

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

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

As Engrossed: S4/8/19

# A Bill

SENATE BILL 519

5 By: Senators K. Hammer, T. Garner  
6 By: Representatives Breaux, Brown, Evans, C. Fite, V. Flowers, McCullough, Scott, S. Smith  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAWS CONCERNING FUNDING FOR  
10 COMMUNITY MENTAL HEALTH CENTERS; AND FOR OTHER  
11 PURPOSES.  
12  
13

### Subtitle

15 TO AMEND THE LAWS CONCERNING FUNDING FOR  
16 COMMUNITY MENTAL HEALTH CENTERS.  
17  
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
20

21 SECTION 1. Arkansas Code § 20-46-302, as amended by Acts 2019, Nos.  
22 315, and § 20-46-303 are amended to read as follows:

23 20-46-302. Department of Human Services – Power to regulate – Funding.

24 (a) The Arkansas State Hospital shall have the power to establish  
25 *guidelines and rules* in the administration of this section.

26 (b)(1) The Arkansas State Hospital through the Department of Human  
27 Services is authorized and empowered to assist community mental health  
28 centers and clinics in providing funds for medication required for the  
29 treatment of mental illness for medically indigent patients at a rate not to  
30 exceed five cents (5¢) per capita of the geographical area served by those  
31 community mental health centers or clinics.

32 (2) The most recent federal census will be used in determining  
33 the per capita of the area on which an allocation is made.

34 ~~(c)(1) Disbursement of funds authorized by this section shall be~~  
35 ~~limited to the appropriations for the department and funds made available by~~  
36 ~~law for the support of the appropriations.~~



1           ~~(2) The restrictions of the Arkansas Procurement Law, § 19-11-~~  
2 ~~201 et seq.; the General Accounting and Budgetary Procedures Law, § 19-4-101~~  
3 ~~et seq.; the Revenue Stabilization Law, § 19-5-101 et seq.; and other fiscal~~  
4 ~~control laws of the state, where applicable, and rules promulgated by the~~  
5 ~~Department of Finance and Administration, as authorized by law, shall be~~  
6 ~~strictly complied with in disbursement of the funds.~~

7           (c)(1) A community mental health center shall be funded by a  
8 combination of funds from the mental health block grants, social services  
9 block grants, and state general revenue.

10           (2) The Division of Aging, Adult, and Behavioral Health Services  
11 of the Department of Human Services shall meet with community mental health  
12 centers annually to determine appropriate changes in funding for each fiscal  
13 year.

14           (3)(A) A community mental health center shall report quarterly  
15 on the adequacy of funding for fiscal year 2020 and fiscal year 2021 to:

16                   (i) The Senate Committee on Public Health, Welfare,  
17 and Labor; and

18                   (ii) The House Committee on Public Health, Welfare,  
19 and Labor.

20           (B) The report shall include an annual audit of the  
21 community mental health center that is performed by an independent certified  
22 public accountant and meets generally accepted accounting principles.

23           (d) If the Division of Aging, Adult, and Behavioral Health Services of  
24 the Department of Human Services intends to enter into a new professional or  
25 consultant service contract with a community mental health center in an  
26 amount that exceeds twenty-five thousand dollars (\$25,000), the contract  
27 shall be filed for review with the Legislative Council, or the Joint Budget  
28 Committee if the General Assembly is in session, at least thirty (30) days  
29 before the execution date of the contract.

30           (e) Before a professional or consultant service contract with a  
31 community mental health center is modified or amended, the division shall:

32                   (1) Notify the community mental health center of the proposed  
33 contract modification or amendment at least forty-five (45) days before the  
34 contract modification or amendment is executed, unless notice is waived by  
35 the community mental health center in writing;

36                   (2) Post a notification of the proposed contract modification or

1 amendment on the section of the department website related to procurement at  
2 least forty-five (45) days before the execution date of the contract;

3 (3) Provide the community mental health center an opportunity to  
4 comment on the proposed contract modification or amendment; and

5 (4) File the proposed contract modification or amendment and all  
6 community mental health center comments submitted in response to the proposed  
7 contract modification or amendment with the Legislative Council, or the Joint  
8 Budget Committee if the General Assembly is in session, at least thirty (30)  
9 days before the contract modification or amendment is executed.

10  
11 20-46-303. Standards generally.

12 In approving or rejecting community mental health clinics for the  
13 purpose of mental health services, the Director of the Department of Human  
14 Services shall consider the following factors:

15 (1) Adequacy of mental health services provided by the clinic,  
16 including mental health outpatient diagnostic and treatment services;

17 (2) Rehabilitative services for patients suffering from mental  
18 or emotional disorders;

19 (3) Collaborative and cooperative services with public health  
20 and other state, county, city, and private groups for programs of prevention  
21 and treatment of mental illness and other psychiatric, psychological, and  
22 social disabilities;

23 (4) Consultative services to schools, to courts, and to health  
24 and welfare agencies, both public and private;

25 (5) Informational and educational services to the general public  
26 and to lay and professional groups; ~~and~~

27 (6) Study and training activities in the field of mental health;

28 (7) Demonstrated experience providing outpatient behavioral  
29 health services in the State of Arkansas, specifically those behavioral  
30 health services providing emergency screenings twenty-four (24) hours per  
31 day, seven (7) days per week; and

32 (8) The full array of outpatient services for the community  
33 provided, including psychiatry services.

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36 /s/K. Hammer