Stricken language would be deleted from and underlined language would be added to present law. Act 228 of the Regular Session

Bregular Session, 2011 HOUSE BILL 1453 By: Representative Allen HOUSE BILL 1453 By: Representative Allen For An Act To Be Entitled An ACT TO AMEND VARIOUS LAWS REGARDING OVERSIGHT OF ALCOHOL AND DRUG ABUSE TREATMENT PROGRAMS IN ARKANSAS By THE OFFICE OF ALCOHOL AND DRUG ABUSE PREVENTION OF THE DIVISION OF BEHAVIORAL HEALTH SERVICES OF THE DEPARTMENT OF HUMAN SERVICES; AND FOR OTHER PURPOSES. DEPARTMENT OF HUMAN SERVICES; AND FOR OTHER PURPOSES. IMID: Subtitle AN ACT TO AMEND VARIOUS LAWS REGARDING OVERSIGHT OF ALCOHOL AND DRUG ABUSE IMID: NACT TO AMEND VARIOUS LAWS REGARDING OVERSIGHT OF ALCOHOL AND DRUG ABUSE TREATMENT PROGRAMS BY THE OFFICE OF ALCOHOL AND DRUG ABUSE PREVENTION. ALCOHOL AND DRUG ABUSE PREVENTION. EE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS: SECTION 1. Arkansas Code § 20-64-901 is amended to read as follows: 20-64-901. Purpose. The purpose of this subchapter is to require all persons, partnerships, associations, or corporations holding themselves out to the public as an alcohol and drug abuse treatment program in the State of Arkansas to meet the licensure standards set by the Bureaw Office of Alcohol and Drug Abuse Prevention of the Division of Behavioral Health Services of the Department of Human Services, u	1 2	State of Arkansas 88th General Assembly	A Bill	
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35 (a)(1) The Office of Alcohol and Drug Abuse Prevention of the Division				
 35 (a)(1) The Office of Alcohol and Drug Abuse Prevention of the Division 36 of Behavioral Health Services of the Department of Human Services is vested 				



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1 with the authority and duty to establish and promulgate shall adopt rules for 2 the licensure of alcohol and drug abuse treatment programs in Arkansas. 3 (2) All persons, partnerships, associations, or corporations 4 establishing, conducting, managing, or operating and holding themselves out 5 to the public as alcohol abuse, drug abuse, or alcohol and drug abuse 6 treatment programs must shall be licensed by the office unless expressly 7 exempted under this subchapter. 8 (3) No person, partnership, association, or corporation will be 9 allowed to receive federal or state funds for treatment services until it has 10 received a license. 11 (b) The following programs and persons are exempted from the 12 requirements of this subchapter: 13 (1) Acute care, hospital-based alcohol and drug abuse treatment 14 programs governed by §§ 20-9-201 and 20-10-213; 15 (2) Members of the clergy, Christian Science practitioners, and 16 licensed professionals such as physicians, nurses, psychologists, 17 counselors, social workers, psychological examiners, school counselors, 18 substance abuse counselors, and attorneys working within the standards of 19 their respective professions, including without limitation: 20 (A) Attorneys; 21 (B) Counselors; 22 (C) Nurses; 23 (D) Physicians; 24 (E) Psychological examiners; 25 (F) Psychologists; 26 (G) School counselors; and 27 (H) Social workers; 28 (3) Treatment directly administered by the United States 29 Department of Defense or any other federal agency; and 30 (4) Self-help or twelve-step programs such as Alcoholics 31 Anonymous, Cocaine Anonymous, Narcotics Anonymous, Al-Anon, or Narc-Anon. 32 (c)(1)(A) Programs meeting the <u>The office shall license programs</u>, 33 other than methadone programs, that possess current unrestricted alcohol and 34 drug abuse treatment program standards of accreditation from the Joint 35 Commission on Accreditation of Health Care Organizations, the Commission on 36 Accreditation of Rehabilitation Facilities, or the Council on Accreditation

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1 will automatically receive office licensure as licensed alcohol and drug 2 abuse treatment programs if the programs comply with the following license 3 standards: 4 (A) Clinical supervision; 5 (B) Health and safety; 6 (C) Physical plant; 7 (D) Progress note development; 8 (E) Treatment plan development; and 9 (E) Treatment plan review. 10 (B) The license shall be awarded by the office upon 11 presentation by the program of evidence of accreditation by the Joint 12 Commission on Accreditation of Health Care Organizations, the Commission on 13 Accreditation of Rehabilitation Facilities, or the Council on Accreditation. 14 (2)(A) This subsection does not apply to methadone and alpha 15 acctylmethadol treatment programs operating in the State of Arkansas. 16 (B) All methadone and alpha acetylmethadol treatment 17 programs shall be licensed by the office. 18 19 SECTION 3. Arkansas Code § 20-64-904. is amended to read as follows: 20 20-64-904. Penalties Licenses. 21 (a)(1) A person who immediately before July 28, 1995, was accredited 22 to establish, conduct, manage, or operate an alcohol and drug abuse treatment 23 program pursuant to under former § 20-64-901 et seq. [repealed], shall be 24 issued a license under this subchapter without a fee. 25 (2) The license shall be subject to be renewed at the time that 26 the accreditation would have been due for renewal. 27 (b)(1) Any person or program desiring to be licensed as an alcohol and 28 drug abuse treatment program shall make application to the Bureau of Alcohol 29 and Drug Abuse Prevention Office of Alcohol and Drug Abuse Prevention of the 30 Division of Behavioral Health Services of the Department of Human Services on 31 forms prescribed by the bureau office and shall furnish such information with 32 the application as shall be the application information required by the 33 bureau office. 34 (2)(A) Each application for licensure shall be accompanied by a 35 nonrefundable license fee of seventy-five dollars (\$75.00). 36 (B) An additional fee will be paid by the entity seeking

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