

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: S2/27/97 S3/5/97

A Bill

ACT 1025 OF 1997
HOUSE BILL 1694

5 By: Representative Miller
6
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For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 20-8-101 TO
10 EXCLUDE CERTAIN TRANSITIONAL PEDIATRIC REHABILITATION
11 FACILITIES FROM THE PERMIT OF APPROVAL PROCESS; AND FOR
12 OTHER PURPOSES."

Subtitle

13
14 "TO EXCLUDE CERTAIN TRANSITIONAL
15 PEDIATRIC REHABILITATION FACILITIES FROM
16 THE PERMIT OF APPROVAL PROCESS."
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Annotated 20-8-101 is amended to read as
22 follows:

23 "20-8-101. Definitions.

24 As used in this subchapter, unless the context otherwise requires:

25 (1) Agency means the Health Services Agency as established in this
26 subchapter;

27 (2) Category of services or health services means home health care
28 services as defined by § 20-10-801;

29 (3) Commission means the Health Services Commission as established in
30 this subchapter;

31 (4) Conversion of services means an alteration of the category of
32 services offered by a health facility;

33 (5) Director means the Director of the Health Services Agency;

34 (6)(A) Health facility or health facilities means long-term care
35 facility as defined by § 20-10-101(7), or a home health care services agency
36 as defined by § 20-10-801;

1 (B) The terms health facility or health facilities shall not
2 mean, and nothing in this subchapter shall be deemed to require a permit of
3 approval for or otherwise regulate the licensure of in any manner;

4 (i) a hospital, as defined by and licensed pursuant to § 20-9-201(3),
5 except when a hospital seeks to add long-term care beds or convert acute beds
6 to long-term care beds or add home health services pursuant to a letter of
7 intent filed with the Department of Health after February 15, 1993, or expand
8 home health services pursuant to a letter of intent filed with the Department
9 of Health after February 15, 1993;

10 (ii) offices of private physicians and surgeons;

11 (iii) outpatient surgery or imaging centers;

12 (iv) post-acute head injury retraining and residential care facilities
13 or establishments operated by the federal government or any agency thereof;

14 (v) free-standing radiation therapy centers;

15 (vi) expansion, not to exceed fifteen (15) beds, of the twenty-five
16 (25) bed non-profit intermediate care facility for the mentally retarded that
17 provides transitional rehabilitation for pediatric patients;

18 (vii) residences for four (4) or fewer individuals with developmental
19 disabilities who receive support and services from non-profit providers
20 currently licensed by the Division of Developmental Disabilities Services of
21 the Department of Human Services; or

22 (viii) any facility which is conducted by and for those who rely
23 exclusively upon treatment by prayer alone for healing in accordance with the
24 tenets or practices of any recognized religious denomination.

25 (C) The term health facility shall not include offices of
26 private physicians and surgeons, outpatient surgery or imaging centers,
27 establishments operated by the federal government or any of its agencies,
28 free-standing radiation therapy centers, or any facility which is conducted by
29 and for those who rely exclusively upon treatment by prayer alone for healing
30 in accordance with the tenets or practices of any recognized religious
31 denomination.

32 (7) Transitional rehabilitation means rehabilitation that typically
33 results in discharge within twenty-four (24) months after the date of
34 admission."

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36 SECTION 2. A long-term care facility that reduced its licensed bed

1 capacity within the past forty (40) months from the effective date of this act
2 may relicense those beds by paying the license fees applicable for that period
3 of time.

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5 SECTION 3. All provisions of this act of a general and permanent nature
6 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
7 Revision Commission shall incorporate the same in the Code.

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

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15 SECTION 5. All laws and parts of laws in conflict with this act are
16 hereby repealed.

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18 SECTION 6. EMERGENCY. It is hereby found and determined by the General
19 Assembly that this act excludes certain transitional pediatric rehabilitation
20 facilities from the permit of approval process; and that this act is
21 immediately necessary to allow such facilities to proceed without delay.
22 Therefore, an emergency is declared to exist and this act being immediately
23 necessary for the preservation of the public peace, health and safety shall
24 become effective on the date of its approval by the Governor. If the bill is
25 neither approved nor vetoed by the Governor, it shall become effective on the
26 expiration of the period of time during which the Governor may veto the bill.
27 If the bill is vetoed by the Governor and the veto is overridden, it shall
28 become effective on the date the last house overrides the veto.

29 /s/Miller

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31 APPROVED: 4-02-97