

*As Engrossed: 4/8/93*

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

# A Bill

**SENATE BILL 827**

## For An Act To Be Entitled

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

## Subtitle

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

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

17 SECTION 1. Subsection B of Section 1 of Act 665 of 1989, the same being  
18 Arkansas Code Annotated § 20-10-224 (b), is hereby amended to read as follows:  
19 "The Department may, by properly promulgating rules and regulations, provided  
20 for the issuance of long-term care facility licenses including the licensure  
21 of facilities with specialized wings, units, or rooms for dementia residents,  
22 those suffering from alzheimer\_s disease, and other related conditions. Such  
23 licenses shall be effective on a state fiscal year basis and shall expire June  
24 30 of each year subject to revocation, and to annual renewal.

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

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

1 rules, and regulations as may be lawfully prescribed.

2

3

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

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

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

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

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

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

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

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

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

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

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

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

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

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

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

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

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

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

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

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

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

SECTION 7. All provisions of this act of a general and permanent

1 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
2 Code Revision Commission shall incorporate the same in the Code.

3

4

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

10

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

15

16

*/s/Senator Wilson*

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

1

2

3

4