

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

# A Bill

SENATE BILL 249

5 By: Senators Madison, D. Johnson  
6 By: Representatives Williams, J. Edwards  
7

## For An Act To Be Entitled

9 AN ACT TO MAKE VARIOUS CORRECTIONS TO TITLE 20 OF THE  
10 ARKANSAS CODE OF 1987 CONCERNING PUBLIC HEALTH AND  
11 WELFARE; AND FOR OTHER PURPOSES.  
12  
13

## Subtitle

15 TO MAKE VARIOUS CORRECTIONS TO TITLE 20  
16 OF THE ARKANSAS CODE OF 1987 CONCERNING  
17 PUBLIC HEALTH AND WELFARE.  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 SECTION 1. Arkansas Code § 20-13-105(d)(2), concerning task force  
23 action, is amended as follows to correct a reference:

24 (2) A majority vote of those members present shall be required  
25 for any action of the ~~board~~ task force.  
26

27 SECTION 2. Arkansas Code § 20-13-1502(a)(1), concerning consent for  
28 testing of certain diseases, is amended as follows to use a defined term:

29 (a)(1) Consent is not required for a health care provider or health  
30 care facility to test an individual for an airborne or blood-borne disease  
31 when a health care provider or an employee of a health care facility has a  
32 type of contact with an individual that may transmit an airborne or blood-  
33 borne disease, as determined by a physician in his or her medical judgment.  
34

35 SECTION 3. Arkansas Code § 20-15-1902(a)(1)(B), concerning deaths from  
36 colorectal cancer, is amended as follows to make a stylistic change:



1                   (B) ~~Colorectal cancer is~~ An estimated ~~that~~ one thousand  
2 six hundred thirty (1,630) new cases of colorectal cancer will be diagnosed  
3 in Arkansas during 2009;

4  
5           SECTION 4. Arkansas Code § 20-15-1905(1)(B), concerning screenings for  
6 colorectal cancer, is amended as follows to make stylistic changes:

7                   (B) ~~(i)~~ Both:

8                           (i) Under fifty (50) years of age; and

9                           (ii) At high risk for colorectal cancer; or

10  
11           SECTION 5. Arkansas Code § 20-17-102(g), concerning authority to  
12 control final disposition, is amended as follows to correct a reference and  
13 to make stylistic changes:

14           (g) A funeral director shall have complete authority to control the  
15 final disposition and to proceed under this section to recover reasonable  
16 charges for the final disposition when the following applies:

17                   (1) ~~(A)~~ If after a good faith effort has been made with no  
18 success to contact the individuals listed under ~~this subsection~~ subdivision  
19 (d)(1) of this section, the funeral director has no knowledge that any of the  
20 persons described in ~~subsection~~ subdivision (d)(1) of this section exist or  
21 if none of the persons so described can be found after reasonable inquiry or  
22 contacted by reasonable means; and

23                   ~~(B)(2)(A)~~ No person or entity has assumed responsibility for  
24 disposition of the remains within five (5) days of the decedent's death or  
25 within twenty-four (24) hours after receiving written notice of the facts,  
26 whichever is longer, but in no event longer than seven (7) days after the  
27 date of the decedent's death; ~~and.~~

28                   ~~(2)(B)~~ Written notice may be delivered by hand, United  
29 States Postal Service, facsimile transmission, or other reliable means of  
30 electronic transmission.

31  
32           SECTION 6. Arkansas Code § 20-17-104(b), concerning guidelines on when  
33 a nurse may withhold cardiopulmonary resuscitation, is amended as follows to  
34 clarify the language and to make stylistic changes:

35           (b) Licensed nurses employed by nursing facilities may withhold  
36 cardiopulmonary resuscitation from residents of the facility, regardless of

1 the presence or absence of a Do Not Resuscitate Order when:

2 (1) The death of the resident was unwitnessed; and

3 (2) The body evidences clear and unmistakable;

4 (A) ~~dependent~~ Dependent lividity; or

5 ~~(3)(B) The body evidences clear and unmistakable rigor~~

6 Rigor.

7  
8 SECTION 7. Arkansas Code § 20-22-604(a), concerning authority of the  
9 Arkansas Fire Protection Licensing Board to assess a civil penalty, is  
10 amended as follows to correct a grammatical error:

11 (a) The Arkansas Fire Protection Licensing Board ~~may~~, in a lawful  
12 proceeding respecting licensing as defined in the Arkansas Administrative  
13 Procedures Act, § 25-15-201 et seq., in addition to or in lieu of any other  
14 lawful disciplinary action, may assess a civil penalty of not more than one  
15 thousand dollars (\$1,000) for each violation of any statute, rule, or order  
16 enforceable by the board.

17  
18 SECTION 8. Arkansas Code § 20-22-611(b), concerning a requirement to  
19 maintain an insurance policy and certificate, is amended as follows to make  
20 stylistic changes:

21 (b) A firm shall:

22 (1) Maintain in force at all times while licensed a public  
23 liability insurance policy covering its operations and completed operations  
24 with a minimum limit of liability of one million dollars (\$1,000,000) per  
25 occurrence for bodily injury and one hundred thousand dollars (\$100,000) per  
26 occurrence for property damage or a single limit of liability for bodily  
27 injury and property damage of one million dollars (\$1,000,000) per  
28 occurrence; and

29 (2) A File a current certificate of insurance ~~shall to be filed~~  
30 ~~and~~ maintained with the board.

31  
32 SECTION 9. Arkansas Code § 20-27-2104(b)(3)(B), concerning testing of  
33 cigarettes, is amended as follows to correct a grammatical error:

34 (B) Forty (40) replicate tests shall ~~comprise~~ compose a  
35 complete test trial for each cigarette tested.

