants to support innovative service delivery.	5/5	4	4	

Appropriation / Program:	0665P02	Dev Disabilities Council
Authorized Program Amount		1,370,274

		Histori	ical Data Agency Request and Executive Recommendation						
		2003-2004	2004-2005		2005-2006		2006-2007		
Commitment It	em	Actual	Budget	Base Level	Agency	Executive			
Regular Salaries	5010000	156,088	201,097	207,156	212,008	190,819	213,362	218,356	196,487
#Positions		5	6	6	6	5	6	6	5
Personal Services Matching	5010003	43,016	57,998	61,988	62,899	55,086	63,151	64,089	56,147
Operating Expenses	5020002	246,011	259,025	259,025	259,025	259,025	259,025	259,025	259,025
Travel-Conference Fees	5050009	9,384	10,843	10,843	10,843	10,843	10,843	10,843	10,843
Professional Fees and Services	5060010	40,773	140,000	140,000	140,000	140,000	140,000	140,000	140,000
Grants and Aid	5100004	498,100	701,135	701,135	701,135	701,135	701,135	701,135	701,135
Capital Outlay	5120011	0	0	0	5,000	5,000	0	5,000	5,000
Total		993,372	1,370,098	1,380,147	1,390,910	1,361,908	1,387,516	1,398,448	1,368,637
Funding Sour	ces								
General Revenue	4000010	62,514	62,532	64,950	152,408	64,950	65,876	153,334	65,876
Federal Revenue	4000020	930,858	1,306,112	1,315,197	1,238,502	1,296,958	1,321,640	1,245,114	1,302,761
Merit Adjustment Fund	4000055	0	1,454	0	0	0	0	0	0
Total Funding		993,372	1,370,098	1,380,147	1,390,910	1,361,908	1,387,516	1,398,448	1,368,637
Excess Appro/(Funding)		0	0	0	0	0	0	0	0
Grand Total		993,372	1,370,098	1,380,147	1,390,910	1,361,908	1,387,516	1,398,448	1,368,637

The FY05 Budgeted amounts in Regular Salaries and Personal Services Matching exceed the authorized amounts due to salary and matching rate adjustments during the 2003-2005 biennium. Objective Summary FY04 Actual amounts vary from FY05 Budget due to agency changing budget structure for Performance Based Budgeting format.

Objective Summary

Objective: 05JY Dev Disabilities Council-Objective 1-Treasury

Description: Compile DD Council state plan for advocacy, planning and implementation in accordance with DDC Act requirements.

		Histori	cal Data	Agency Request and Executive Recommendation					
	2003-2004 2004-2005				2005-2006			2006-2007	
Commitment Item	า	Actual	Budget	Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	156,088	25,256	26,013	27,573	28,094	26,793	28,400	28,936
#Positions		5	1	1	1	1	1	1	1
Personal Services Matching	5010003	43,016	8,124	8,731	9,023	9,123	8,877	9,178	9,281
Operating Expenses	5020002	145,047	35,000	35,000	35,000	35,000	35,000	35,000	35,000
Travel-Conference Fees	5050009	9,384	0	0	0	0	0	0	0
Professional Fees and Services	5060010	35,069	40,000	40,000	40,000	40,000	40,000	40,000	40,000
Grants and Aid	5100004	287,564	365,206	365,206	365,206	365,206	365,206	365,206	365,206
Objective Total		676,168	473,586	474,950	476,802	477,423	475,876	477,784	478,423

Objective Summary

Objective: 06JY Dev Disabilities Council-Objective 2-Treasury

Description: Manage the Council's sub-grant program to fund the demonstration of new approaches to serve individuals with developmental disabilities to create systemic change.

		Histori	cal Data	Agency Request and Executive Recommendation					
	2003-2004 2004-2005				2005-2006		2006-2007		
Commitment Item		Actual	Budget	Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	0	175,841	181,143	184,435	162,725	186,569	189,956	167,551
#Positions		0	5	5	5	4	5	5	4
Personal Services Matching	5010003	0	49,874	53,257	53,876	45,963	54,274	54,911	46,866
Operating Expenses	5020002	100,964	224,025	224,025	224,025	224,025	224,025	224,025	224,025
Travel-Conference Fees	5050009	0	10,843	10,843	10,843	10,843	10,843	10,843	10,843
Professional Fees and Services	5060010	5,704	100,000	100,000	100,000	100,000	100,000	100,000	100,000
Grants and Aid	5100004	210,536	335,929	335,929	335,929	335,929	335,929	335,929	335,929
Capital Outlay	5120011	0	0	0	5,000	5,000	0	5,000	5,000
Objective Total		317,204	896,512	905,197	914,108	884,485	911,640	920,664	890,214