

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0710 DHS - Behavioral Health Services Division

ACT#: 93

SECTION#: 12

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

BEHAVIORAL HEALTH SERVICES - ALLOCATION RESTRICTIONS. There is hereby allocated to the Community Mental Health Centers, as set out herein, the following amounts of the funds appropriated for State Assistance in the Behavioral Health Services - Community Mental Health Centers appropriation, to the Department of Human Services - Division of Behavioral Health Services, there to be used as provided by law, for the fiscal year ending June 30, ~~2017~~ 2018, the following:

AGENCY REQUEST

| Item | Maximum Allocation Fiscal Year |
|--|---------------------------------------|
| No. Mental Health Center | 2016-2017 <u>2017-2018</u> |
| (01) OZARK GUIDANCE CENTER, INC. | \$1,407,968 |
| (02) HEALTH RESOURCES OF ARKANSAS, INC\OCS | 1,052,251 |
| (03) DELTA COUNSELING ASSOCIATES, INC. | 230,898 |
| (04) SOUTH ARKANSAS REGIONAL HEALTH CENTER | 345,669 |
| (05) SOUTHEAST ARKANSAS BEHAVIORAL HEALTHCARE SYS. INC. | 412,935 |
| (06) SOUTHWEST ARKANSAS COUNSELING & MENTAL HEALTH CENTER, INC. | 354,528 |
| (07) COMMUNITY COUNSELING SERVICES, INC. | 520,106 |
| (08) WESTERN ARK. COUNSELING & GUIDANCE CENTER | 783,125 |
| (09) COUNSELING ASSOCIATES, INC. | 766,168 |
| (10) COUNSELING CLINIC, INCORPORATED | 322,561 |
| (11) PROFESSIONAL COUNSELING ASSOCIATES | 722,207 |
| (12) LITTLE ROCK CMHC | 662,430 |
| (13) MID-SOUTH HEALTH SYSTEMS | <u>1,199,757</u> |

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TOTAL AMOUNT ALLOCATED \$8,780,603

The additional funding provided by this provision shall supplement and not supplant any monies currently funding state assistance to Community Mental Health Centers.

The requirements in this section shall only be implemented in accordance with any necessary approval by the Centers for Medicare and Medicaid Services, and in the event that additional general revenue funding is provided by the General Assembly for these purposes. Should additional funding provided for these purposes be insufficient to provide for the increases in full, the increases shall be provided to the extent that funding is made available.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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EXECUTIVE RECOMMENDATION

BEHAVIORAL HEALTH SERVICES - ALLOCATION RESTRICTION AND TRANSFER PROVISION. Of the amounts allocated in the BEHAVIORAL HEALTH SERVICES - ALLOCATION RESTRICTIONS section above, it is the intent of the General Assembly that such amounts are to be the maximum expended in the applicable fiscal year from the funds as appropriated for State Assistance in the Behavioral Health Services - Community Mental Health Centers appropriation for the benefit of the appropriate program so enumerated. Provided, however, in the event that unforeseen circumstances occur in the fiscal year which would necessitate a transfer of the maximum allocation provided the BEHAVIORAL HEALTH SERVICES - ALLOCATION RESTRICTIONS section above from one or more programs to another program or programs as enumerated in the BEHAVIORAL HEALTH SERVICES - ALLOCATION RESTRICTIONS section above, the Division of Behavioral Health Services with the approval of the Director of the Department of Human Services shall make its request known, and the reasons thereof, to the Office of Budget, Department of Finance and Administration in such form and detail as may be required by the Chief Fiscal Officer of the State. If approved, such transfer approval shall be transmitted to the Bureau of Legislative Research who shall make a report of the transfer and the reasons thereof to the Arkansas Legislative Council at least quarterly.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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EXECUTIVE RECOMMENDATION

BEHAVIORAL HEALTH SERVICES - LEGISLATIVE AUDIT OF MENTAL HEALTH CENTERS. Every Mental Health Center eligible to receive any of the funds appropriated for State Assistance in the Behavioral Health Services - Community Mental Health Centers appropriation in this Act shall, as a condition of receiving any such funds, be subject to an annual audit of the overall operation of such Mental Health Center by the Division of Legislative Audit. The Mental Health Centers shall submit a budget to the Department of Human Services - Division of Behavioral Health Services, and the Arkansas Legislative Council and go through the budget procedures process in the same manner as State departments, agencies, institutions, boards and commissions. Budgets shall be submitted based on operating revenues and expenses of each Center and each Center shall provide information related to financial status requested by the Legislative Council and/or Joint Budget Committee.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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EXECUTIVE RECOMMENDATION

