

Act 597 of the 1989 Regular Session.

Act 597

HB1733

By: Representatives Collier, Landers, Foster, Dietz, Mitchell, Teague,
Keet, Fuller, and Thurmon

"AN ACT TO REQUIRE ALL PERSONS, PARTNERSHIPS, ASSOCIATIONS,
OR CORPORATIONS OPERATING ALCOHOL/DRUG ABUSE TREATMENT
PROGRAMS TO BE ACCREDITED BY THE DIVISION OF ALCOHOL AND DRUG
ABUSE PREVENTION AND TO SET A FEE FOR ACCREDITATION REVIEW."

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

SECTION 1. Purpose. The purpose of this act is to require all persons, partnerships, associations, or corporations operating alcohol and drug abuse programs in the state of Arkansas to meet the accreditation standards set by the Division of Alcohol and Drug Abuse Prevention unless expressly exempted by the act.

SECTION 2. Authority. (a) The Division of Alcohol and Drug Abuse Prevention of the Department of Human Services is vested with the authority and duty to establish and promulgate rules for the accreditation of alcohol and drug abuse treatment programs in Arkansas.

(b) All persons, partnerships, associations, or corporations establishing, conducting, managing, or operating an alcohol and drug abuse treatment program must be accredited by the Division of Alcohol and Drug Abuse Prevention.

SECTION 3. Exemptions. The following programs and persons are exempted from the requirements of this act:

(a) Acute care, hospital based alcohol and drug abuse treatment programs governed by Arkansas Code 20-9-201; 20-9-218; and 20-10-213.

(b) Members of the clergy, Christian Science practitioners, and licensed professionals such as physicians, nurses, psychologists, counselors, social workers, psychological examiners, school counselors, and attorneys working within the standards of their respective professions, providing that they do not hold themselves out to do the public by any title or description of services as being alcohol and/or drug abuse treatment professionals.

(c) Programs meeting the alcohol/drug abuse program standards of the Joint Commission on the Accreditation of Hospitals (JCAH) or the Commission on Accreditation of Rehabilitation Facilities (CARF) will automatically receive Division of Alcohol and Drug Abuse Prevention accreditation as an accredited alcohol/drug abuse treatment program and such accreditation shall be awarded by the Division of Alcohol and Drug Abuse Prevention upon presentation by said program of evidence of JCAH or CARF accreditation.

SECTION 4. Applications. (a) Any person or program desiring to be accredited as an alcohol/drug abuse treatment program shall make application to the Division of Alcohol and Drug Abuse Prevention on forms prescribed by the Division of Alcohol and Drug Abuse Prevention and shall furnish such information with the application as shall be required by the Division.

(b) Each application for accreditation shall be accompanied by a non-refundable accreditation fee of \$75.00. An additional fee will be paid by the entity seeking accreditation at the end of the accreditation review process

for costs of the accreditation review.

SECTION 5. Disposition of Funds. All application fees and accreditation costs will be paid to the Division of Alcohol and Drug Abuse Prevention. The Division of Alcohol and Drug Abuse Prevention will transfer said money to the State Treasury, and said money shall be specially designated for transfer to the Alcohol and Drug Abuse Safety Fund to cover maintenance and operation expenses incurred by the accreditation review process.

SECTION 6. Penalties. (a) Any person, partnership, association, or corporation establishing, conducting, managing, or operating any alcohol and/or drug abuse treatment program within the meaning of this act without first obtaining accreditation shall be guilty of a class A misdemeanor and upon conviction shall be liable to a fine imposed pursuant to a class A misdemeanor.

(b) Each day an alcohol and drug abuse prevention treatment program shall operate after a first conviction shall be considered a class D felony and upon conviction shall be liable to a fine imposed pursuant to a class D felony.

SECTION 7. Renewal. (a) Each Alcohol and Drug Abuse Prevention Program accreditation shall be renewed annually upon a payment of a fee of \$75.00 by January 30th of each year to the Division of Alcohol and Drug Abuse Prevention.

(b) If any person or program covered by this act fails to make application for renewal of its accreditation within one year after expiration of its accreditation, the accreditation of the person or entity shall be revoked. That person shall not be issued new accreditation unless the person or entity makes application therefor, and meets all requirements for accreditation in effect that the time of the application is filed.

SECTION 8. Current Programs. (a) Any person, partnership, association, or corporation establishing, conducting, managing, or operating any alcohol and drug abuse treatment program in Arkansas, and not exempted by the terms of this act, shall have one year from the date of passage of this act to complete the requirements for accreditation by the Division of Alcohol and Drug Abuse Prevention.

SECTION 9. Appeal Process. (a) The Alcohol and Drug Abuse authority created in 20-60-605 shall have the power and authority to hear appeals regarding decisions by the Division of Alcohol and Drug Abuse Prevention not to accredit an alcohol and drug abuse program under this act.

(b) All hearings and proceedings under this section shall be conducted in accordance with the Administrative Procedures Act.

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

APPROVED: March 15, 1989
