

1 State of Arkansas As Engrossed: S3/13/19 S3/25/19

2 92nd General Assembly

A Bill

3 Regular Session, 2019

SENATE BILL 468

4

5 By: Senator B. Sample

6 By: Representative Penzo

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For An Act To Be Entitled

9 AN ACT TO AMEND THE REQUIREMENTS FOR A PERSONAL CARE
10 SERVICE PROVIDER, PRIVATE CARE AGENCY, AND HOME
11 HEALTHCARE SERVICES AGENCY REGARDING VISITS TO A
12 PATIENT'S HOME AND THE DISTANCE OF A PRIVATE CARE
13 AGENCY OFFICE FROM A PATIENT'S HOME; AND FOR OTHER
14 PURPOSES.

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Subtitle

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TO AMEND THE REQUIREMENTS FOR A PERSONAL
19 CARE SERVICE PROVIDER, PRIVATE CARE
20 AGENCY, AND HOME HEALTHCARE SERVICES
21 AGENCY REGARDING VISITS TO A PATIENT'S
22 HOME AND THE DISTANCE OF AN OFFICE FROM
23 THE PATIENT'S HOME.

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

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28 SECTION 1. Arkansas Code § 20-10-2304(c), concerning the rules by the
29 State Board of Health regarding personal care service providers and private
30 care agencies, is amended to read as follows:

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(c) The board shall:

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(1) establish Establish a separate licensure category for
33 private care agencies that provide personal care services twenty-four (24)
34 hours a day and seven (7) days a week;

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(2)(A) Adopt, promulgate, and enforce rules and standards as
36 necessary to implement this subchapter.



1 (B) A rule adopted to implement this subchapter shall be
2 amended or repealed by the board as in the interest of the public through the
3 Arkansas Administrative Procedure Act, § 25-15-201 et seq.;

4 (3) Require that:

5 (A)(i) A qualified supervisor shall establish the
6 frequency of in-person supervisory visits as part of the patient's plan of
7 care based on the specific needs of the patient and the recommendations of
8 the registered nurse.

9 (ii) The frequency of in-person visits shall be at
10 least annually.

11 (iii)(a) A qualified supervisor shall be a licensed
12 nurse or have completed two (2) years of full-time study at an accredited
13 institution of higher education.

14 (b) An individual who has a high school
15 diploma or general equivalency diploma may substitute one (1) year of full-
16 time employment in a supervisory capacity in a healthcare facility or
17 community-based agency for one (1) year at an institution of higher
18 education; and

19 (B) A private care agency maintain a primary location in
20 Arkansas and a sufficient number of regional offices to adequately service
21 the administrative needs of the private care agency and the patients of the
22 private care agency; and

23 (4) Not require:

24 (A) A registered nurse to visit a patient every sixty-two
25 (62) days to supervise services; or

26 (B) A branch office of a private care agency to be within
27 a one-hundred-mile radius of a patient's home.

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29 SECTION 2. Arkansas Code § 20-10-806(b), concerning the administration
30 and rules of home healthcare services agencies, as amended by Acts 2019, No.
31 315, is amended to read as follows:

32 (b)(1) The State Board of Health shall adopt, promulgate, and enforce
33 such rules and standards as may be necessary for the accomplishment of the
34 purposes of this subchapter.

35 (2) The rules and standards shall be ~~modified~~, amended, or
36 rescinded from time to time by the board as may be in the public interest,

1 after first complying with the Arkansas Administrative Procedure Act, § 25-
2 15-201 et seq.

3 (3) Rules under this subchapter shall:

4 (A)(i) Require that a qualified supervisor shall establish
5 the frequency of in-person supervisory visits as part of the patient's plan
6 of care based on the specific needs of the patient and the recommendations of
7 the registered nurse.

8 (ii) The frequency of in-person visits shall be at
9 least annually.

10 (iii)(a) A qualified supervisor shall be a licensed
11 nurse or have completed two (2) years of full-time study at an accredited
12 institution of higher education.

13 (b) An individual who has a high school
14 diploma or general equivalency diploma may substitute one (1) year of full-
15 time employment in a supervisory capacity in a healthcare facility or
16 community-based agency for one (1) year at an institution of higher
17 education; and

18 (B) Not require:

19 (i) A registered nurse to visit a patient every
20 sixty-two (62) days to supervise services; or

21 (ii) A branch office of a home healthcare services
22 agency that only provides unskilled home healthcare services to be within a
23 an one-hundred-mile radius of a patient's home.

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25 SECTION 3. DO NOT CODIFY. Advisory Private Care Agency and Home
26 Healthcare Services Agency Rule Working Group.

27 (a) There is created the Advisory Private Care Agency and Home
28 Healthcare Services Agency Rule Working Group within the Department of
29 Health.

30 (b) The group shall consist of the following individuals appointed by
31 the Director of the Department of Health:

32 (1) One (1) member from a list of individuals provided by the
33 HomeCare Association of Arkansas;

34 (2) Three (3) members from a list of individuals provided by
35 private care agencies; and

36 (3) Three (3) members from a list of individuals provided by

1 home healthcare services agencies that provide unskilled home healthcare
2 services.

3 (c)(1) The director shall call the first meeting of the group.

4 (2) The group shall select a chair from the membership at the
5 first meeting.

6 (d) Within sixty (60) days of the effective date of this act, the
7 group shall review the rules regarding private care agencies and make
8 recommendations to the Department of Health for changes to the rules
9 regarding private care agencies and home healthcare services agencies that
10 provide unskilled home healthcare to make the rules consistent with rules
11 regarding private care agencies in the surrounding states.

12 (e)(1) On or before November 1, 2019, the group shall provide a report
13 on their review and recommendations described in subsection (d) of this
14 section to:

15 (A) The director;

16 (B) The Governor; and

17 (C) The Legislative Council.

18 (2) The recommendations by the group shall not relate to contract
19 labor laws that are related to business models for personal care service
20 providers, private care agencies, or home healthcare services agencies.

21 (f) The members shall not receive expense reimbursement, per diem, or
22 stipends.

23 (g) This section shall expire on November 1, 2019.

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25 SECTION 4. DO NOT CODIFY. Legislative intent.

26 It is the intent of the General Assembly to address and require
27 amendments to rules concerning nonskilled, nonmedical personal care and
28 private care services without making any alternations to skilled home
29 healthcare services or the provision of medical home care services.

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31 /s/B. Sample

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34 **APPROVED: 4/9/19**