BEHAVIORAL HEALTH SERVICES - APPORTIONMENT OF FUNDS. All funds appropriated under the provisions of the State Assistance line item in the Behavioral Health Services - Community Mental Health Centers appropriation in this Act shall be apportioned on the basis of three dollars and six cents (\$3.06) per capita for fiscal year ~~2016-2017~~2017-2018 or so much thereof as funds shall become available. Additional funds shall be apportioned on the basis of fifty cents (\$.50) per capita or a one-to-one State/Local funds matching basis for the fiscal year ending June 30, ~~2017~~2018. The total \$8,780,603 allocated for FY ~~2016-2017~~2017-2018 shall be distributed to the community mental health centers as described in this section.

The provisions of this section shall be in effect only from July 1, ~~2016~~2017 through June 30, ~~2017~~2018.

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EXECUTIVE RECOMMENDATION

BEHAVIORAL HEALTH SERVICES - GRANTS-IN-AID CONDITIONS FOR RECEIVING FUNDS. Only locally-operated Centers and Clinics licensed or certified by the Division of Behavioral Health Services are eligible to receive funds appropriated for State Assistance in the Behavioral Health Services - Community Mental Health Centers appropriation in this Act, and as a condition of receiving such funds they shall:

(1) Meet minimum standards of performance in the delivery of Mental Health Services as defined by the Department of Human Services - Division of Behavioral Health Services. Such standards will identify priority and/or target populations to be served. The standards shall describe procedures for assuring timely service delivery to clients who are within the custody of the Department of Human Services when such clients are referred to a duly certified center or clinic. Provided further, all such priorities, policies and procedures shall be reviewed by the House Aging, Children & Youth, Legislative and Military Affairs Committee and the Senate Children and Youth Committee.

(2) Supply statistical data to the Department of Human Services - Division of Behavioral Health Services.

(3) Establish and maintain a sound financial management system in accordance with guidelines as set forth by the Department of Human Services - Division of Behavioral Health Services.

(4) Establish and maintain community support programs designed to provide coordinated care and treatment to ensure ongoing therapeutic involvement and individualized treatment for persons with long-term, severe mental illness. Every community support program shall use a

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coordinated case management system and shall provide or assure access to services for persons with long-term, severe mental illness who reside within the respective catchment area of the Center. At a minimum, each community support program shall provide assessment, diagnosis, identification of persons in need of services, case management, crisis intervention, psychiatric treatment including medication services and supervision, counseling and psychotherapy, activities of daily living, housing, protection and advocacy, and psychosocial rehabilitation which may include services provided by day treatment programs.

(5) The Board of Directors of each Center or Clinic licensed or certified by the Department of Human Services - Division of Behavioral Health Services, shall adopt and submit to the Director of the Division of Behavioral Health Services, in the form and according to the procedures specified by the Director of the Division of Behavioral Health Services, an annual plan for the delivery of community support services for persons with long-term, severe mental illness. Each Center's plan must be approved by the Director of the Division of Behavioral Health Services.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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EXECUTIVE RECOMMENDATION

BEHAVIORAL HEALTH SERVICES - FEDERAL FUNDS. It is the specific intent of the General Assembly that in the event of the availability of federal funding for the Division of Behavioral Health Services during the fiscal year ending June 30, ~~2017~~ 2018, that such funding be utilized to conserve or reduce the expenditure of general revenue except where prohibited by law.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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EXECUTIVE RECOMMENDATION

BEHAVIORAL HEALTH SERVICES. Pay rates for physicians and chief psychologists within the Division of Behavioral Health Services may include the special allowances available to UAMS physicians and professional faculty as described in the special language of the UAMS appropriation. Part of the salaries of such staff will come from the receipt of professional income in the care of patients and/or funds received from federal agencies, foundations and other private sponsors in the support of research. Provided that any such allowance shall not exceed, for any employee, an amount equal to two and one half times the salary authorized by the General Assembly. The specific Division of Behavioral Health Services classifications covered by this language are:

Class

Code Title

L005N Psychiatric Specialist

L009N DHS Behavioral Health General Physician

L001C Psychologist Supervisor

Prior to these allowances being made available for an individual, they will be approved by the Chief Fiscal Officer of the State and reviewed by the Personnel Committee of the Arkansas Legislative Council or the Joint Budget Committee.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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EXECUTIVE RECOMMENDATION

BEHAVIORAL HEALTH SERVICES - VOCATIONAL TRAINEES. The Division of Behavioral Health Services of the Department of Human Services is hereby authorized to provide employment opportunities for some of the working residents who are separate from the currently authorized regular vocational trainee positions. The positions authorized herein shall not be incorporated into the present classification system but shall be provided for by each Community Mental Health Center or the State Hospital, on a cash account basis. It is the intent of the General Assembly that the authorization of these positions shall facilitate the Agency's ability to provide for residents who are not part of a regular vocational training program.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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BEHAVIORAL HEALTH SERVICES - JOB SHARE. The Division of Behavioral Health Services can utilize job share for positions within the nursing classification (RN, LPN/LPTN, BHA/CNA) for up to 24 hours per week per individual. This will allow the Division to offer weekend option shifts to nursing personnel without increasing the number of positions.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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EXECUTIVE RECOMMENDATION

BEHAVIORAL HEALTH SERVICES - STATE HOSPITAL CONTINGENCY POSITIONS. If the Department of Human Services determines, and after prior review by the Legislative Council, it shall be determined that it is in the best interest of the State of Arkansas to discontinue a management contract with a private provider and it is deemed necessary to utilize Department staff to provide the required services, the Director of the Department of Human Services may request the Department of Finance and Administration to approve the establishment of one or more additional positions at salary rates not to exceed the maximum salaries established for comparable positions in the Uniform Classification and Compensation Act, the Department of Human Services' Appropriation Act, and the University of Arkansas for Medical Sciences' Appropriation Act. Upon approval by the Department of Finance and Administration and after review by the Legislative Council, the Department of Human Services, Division of Behavioral Health Services may establish such positions.

If the agency requests continuation of a "Growth Pool" position(s) as established herein, the position(s) must be requested as a new position(s) in the agency's budget request.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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EXECUTIVE RECOMMENDATION

ARKANSAS HEALTH CENTER. (A) The Department of Human Services shall not close the Arkansas Health Center that provides skilled nursing through specialized services and programs.

(B) The Department of Human Services shall continue to accept clients for whom it has determined that skilled nursing and specialized services are needed at the Arkansas Health Center.

(C) No funds shall be transferred or reduced from the Arkansas Health Center, except for use as federal matching funds, below the approved funding level on March 1, 2003 without the prior approval of the Arkansas Legislative Council or the Joint Budget Committee.

(D) Determining the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Human Services may operate more efficiently if some flexibility is provided to the Department of Human Services authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent

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jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2016~~
2017 through June 30, ~~2017~~ 2018.

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EXECUTIVE RECOMMENDATION

EXTRA HELP - BEHAVIORAL HEALTH SERVICES. Employees in extra-help positions at the Department of Human Services - Division of Behavioral Health may receive an amount not to exceed eighty-five percent (85%) of the maximum annual salary for a comparable position as authorized under § 21-5-201 et seq. during any fiscal year, nor shall such an employee be employed for a period of time to exceed one thousand eight hundred (1,800) hours in any single fiscal year.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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EXECUTIVE RECOMMENDATION

BEHAVIORAL HEALTH SERVICES - APPORTIONMENT OF FUNDS. Each Community Mental Health Center shall contract with one or more facilities of its choice (excluding Arkansas State Hospital) to provide the inpatient care for indigent patients which the Community Mental Health Center has determined to be necessary after prompt screening by the Community Mental Health Center. Payment for patients screened and approved by the Community Mental Health Center who receive care at these inpatient facilities shall be provided to the inpatient facilities at the contract rate unless the funds available for this purpose have been exhausted. Available funding as determined by the Director of the Department of Human Services shall be apportioned on a per capita basis up to a maximum of three dollars and forty-eight cents (\$3.48) per capita for fiscal year ~~2016-2017~~2017-2018. The most recently available federal population census shall be used in determining the population of each catchment area of the thirteen Community Mental Health Centers. All amounts appropriated under this section shall be used by Community Mental Health Centers for residents of each center's catchment area and such funds shall only be accessed as the payment of last resort.

