

As Engrossed: 4/8/93

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator N. Wilson**

A Bill

ACT 1238 OF 1993
SENATE BILL 827

For An Act To Be Entitled

"AN ACT TO ESTABLISH LONG-TERM CARE FACILITY LICENSURE
FEE; AND FOR OTHER PURPOSES."

Subtitle

"AN ACT TO ESTABLISH LONG-TERM CARE FACILITY LICENSURE
FEES; AND FOR OTHER PURPOSES."

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

SECTION 1. Subsection B of Section 1 of Act 665 of 1989, the same being
Arkansas Code Annotated § 20-10-224 (b), is hereby amended to read as follows:

"The Department may, by properly promulgating rules and regulations, provided
for the issuance of long-term care facility licenses including the licensure
of facilities with specialized wings, units, or rooms for dementia residents,
those suffering from alzheimer_s disease, and other related conditions. Such
licenses shall be effective on a state fiscal year basis and shall expire June
30 of each year subject to revocation, and to annual renewal.

SECTION 2. Subsection C of Section 1 of Act 665 of 1989, the same being
Arkansas Code Annotated § 20-10-224 (c), is hereby amended to read as follows:

(c) Applicants for long term care facility licensure shall file
applications under oath with the Office of Long Term Care of the Division of
Economic and Medical Services of the Department of Human Services on forms
prescribe by the Office on Long Term Care. Applications shall be signed by
the administrator or the owner of the facility. Applications shall set forth
the full name and address of the facility for which licensure is sought and
such additional information as the Office of Long Term Care may require,
including affirmative evidence of ability to comply with such standards,
rules, and regulations as may be lawfully prescribed.

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SECTION 3. Section 1 of Act 665 of 1989, the same being Arkansas Code Annotated § 20-10-224 is hereby amended to add the following:

(f) Each long-term care facility, except facilities operated by the State of Arkansas, shall pay an annual licensure fee in the following amounts:

(1) Residential care facilities shall pay an annual fee determined by multiplying five dollars (\$5.00) by the total number of licensed resident beds;

(2) Adult day care and adult day health care facilities shall pay an annual fee determined by multiplying five dollars (\$5.00) by the maximum number of persons the facility can serve;

(3) All other long-term care facilities shall pay an annual fee determined by multiplying ten dollars (\$10.00) by the total licensed resident beds or maximum licensed client population.

(g) Annual licensure fees shall be tendered with each application for a new long-term care facility license and with each long-term care facility license renewal application.

(h) Annual licensure fees are payable in one sum. Fees for new licensure applications may be prorated by dividing the total fee by 365 and multiplying the result by the number of days from the date the application is approved through June 30, inclusive. Applications for licensure renewal must be delivered, or if mailed must be postmarked, on or before June 1.

(i) Any fee not paid when due shall be delinquent and shall be subject to assessment of a ten percent (10%) penalty.

(j) No license or licensure renewal shall be issued unless the annual licensure fee has been paid in full.

(k) Licenses shall be issued only for the premises and persons named in the application, and shall not be transferable.

(l) All funds derived from fees collected pursuant to the provisions of this subchapter shall be deposited into the state treasury and credited to the Division of Economic and Medical Services Administrative Fund (DEMS-01) to be used for the maintenance and operation of the long-term care facility licensure program.

1 SECTION 4. Arkansas Code 20-10-101 is amended by adding the following
2 new subdivision:

3 "(14) 'Residential care facility' means a building or structure which
4 is used or maintained to provide, for pay on a twenty-four hour basis, a place
5 of residence and board for three (3) or more individuals whose functional
6 capabilities may have been impaired but do not require hospital or nursing
7 home care on a daily basis but could require other assistance in activities of
8 daily living."

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10 SECTION 5. Arkansas Code 20-10-214 is amended to read as follows:

11 "20-10-214. Penalties for §§20-10-213 - 20-10-228.

12 (a) Any person, partnership, association, or corporation establishing,
13 conducting, managing, or operating any institution or facility or any
14 combination of separate entities working in concert within the meaning of this
15 subchapter, without first obtaining a license therefor as provided, or
16 violating any provision of §§20-10-213 - 20-10-228 or regulation lawfully
17 promulgated hereunder, shall be guilty of a misdemeanor.

18 (b) Upon conviction, the person shall be liable to a fine of not less
19 than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for
20 the first offense nor more than one thousand dollars (\$1,000) for each
21 subsequent offense.

22 (c) Each day the institution shall operate after a first conviction
23 shall be considered a subsequent offense."

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25 SECTION 6. Arkansas Code 20-10-215 is amended to read as follows:

26 "20-10-215. Injunction for §§20-10-213 -20-10-228.

27 The department may sue, in the name of the state, any person,
28 partnership, association, or corporation in order to enjoin the establishing,
29 conducting, managing, or operating of any institution or facility or any
30 combination of separate entities working in concert within the meaning of
31 §§20-10-213 - 20-10-228 without the person first having secured a license
32 therefor."

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34 SECTION 7. All provisions of this act of a general and permanent
35 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas

1 Code Revision Commission shall incorporate the same in the Code.

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4 SECTION 8 . If any provision of this act or the application thereof to
5 any person or circumstance is held invalid, such invalidity shall not affect
6 other provisions or applications of the act which can be given effect without
7 the invalid provision or application, and to this end the provisions of this
8 act are declared to be severable.

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10 SECTION 9 . Section 1 of Act 738 of 1983 same being Arkansas Code
11 Annotated § 20-10-102, Arkansas Code Annotated § 20-10-1101 thorough 1105
12 inclusive and all laws and parts of laws in conflict herewith, are hereby
13 repealed.

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/s/Senator Wilson

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APPROVED: 4/20/93

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