

"AN ACT TO AMEND SECTION 4 OF ACT 968 OF 1985 [ARK. STAT. 82-2234]; TO REPEAL SECTION 20 OF ACT 414 OF 1961 [ARK. STAT. 82-346]; TO REPEAL SECTION 4 OF ACT 884 OF 1985; TO INCREASE NURSING HOME LICENSURE FEES FROM TEN CENTS PER PATIENT BED OR TEN DOLLARS, WHICHEVER IS GREATER TO ONE HUNDRED SIXTY DOLLARS PER LICENSED BED; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 4 of Act 968 of 1985, the same being Arkansas Statute 82-2234, is hereby amended to read as follows:

"Section 4. (A) Applicants for nursing home licensure, excepting nursing homes operated by or affiliated with Life Care/Continuing Care facilities, 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 upon forms prescribed by the Office of Long Term Care, and effective July 1, 1987, shall pay an annual fee of one hundred and sixty dollars (\$160.00) per patient bed which shall be paid into the State Treasury as Special Revenues. Fees may be paid on a quarterly basis due and payable on or before the last day of the quarter or may be paid in one sum. Failure to pay an installment when due shall result in a Notice of Delinquency from the Department of Human Services and a ten percent (10%) penalty assessed on the amount due. Failure to pay two quarterly installments shall be grounds for Notice of Revocation of the license of said facility. Nursing homes and other long term or intermediate care facilities operated by any unit or division of state government shall be exempted from paying the license fee.

Of the Special Revenues raised, thirty-six percent (36%) shall be placed in the Alcohol and Drug Safety Fund for use at the Benton Detoxification Services Center of the Office of Alcohol and Drug Abuse prevention of the Department of Human Service. The remaining balance of the Special Revenues shall be designated for use by the Aging and Adult Services Division of the Department of Human Services. Aging and Adult Services programs eligible to receive Special Revenues include the Older Worker Program, and any other programs from which there exists no federal matching requirements.

(B) Applications shall be signed by the administrator of the facility. Applications shall set forth the full name and address of the nursing home 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 reasonable standards, rules and regulations as may be lawfully prescribed hereunder. Applications for annual license renewal shall be post-marked no later than July 2nd of each year. License applications for existing nursing homes received after the aforementioned date shall be subject to a penalty of twenty dollars per day per bed for each and every day after the aforementioned date of July 2nd. Licenses issued hereunder shall be effective on a fiscal year basis and shall expire on June 30th of each year. License shall be issued only for the premises and persons in the applications and shall not be transferable. License shall be posted in a conspicuous place on the licensed premises.

(C) Any person, partnership, association, or corporation establishing, conducting, managing, or operating any Long Term Care Facility within the meaning of this Act without first obtaining a license as provided by law shall be guilty of a Class A misdemeanor, and upon conviction thereof shall be liable to a fine imposed pursuant to a Class A misdemeanor. Each day such

Long Term Care Facility shall operate after a first conviction shall be considered a Class D felony and upon conviction thereof shall be liable to a fine imposed pursuant to a Class D felony."

SECTION 2. Section 20 of Act 414 of 1961 and Section 4 of Act 884 of 1985 are hereby repealed and this Act shall terminate June 30, 1989.

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 4. EMERGENCY CLAUSE. It is hereby found and determined by the General Assembly that a need exists to develop, update, and revise the licensing requirements of the long term care facilities within the State and that the effectiveness of this Act on July 1, 1987 is necessary to achieve the needed changes. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health, and safety shall be in full force and effect from and after July 1, 1987.

APPROVED: April 7, 1987

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