

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: S2/20/97

# A Bill

ACT 396 OF 1997  
SENATE BILL 91

5 By: Senator Wilson  
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7

## For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 20-7-117(b)(2) CONCERNING  
10 HOSPICES; AND FOR OTHER PURPOSES."  
11

## Subtitle

13 "AN ACT CONCERNING HOSPICES."  
14

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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17 SECTION 1. Arkansas Code 20-7-117 (b)(2), concerning hospice, is  
18 amended to read as follows:

19 ~~§(2)~~ (2) All functions and duties of the State Hospice Office shall be  
20 carried out in accordance with the laws of Arkansas and the regulations of the  
21 ~~State Health Planning and Development Agency, the Statewide Health~~  
22 ~~Coordinating Council~~ Arkansas Health Services Agency, Arkansas Health Services  
23 Commission, and the federal Health Care Finance Administration. ~~§~~  
24

25 SECTION 2. Arkansas Code 20-7-117 (c), concerning hospice, is amended  
26 to read as follows:

27 ~~§(c)~~ (c) The regulations and requirements of the ~~State Health Planning and~~  
28 ~~Development Agency and the Statewide Health Coordinating Council~~ Arkansas  
29 Health Services Agency and Arkansas Health Services Commission shall be  
30 ~~revised to include a separate certificate of need category of health care~~  
31 ~~facilities and health service providers entitled hospice as defined in this~~  
32 ~~section, and develop criteria for granting the certificates of need which are~~  
33 ~~in accord with rules, regulations, and standards developed by the federal~~  
34 ~~Health Care Finance Administration.~~ separate Permit of Approval categories of  
35 Health Care Facilities entitled hospice facilities, and hospice agencies,  
36 and develop criteria for granting the Permits of Approval for hospice

1 facilities and for hospice agencies for which applications shall be filed in  
2 accordance with the criteria after the effective date of the 1997 amendment to  
3 this section, provided those entities that have filed written intent to build  
4 a hospice facility or operate a hospice agency with both the Health Services  
5 Agency and the Arkansas Department of Health prior to the effective date of  
6 the 1997 amendment to this section shall have thirty-six (36) months to  
7 complete the project and be licensed. A hospice facility or hospice agency  
8 shall not convert its licensure to any other license."

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

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14 SECTION 4. If any provision of this act or the application thereof to  
15 any person or circumstance is held invalid, such invalidity shall not affect  
16 other provisions or applications of the act which can be given effect without  
17 the invalid provision or application, and to this end the provisions of this  
18 act are declared to be severable.

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

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23 SECTION 6. EMERGENCY. It is found and determined by the General  
24 Assembly of the State of Arkansas that the current law refers to a certificate  
25 of need process from agencies that have been abolished; that this act is  
26 necessary to remove the inconsistencies in the law and to provide for a permit  
27 of approval; and that this act is immediately necessary for the administration  
28 of the law. Therefore, an emergency is declared to exist and this act being  
29 immediately necessary for the preservation of the public peace, health and  
30 safety shall become effective on the date of its approval by the Governor. If  
31 the bill is neither approved nor vetoed by the Governor, it shall become  
32 effective on the expiration of the period of time during which the Governor  
33 may veto the bill. If the bill is vetoed by the Governor and the veto is  
34 overridden, it shall become effective on the date the last house overrides the  
35 veto.

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/s/Wilson

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APPROVED: 3-07-97