1 SECTION 10. Arkansas Code § 20-33-213(b), concerning criminal history  
2 records checks, is amended as follows to correct a citation:

3 (b) Beginning September 1, 2009, a service provider is subject to the  
4 requirements of this section and ~~§ 20-33-201~~ § 20-38-101 et seq., concerning  
5 criminal history records checks.

6  
7 SECTION 11. Arkansas Code § 20-38-101(1), concerning definitions, is  
8 amended as follows to add introductory language to the definitions list:

9 As used in this chapter:

10 (1) "Care" means treatment, services, assistance, education,  
11 training, instruction, or supervision for which the service provider is  
12 compensated either directly or indirectly;

13  
14 SECTION 12. Arkansas Code § 20-47-602(d)(4), concerning mental health  
15 status determination standard protocols, is amended as follows to correct  
16 grammatical errors:

17 (4) The Division of Behavioral Health shall provide copies of  
18 the standard protocols and the standard checklist to sheriffs, chiefs of  
19 police, and county judges and shall post the standard protocols and the  
20 standard checklist on a public website.

21  
22 SECTION 13. Arkansas Code § 20-57-204(b)(1), concerning food service  
23 establishment permits, is amended as follows to make a stylistic change:

24 (b)(1) Permits issued under this section, §§ 20-57-201 – ~~20-57-205~~ 20-  
25 57-203, and 20-57-205 are not transferable, shall be renewed annually, and  
26 shall expire one (1) year after issuance or at a time specified by the  
27 Department of Health.

28  
29 SECTION 14. Arkansas Code § 20-77-1908(c), concerning hospital access  
30 payments, is amended as follows to make stylistic changes:

31 (c)(1) All hospitals shall be eligible for inpatient and outpatient  
32 hospital access payments each state fiscal year as set forth in this  
33 subsection other than hospitals described in § 20-77-1905.

34 ~~(1)(A)~~(2)(A) A portion of the hospital access payment amount,  
35 not to exceed the upper payment limit gap for inpatient services, shall be  
36 designated as the inpatient hospital access payment pool.

1 (B) In addition to any other funds paid to hospitals for  
2 inpatient hospital services to Medicaid patients, each eligible hospital  
3 shall receive inpatient hospital access payments each state fiscal year equal  
4 to the hospital's pro rata share of the inpatient hospital access payment  
5 pool based upon the hospital's Medicaid discharges for the most recent  
6 audited fiscal period divided by the total number of Medicaid discharges of  
7 all eligible hospitals.

8 (C) Inpatient hospital access payments shall be made on a  
9 quarterly basis, ~~and.~~

10 ~~(2)(3)~~(A) A portion of the hospital access payment amount, not  
11 to exceed the upper payment limit gap for outpatient services, shall be  
12 designated as the outpatient hospital access payment pool.

13 (B)(i) In addition to any other funds paid to hospitals  
14 for outpatient hospital services to Medicaid patients, each eligible hospital  
15 shall receive outpatient hospital access payments each state fiscal year  
16 equal to a percentage adjustment determined by dividing the outpatient  
17 hospital access payment pool by Medicaid payments for outpatient services  
18 paid to all eligible hospitals.

19 (ii) The percentage adjustment shall be multiplied  
20 by the Medicaid payments for outpatient services paid to the eligible  
21 hospital in order to determine the amount of each eligible hospital's  
22 outpatient hospital access payment.

23 (C) Outpatient hospital access payments shall be made on a  
24 quarterly basis.

25  
26 SECTION 15. Arkansas Code § 20-78-205(c) and (d)(1), concerning the  
27 Division of Child Care and Early Childhood Education within the Department of  
28 Human Services, is amended as follows to remove obsolete language:

29 (c)(1) ~~No later than October 1, 1998, an appropriate subcommittee of~~  
30 ~~the Joint Budget Committee shall be designated to perform a comprehensive~~  
31 ~~review of the division to determine whether the creation of the division~~  
32 ~~within the Department of Human Services has been consistent with legislative~~  
33 ~~intent. The review shall be conducted with advice from the Senate Committee~~  
34 ~~on Children and Youth, the House Subcommittee on Children and Youth of the~~  
35 ~~House Committee on Aging, Children and Youth, Legislative and Military~~  
36 ~~Affairs, the House Committee on Education, and the Senate Committee on~~

1 ~~Education. The subcommittee shall forward a recommendation to the Governor~~  
2 ~~and the Joint Budget Committee, and a determination of the status of the~~  
3 ~~division shall be made prior to the 1999 General Assembly.~~

4 (d)(1) In addition to any other rights, powers, functions, and duties  
5 granted by law to the division, the Department of Human Services is hereby  
6 authorized to promote and cooperate in the establishment of a foundation  
7 under the Arkansas nonprofit corporation law and to accept support and  
8 assistance in the form of money, property, or otherwise from the foundation  
9 to be used to enhance quality, affordability, and availability of child care  
10 and early education for all children in the state.

11  
12 SECTION 16. Arkansas Code § 20-78-501(b)(1), concerning members of the  
13 Arkansas Early Childhood Commission, is amended as follows to correct a  
14 grammatical error:

15 (1) Three (3) members affiliated with child care provider  
16 agencies, organizations, or programs, of which one (1) of the members shall  
17 be affiliated with a family child care home;

18  
19 SECTION 17. DO NOT CODIFY. The enactment and adoption of this act  
20 shall not repeal, expressly or impliedly, the acts passed at the regular  
21 session of the Eighty-Eighth General Assembly. All such acts shall have the  
22 full force and effect and, so far as those acts intentionally vary from or  
23 conflict with any provision contained in this act, those acts shall have the  
24 effect of subsequent acts and as amending or repealing the appropriate parts  
25 of the Arkansas Code of 1987.

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28 **APPROVED: 04/04/2011**