

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 136 of the Regular Session

As Engrossed: H1/26/07 S2/6/07

A Bill

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

HOUSE BILL 1101

4
5 By: Representative Reep
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8 **For An Act To Be Entitled**

9 AN ACT TO DEFINE THE ACCREDITING ORGANIZATION FOR
10 HOSPITALS; AND FOR OTHER PURPOSES.
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12 **Subtitle**

13 AN ACT TO DEFINE THE ACCREDITING
14 ORGANIZATION FOR HOSPITALS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 20-9-219 is amended to read as follows:
20 20-9-219. Inspections of facilities.

21 (a) As used in this section:

22 (1) "Accrediting organization" means an organization that awards
23 accreditation or certification to hospitals or managed care organizations and
24 has been recognized by the U.S. Centers for Medicare and Medicaid Services
25 for deemed status, including without limitation the Joint Commission;

26 ~~(1) "Department" means the Division of Health of the Department~~
27 ~~of Health and Human Services and "Division" means the Division of Health~~
28 ~~Facilities Services of the Division of Health of the Department of Health and~~
29 ~~Human Services;~~

30 (2)(A) "Hospital" means a facility used for the purpose of
31 providing inpatient diagnostic care or treatment, including general medical
32 care, surgical care, obstetrical care, psychiatric care, and specialized
33 services or specialized treatment which is subject to the rules and
34 regulations for hospitals ~~and related institutions~~ in Arkansas.

35 (B) "Hospital" does not mean a facility primarily for the



1 provision of long-term care;

2 (3) "Inspection" means the on-site review of the physical plant
3 *and practices as governed by the current rules and regulations of hospitals*
4 ~~*and related institutions;*~~

5 (4) "Investigation" means a specific inspection by the division
6 related to a complaint or complaints; and

7 ~~(5) "Joint Commission on Accreditation of Healthcare~~
8 ~~Organizations" means the national accrediting body for hospitals, which~~
9 ~~performs on-site surveys of compliance with its regulations at regular~~
10 ~~intervals to ensure that the hospital provides quality care sufficient to~~
11 ~~justify accreditation; and~~

12 (6) "Survey" means the on-site formal review process of a
13 hospital by the Division of Health Facilities Services at regular intervals
14 to ensure compliance with applicable rules and regulations adopted by the
15 Division of Health of the Department of Health and Human Services.

16 (b) The Division of Health of the Department of Health and Human
17 Services shall make such inspections and surveys as it may prescribe by
18 ~~regulation~~ rule.

19 (c) Each hospital accredited by ~~the commission~~ an accrediting
20 organization shall be deemed by the Division of Health of the Department of
21 Health and Human Services to be licensable without further survey by the
22 personnel of the Division of Health Facilities Services if:

23 (1) The hospital holds current, full accreditation; and

24 (2) The Division of Health Facilities Services receives a copy
25 of the hospital's official accreditation certificate and the complete report
26 issued by ~~the commission~~ an accrediting organization within thirty (30) days
27 of receipt by the hospital from ~~the commission~~ an accrediting organization ~~or~~
28 ~~within thirty (30) days of July 30, 1999.~~

29 (d) No hospital shall be required to submit accreditation by ~~the~~
30 ~~commission~~ an accrediting organization, but whenever a hospital does not
31 submit a ~~commission~~ an accreditation certificate, the personnel of the
32 Division of Health of the Department of Health and Human Services shall
33 conduct such surveys as are prescribed by regulation.

34 (e)(1) Nothing in this section shall affect the right of an authorized
35 representative of the Division of Health of the Department of Health and
36 Human Services to enter upon or into the premises of a hospital at any time

1 to make an inspection as part of an investigation when the Division of Health
2 of the Department of Health and Human Services does so in response to a
3 complaint or specific identifiable information that the hospital is not
4 meeting minimum quality standards.

5 (2) If the Division of Health Facilities Services upon review of
6 ~~a commission~~ an accrediting organization report reasonably determines that a
7 hospital may not be meeting state licensure standards, it may perform a
8 survey of that hospital and take such steps as are necessary to enforce the
9 standards of the Division of Health of the Department of Health and Human
10 Services.

11 (f) A validation survey may be conducted on five percent (5%) of
12 deemed hospitals during any calendar year to determine continued compliance
13 with state regulations.

14 (g) The Division of Health of the Department of Health and Human
15 Services shall continue to have authority over new construction, renovations,
16 and alterations of the hospitals as set forth in the current regulations.

17 (h) All hospitals shall notify the Division of Health Facilities
18 Services within thirty (30) days when there is a change in accreditation
19 status.

20 (i) A staff member of the Division of Health Facilities Services may
21 accompany ~~the commission~~ an accrediting organization team that conducts any
22 hospital accreditation survey as an ex officio member for the purpose of
23 observation.

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25 /s/ Reep

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27 APPROVED: 2/21/2007
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