The provisions of this section shall be in effect only from July 1, ~~2016~~2017 through June 30, ~~2017~~2018.

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EXECUTIVE RECOMMENDATION

REPORTING. The Division of Behavioral Health Services shall develop an evaluation and monitoring program that will assure all expenditures are made consistent with the intent of these appropriations. As a condition for receiving funds under this Act, Community Mental Health Centers (CMHCs) shall report quarterly to the Division of Behavioral Health Services the following data:

- (1) The number of involuntary commitments and medically indigent admissions referred by CMHCs to community-based settings;
- (2) The number of involuntary commitments and medically indigent admissions to community-based settings receiving assistance from the acute mental health services funds;
- (3) The total number of acute bed days utilized by these involuntary commitments;
- (4) The total number of bed days utilized by these medically indigent admissions;
- (5) The average length of stay of admissions for these involuntary commitments per catchment area;
- (6) The average length of stay of admissions for these medically indigent admissions per catchment area;
- (7) The number of medically indigent admissions per catchment area unable to receive assistance from the acute mental health services funds due to such funds being depleted by prior admissions;
- (8) The number of re-admissions per catchment area for involuntary commitments and medically indigent admissions to community-based settings receiving assistance from the acute mental health services; and

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EXECUTIVE RECOMMENDATION

(9) Identify any steps taken by CMHCs to improve access to acute mental health services.

The Department of Human Services - Division of Behavioral Health Services shall report quarterly the data collected from the CMHCs to the House and Senate Subcommittees on Public Health.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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EXECUTIVE RECOMMENDATION

ACUTE MENTAL HEALTH SERVICES - PER CAPITA - LEGISLATIVE FINDINGS AND INTENT. The General Assembly recognizes that the state encouraged the treatment of mentally ill residents within community-based settings over two decades ago and has taken various approaches to funding since then. The General Assembly also recognizes that there are inherent problems within the current public mental health system that create disincentives for proper treatment and care. The purpose of the Acute Mental Health Services - Per Capita appropriation is to provide an appropriation for acute mental health services to be utilized within community-based settings for the treatment and care of medically indigent persons 18 years of age and older and involuntary commitments to the public mental health system. The appropriation for acute mental health services provided in this Act shall only be used for Community Mental Health Centers licensed and certified by the Department of Human Services - Division of Behavioral Health Services for use within community-based settings and facilities.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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EXECUTIVE RECOMMENDATION

BEHAVIORAL HEALTH SERVICES - PROCEEDS FOR SALES OF TIMBER AND HAY - CAPITAL IMPROVEMENTS AND EQUIPMENT. The Division of Behavioral Health Services is authorized to use administrative operating account for capital improvements to the physical plant, and for the purchase of capital equipment, and for the operation of the Arkansas Health Center, operated by the Department of Human Services - Division of Behavioral Health Services. The funds shall be held by the Department of Human Services - Division of Behavioral Health Services, from the proceeds of the sale of timber and hay that may be harvested from land owned by the Division of Behavioral Health Services. All funds deposited and all expenses shall be tracked separately. The harvesting of timber and hay is specifically authorized to provide funds to finance capital improvements to the physical plant, for the purchase of major capital equipment, and for the operation of the Arkansas Health Center. The Division of Behavioral Health Services shall report all income derived from the sale of timber and hay to the Chief Fiscal Officer of the State and the Legislative Council. Any contracts initiated for the harvesting of timber and hay shall be submitted to the Review Subcommittee of the Arkansas Legislative Council for prior review. All expenditures of funds derived from the sale of timber and hay will be expended in accordance with relevant state purchasing laws.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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EXECUTIVE RECOMMENDATION

SPECIAL RATES OF PAY AND EMPLOYMENT WORK DAYS. For employees hired on or after July 1, 2013, at the Arkansas State Hospital in the classifications listed below, the Division of Behavioral Health Services Director shall implement salary adjustments utilizing the approved pay grid for teachers employed by the Arkansas Schools for the Blind and Deaf.

