

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: H2/28/97 H3/5/97

## A Bill

ACT 1028 OF 1997  
HOUSE BILL 1787

5 By: Representatives Rodgers and Young  
6  
7

### For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 20-10-214 TO CLARIFY THE  
10 SITUATIONS IN WHICH A LONG-TERM CARE FACILITY MUST HAVE A  
11 LICENSE; AND FOR OTHER PURPOSES."  
12

### Subtitle

13 "AN ACT TO AMEND ARKANSAS CODE 20-10-214  
14 TO CLARIFY THE SITUATIONS IN WHICH A  
15 LONG-TERM CARE FACILITY MUST HAVE A  
16 LICENSE."  
17  
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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#### SECTION 1. Legislative Findings and Intent.

21 It is the intent of this act to provide for the protection, safety and quality  
22 of care of elderly and disabled Arkansans by allowing only long-term care  
23 facilities that have been licensed, inspected and regulated by the state to  
24 operate.  
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#### SECTION 2. Arkansas Code 20-10-213(4) is amended to read as follows:

27 "(4) Long-term care facility means and shall be construed to include  
28 any building, structure, agency, institution, or other place for the  
29 reception, accommodation, board, care, or treatment of three (3) or more  
30 unrelated individuals who, because of age, illness, blindness, disease, or  
31 physical or mental infirmity, are unable to sufficiently or properly to care  
32 for themselves, and where for that reception, accommodation, board care, or  
33 treatment a charge is made. However, the term 'long-term care facility' shall  
34 not include:  
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36 (A) The offices of private physicians and surgeons;

1 (B) Boarding homes, provided that 50 percent or more of the  
2 residents of the boarding home at any given time are not receiving personal  
3 care, as defined by Arkansas Medicaid regulations. If this threshold is met,  
4 the boarding home shall be classified as a residential care facility. This  
5 provision does not change the prohibition on boarding homes providing direct  
6 care to residents.

7 (C) Hospitals;

8 (D) Recuperation centers;

9 (E) Supervised or supported living apartments, group homes,  
10 family homes, or developmental day treatment clinics for individuals with  
11 developmental disabilities operate by providers licensed by the Developmental  
12 Disabilities Services Division of the Department of Human Services; or

13 (F) Institutions operated by the federal government; or

14 (G) Separate living arrangements that do not involve monitoring  
15 the activities of the residents while on the premises of the institution or  
16 facility to ensure the residents' health, safety, or well-being, and that do  
17 not involve the institution or facility being aware of the residents' general  
18 whereabouts."

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

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

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

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34 /s/Rep. Rodgers et al

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36 APPROVED: 4-02-97