

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0710 DHS - Developmental Disabilities Services Division

ACT#: 210

SECTION#: 11

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

DEVELOPMENTAL DISABILITIES - GRANTS TO COMMUNITY BASED PROVIDERS. Funds allocated for community-based services under the appropriation for (i) the Grants-in-Aid appropriation in this act, (ii) the Grants/Patient Services Line in the Operations appropriation in this act, and (iii) the Inter-Divisional Programs appropriation in this act, shall be used only to provide services through private community based services licensed or certified by the Arkansas Division of Developmental Disabilities Services (DDS) or licensed or certified by a Provider-Led Arkansas Shared Savings Entity (PASSE). Non-profit community-based programs licensed by the Division of Developmental Disabilities Services are quasi-governmental instrumentalities of the state which provide supports and services to individuals who have a developmental disability or delay, who would otherwise require supports and services through state-operated programs and facilities owned by the State of Arkansas. When licensed providers are involved in delivering services which are Medicaid reimbursable, they must enroll as a provider with the Arkansas Medicaid Program and must bill the Arkansas Medicaid Program for all covered services for eligible individuals.

Services which are covered by the Arkansas State Medicaid Program, including the Provider-Led Arkansas Shared Savings Entity (PASSE) model, will be utilized to the maximum extent possible for any individual who is eligible for Medicaid coverage. It is the intent of this section that DDS, as a general policy, maximize the use of Medicaid funding available for appropriate services.

Licensed private community providers funded from these appropriations for community based services shall:

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1. Screen each individual to whom services are provided for a determination of eligibility or ineligibility for Medicaid coverage within thirty days of the first date that services are provided.
2. Meet minimum standards of performance in the delivery of services to people with disabilities as defined by the Department of Human Services - Division of Developmental Disabilities Services.
3. Supply statistical and financial data to the Department of Human Services - Division of Developmental Disabilities Services.
4. Establish and maintain a sound financial management system in accordance with guidelines as set forth by the Department of Human Services.
5. Establish and maintain community support programs designed to provide coordinated care and treatment to ensure ongoing involvement and individualized services for persons with disabilities.

It is the intent of this section to insure that wherever possible and appropriate, Medicaid funds are utilized.

Nothing in this Act shall prevent the Division or any provider from extending emergency services when appropriate measures have been taken in a timely manner to secure Medicaid eligibility.

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

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SECTION#: 12

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 20, Chapter 48, Subchapter 4, is amended to add additional sections and to codify special language in appropriation acts to read as follows:

AGENCY REQUEST

20-48-418. Vocational trainees.

The Division of Developmental Disabilities Services may provide employment opportunities for individuals with developmental disabilities who:

- (1) Reside at a human development center; and
- (2) Who work at a less than competitive employment level.

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

DEVELOPMENTAL DISABILITIES - TIMBER SALES PROCEEDS - CAPITAL IMPROVEMENTS AND EQUIPMENT. The Division of Developmental Disabilities Services is authorized to use the administrative operating accounts for capital improvements to physical plants and for the purchase of capital equipment. The funds shall be held by the Department of Human Services - Division of Developmental Disabilities Services from the proceeds of the sale of timber that may be harvested from land owned by the Division of Developmental Disabilities Services. All funds deposited and all expenses shall be tracked separately. The harvesting of timber is specifically authorized to provide funds to finance capital improvements to the physical plants and for the purchase of major capital equipment.

The Division of Developmental Disabilities Services shall report all income derived from timber management to the Chief Fiscal Officer of the State and the Arkansas Legislative Council or Joint Budget Committee. Any contracts initiated for the harvesting of timber shall be submitted to the Review Subcommittee of the Arkansas Legislative Council or Joint Budget Committee for prior review. All expenditures of funds derived from the sale of timber will be expended in accordance with relevant state purchasing laws.

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

Recommendation: Per agency email, language codified at 20-48-511 is good as is; section not needed and may be deleted.

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SECTION#: 14

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 20, Chapter 48, Subchapter 4, is amended to add additional sections and to codify special language in appropriation acts to read as follows:

AGENCY REQUEST

20-48-419. Prohibition on closure of human development centers - Funding for human development centers and community providers.

(a) The Board of Developmental Disabilities Services and the Department of Human Services shall not close any of the existing five (5) human development centers.

(b)(1) The department shall continue to accept clients for whom the department has determined needs therapy and residential services at a human development center.

(2) A community program licensed by the Division of Developmental Disabilities Services shall continue to accept clients for whom the community program has determined, in accordance with federal law, are in need of services in the community.

(c) Except for use as federal matching funds, no funds for community- based services licensed by the division shall be transferred from funds appropriated:

(1) To the division for grants to community providers unless the transfer directly benefits community-based services for persons with developmental disabilities; or

(2) For the human development centers unless the transfer directly benefits the human development centers.

(d) General revenue appropriated as grants to community providers for persons with developmental disabilities or general revenue applied as

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federal matching funds for community-based services licensed by the division shall not be reduced below the approved funding level.

(e) General revenue applied as federal matching funds for human development centers shall not be reduced below the approved funding level.

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EXECUTIVE RECOMMENDATION

ELIMINATION OF AUTISM WAIVER SERVICES WAITING LIST. Immediately upon the effective date of this Act, the Department of Human Services - Division of Developmental Disabilities Services shall budget, allocate, and expend up to one million dollars (\$1,000,000) for the elimination of the Autism Waiver Services Program waiting list.

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

AGENCY REQUEST