To achieve the salary adjustments, the Division of Behavioral Health Services is authorized to pay special rates of pay for classifications at the Arkansas State Hospital listed below:

| Classification | Title | Grade |
|----------------|-----------------------------|-------|
| E044C | Certified Bachelors Teacher | C117 |
| E035C | Certified Masters Teacher | C119 |

Funding for the minimum compensation provided for in this section that is supported in whole or in part from general revenues, shall, if required, be provided by a transfer from the Merit Adjustment Fund to the proper fund or fund account and in such amounts as determined by the Chief Fiscal Officer of the State. The Division of Behavioral Health Services shall in addition to the funds provided in this Act for Annual Career Service Recognition Payments from the Merit Adjustment Fund, make available any funding generated from agency salary savings for such purposes from the funds or fund accounts as provided by law.

For employees hired on or after July 1, 2013, at the Arkansas State Hospital in the classifications listed above, the Division of Behavioral Health Services Director shall set the number of work days for the employment year to equal the number of days worked by those employed in the same classifications at the Arkansas Schools for the Blind and Deaf. The accrual,

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use, and carryover of sick days, personal days, and holidays of the employees at the Arkansas State Hospital that are hired on or after July 1, 2013, or current employees choosing to adopt this plan, shall be treated in the same manner as those employed in the same classifications at the Arkansas Schools for the Blind and Deaf.

Those currently employed at the Arkansas State Hospital in the classifications listed above as of June 30, 2013, have the one-time option of adopting this language or continuing to operate under the same salary, leave and benefit plans they are currently receiving. Employees must make their decision by June 30, 2013.

Accrued annual and holiday leave, up to 240 hours, as of June 30, 2013, will be paid out to current employees choosing to adopt this plan. Any additional accrued annual and holiday leave will be forfeited. Accrued sick leave, as of June 30, 2013, shall be retained on file and shall be exhausted before any newly accrued sick leave may be taken.

All employees affected by this section shall be eligible to receive hazardous duty pay for time worked in eligible areas.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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BEHAVIORAL HEALTH SERVICES - ALLOCATION RESTRICTIONS. There is hereby allocated to the Community Mental Health Centers, as set out herein, the following amounts of the funds appropriated for State Assistance in the Behavioral Health Services - Community Mental Health Centers appropriation, to the Department of Human Services - Behavioral Health Services Division, there to be used as provided by law, for the fiscal year ending June 30, ~~2015-2016~~, 2018 and 2019 the following: Maximum Allocation Item Fiscal Year
No. Mental Health Center ~~2014-15~~ ~~2015-16~~ 2017-18 2018-19

| | |
|---|----------------|
| Counseling Associates | \$494,822.89 |
| Counseling Clinic | \$251,576.09 |
| Delta Counseling Associates | \$500,475.70 |
| Little Rock CMHC | \$728,770.80 |
| Northeast Arkansas Community Mental Health Center INC, - Mid-South Health Systems INC | \$1,321,532.40 |
| Ozark Guidance | \$809,746.15 |
| Community Counseling | \$580,032.93 |
| Professional Counseling Associates | \$682,921.55 |
| South Arkansas Regional Health | \$655,303.86 |
| Southeast AR Behavioral | \$633,020.70 |
| Southwest AR Community Mental Health Center | \$407,023.60 |
| Western AR Counseling & Guidance Center | \$611,882.86 |
| Preferred Family Healthcare INC, Health Resources of AR | \$1,103,493.47 |
| | \$8,780,603.00 |

The additional funding provided by this provision shall supplement and not supplant any monies currently funding state assistance to Community Mental Health Centers.

The requirements in this section shall only be implemented in accordance with any necessary approval by the Centers for Medicare and Medicaid Services, and in the event that additional general revenue funding is provided by the General Assembly for these purposes. Should additional

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funding be provided for these purposes be insufficient to provide for the increases in full, the increases shall be provided to the extent that funding is made available.

The provisions of this section shall be in effect only from July 1, ~~2014~~2015 2017 through June 30, ~~2015-2016~~ 2018.