

ARKANSAS SENATE
85th General Assembly - Regular Session, 2005
Amendment Form

Subtitle of Senate Bill No. 426

"AN ACT TO STREAMLINE PROCESSES FOR LONG-TERM CARE FACILITY
ADMINISTRATIVE APPEALS."

Amendment No. 1 to Senate Bill No. 426.

Amend Senate Bill No. 426 as originally introduced:

Page 1, delete line 21 and substitute the following:

"SECTION 1. Arkansas Code § 20-10-101 is amended to read as follows:
20-10-101. Definitions.

As used in this chapter, unless the context otherwise requires:

(1) "Administrative remedy" means temporary management, denial of payment for all new admissions, transfer of residents, termination or suspension of license, termination of provider agreement, directed plan of correction, directed in-service training, and remedies established by Arkansas law, including remedies provided in § 20-10-1408;

(1)-(2) "Administrator-in-training program" means a program for gaining supervised practical experience in long-term care administration;

(2)-(3) "Clock hour" means a period of contact experience comprising the full sixty (60) minutes;

(3)-(4) "Department" means the Department of Human Services;

(4)-(5) "Director" means the Director of the Department of Human Services;

(5)-(6) "Division" means the appropriate division as determined by the Director of the Department of Human Services;

(6)-(7) "Head injury" means a noncongenital injury to the brain or a neurological impairment caused by illness, accident, or nondegenerative etiology;

(7)-(8) "Head injury retraining and rehabilitation" means an individualized program of instruction designed to assist an individual suffering disability as a result of head injury to reduce the adverse effects of the disability and improve functioning in activities of daily living and work-related activities, but which does not include inpatient diagnostic care, and which may be offered in a residential or day program;

(8)-(9) "Long-term care facility" means a nursing home, residential care facility, post-acute head injury retraining and residential care facility, or any other facility which provides long-term medical or personal care;

(9)-(10) "Long-term care facility administrator" means a person



who administers, manages, supervises, or is in general administrative charge of a long-term care facility whether the individual has an ownership interest in the home and whether his functions and duties are shared with one (1) or more individuals;

~~(10)~~(11) "Post-acute head injury residential care" means a residential program offering assistance in activities of daily living for individuals who are disabled because of head injury and are therefore unable to live independently;

~~(11)~~(12) "Post-acute head injury residential care facility" means a residential care facility which is not a nursing home and which provides head injury retraining and rehabilitation for individuals who are disabled because of head injury and are not in present need of inpatient diagnostic care in a hospital or related institution;

~~(12)~~(13) "Reciprocity licensing" means a method by which an individual licensed in good standing in one state may apply for licensure status in another state, provided the state from which the individual wishes to transfer has standards comparable to the state to which the individual wishes to transfer;

~~(13)~~(14) "Residential care facility" means a building or structure which is used or maintained to provide, for pay on a twenty-four-hour basis, a place of residence and board for three (3) or more individuals whose functional capabilities may have been impaired but who do not require hospital or nursing home care on a daily basis but could require other assistance in activities of daily living; and

~~(14)~~(15) "Sponsor" means legal guardian.

SECTION 2. Arkansas Code § 20-10-204(b) and (c), concerning notice of"

AND

Page 1, line 27, delete "remedy" and substitute "remedy as defined in § 20-10-101"

AND

Page 1, line 30, delete "remedies or" and substitute "administrative remedies or"

AND

Page 2, line 1 delete "SECTION 2." and substitute "SECTION 3."

AND

Page 2, line 14, delete "long-term care facility" and substitute "long-term care facility licensee"

AND

Page 2, delete lines 23 through 36

AND

Page 3, delete lines 1 through 10 and substitute the following:

"(3)(A) The Director of the Department of Human Services shall review any recommendation and make the final decision.

(B) The Director of the Department of Human Services may approve the recommendation or may for good cause:

(i) Modify the recommendation in whole or in part;

(ii)(a) Remand the recommendation for further proceedings as directed by the Director of the Department of Human Services.

(b) If the recommendation is remanded, the hearing officer shall conduct further proceedings as directed by the Director of the Department of Human Services and shall submit to the Director of the Department of Human Services an amended recommendation; or

(4) If the Director of the Department of Human Services modifies a recommendation, in whole or in part, or if the director remands the decision, the Director of the Department of Human Services shall state in writing at the time of the remand or modification all grounds for the remand or modification, including statutory, regulatory, factual, or other grounds.

(5) The Director of the Department of Human Services' modification or approval of a recommendation shall be the final agency action as provided by the Arkansas Administrative Procedure Act, § 25-15-201 et seq."

AND

Page 3, delete lines 26 and 27 and substitute the following:

"within ten (10) working days after the close of the hearing, receipt of the transcript, or the submission of post-trial briefs requested or approved by the hearing officer, whichever is later."

AND

Page 3, delete line 36 and substitute the following:

"matter has been timely appealed to circuit court."

AND

Page 4, line 27, delete "SECTION 3." and substitute "SECTION 4."

AND

Page 5, line 33, delete "SECTION 4." and substitute "SECTION 5."

AND

Page 6, line 7 delete "SECTION 5." and substitute "SECTION 6."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Malone

MGF/JGH - 02-23-2005 10:24

MGF267

Secretary