

Hall of the House of Representatives
85th General Assembly - Regular Session, 2005
Amendment Form

Subtitle of House Bill No. 2414

"AN ACT TO LIMIT THE TRANSFERABILITY OF PERMITS OF APPROVAL FOR LONG-
TERM CARE FACILITIES."

Amendment No. 1 to House Bill No. 2414.

Amend House Bill No. 2414 as originally introduced:

Page 1, delete lines 9 and 10 and substitute the following:

"AN ACT TO LIMIT THE TRANSFERABILITY OF PERMITS OF APPROVAL FOR LONG-TERM
CARE FACILITIES; TO PLACE A MORATORIUM ON NEW RESIDENTIAL CARE FACILITIES; TO
PLACE A MORATORIUM ON NEW OR ADDITIONAL RESIDENTIAL CARE FACILITY BEDS; AND
FOR"

AND

Page 1, delete line 14 and substitute the following:

"AN ACT TO LIMIT THE NUMBER AND TRANSFERABILITY OF"

AND

Page 1, lines 21 and 22 and substitute the following:

"SECTION 1. Arkansas Code § 20-8-106(a) and (b), concerning transfer
of permits of approval by the Health Services Permit Agency, are amended to
read as"

AND

Page 1, delete lines 24 and substitute the following:

"20-8-106. Health Services Program - Permits generally.

(a)(1)(A) From March 8, 1989, until June 1, 1989, there shall be no
new home health care agencies or nursing homes, with the exception of
intermediate care facilities for the mentally retarded with fifteen (15) or
fewer beds and with the exception of nursing home applications under review
by the Health Services Permit Agency on June 2, 1987, and except for nursing
homes with thirty-five (35) beds or fewer attached to or a part of hospitals
located in cities or towns where no nursing home exists, provided applicants
for such nursing homes must obtain a permit of approval from the proper
authority pursuant to the provisions of this subchapter, nor shall there be
any additional beds licensed for existing nursing homes or intermediate care



facilities in this state.

(B) The Health Services Permit Commission may remove any or all of the moratoria anytime after June 1, 1988, provided the commission has duly adopted and promulgated standards for the review of the health facility for which the moratorium is removed.

(C) Nursing home applications under review by the agency on June 2, 1987, shall be considered under § 20-8-101 et seq. under updated standards on a county-by-county basis.

(2) No permit of approval shall be required by the agency or the commission for any applicant to qualify for a Class "B" license, as provided for in § 20-10-801 et seq., to operate a home health care services agency, if the agency was serving patients on or before June 30, 1988, and if the agency serves the residents of the county where the principal office is located.

(3) Nursing home applications under review by the agency on June 2, 1987, shall be considered under the provisions of § 20-8-101 et seq. under updated standards on a county-by-county basis.

(4)(A) Beginning July 1, 2005, the agency may not accept applications for permits of approval for the construction of new residential care facilities.

(B) Applications for replacement of residential care facilities may not be accepted and processed after July 1, 2005.

(C) However, applications for replacement of residential care facilities shall be accepted for residential care facilities of sixteen (16) beds or fewer, but only if the number of beds required for replacement is less than or equal to the number of beds for which the residential care facility was licensed before the application for replacement.

(b)(1)(A) The alteration or renovation of a health facility having an"

AND

Page 1, delete lines 32 through 36

AND

Page 2, delete line 1 and substitute the following:

~~"However, permits, legal title, and right of ownership may be transferred to another entity with the approval of the commission.~~

(2)(A) Permits, legal title, and right of ownership may be transferred with the approval of the Health Services Permit Commission if the entity presently holding the permit, legal title, or right of ownership has tangible assets of at least two thousand five hundred dollars (\$2,500) that will be transferred with the permit, legal title, or right of ownership."

AND

Page 2, delete line 12 and substitute the following:

"through improved efficiency and productivity.

SECTION 2. Arkansas Code § 20-8-107, concerning expansion of health care facilities or services, is amended to add an additional subsection to read as follows:

(d) Beginning July 1, 2005, the Health Services Permit Agency may not accept applications or requests for permits of approval to add new beds or to expand existing bed capacity of residential care facilities."

The Amendment was read _____
By: Representative S. Prater
MGF/JGH - 03-22-2005 15:40
MGF483 _____ Chief Clerk