

Hall of the House of Representatives
86th General Assembly - Regular Session, 2007
Amendment Form

Subtitle of House Bill No. 1132

"AN ACT TO CREATE THE ARKANSAS OPTIONS COUNSELING FOR LONG-TERM
CARE PROGRAM."

Amendment No. 1 to House Bill No. 1132.

Amend House Bill No. 1132 as originally introduced:

Add the following Representatives as cosponsors of the bill: Dobbins,
Gaskill, Harrelson, House, D. Hutchinson, Powers, Sullivan, Webb, Wood

AND

Delete everything after the ENACTING clause and substitute the following:

"SECTION 1. Arkansas Code Title 20, Chapter 10 is amended to add an
additional subchapter to read as follows:

Subchapter 21. Arkansas Options Counseling for Long-Term Care Program.
20-10-2101. Definitions.

As used in this subchapter:

- (1) "Long-term care facility" means a nursing facility or a licensed level II assisted living facility;
- (2) "Medicaid" means the medical assistance program established under § 20-77-101 et seq.;
- (3) "Nursing facility" has the same meaning as in § 20-10-1401;
- (4) "Options counseling for long-term care" means the process of providing service under the Arkansas Options Counseling for Long-Term Care Program; and
- (5) "Representative" means a family member, attorney, hospital social worker, or any other person chosen by an individual to act on behalf of the individual:

- (A) Seeking a long-term care consultation; or
- (B) Admitted to a long-term care facility January 1, 2008, or later.

20-77-2102. Admissions.

(a) A long-term care facility shall notify the Office of Long-Term Care no later than the next business day of all admissions.

(b) Notification shall be made in the manner prescribed by the office.

20-10-2103. Arkansas Options Counseling for Long-Term Care Program –



Creation – Administration.

(a) The Arkansas Options Counseling for Long-Term Care Program is created within the Department of Health and Human Services.

(b) The program shall provide individuals or their representatives, or both, with long-term care consultations that shall include information about, at a minimum:

(A) Long-term care options and costs;

(B) An assessment of an individual's functional capabilities; and

(C) The conduct of all or part of a professional review, assessment, and determination of appropriate long-term care options.

(c) The program shall be administered by the department.

20-10-2104. Eligibility.

Each individual in the following categories may be provided with an options counseling for long-term care consultation:

(1) An individual admitted to a long-term care facility regardless of payment source;

(2) A long-term care facility resident who applies for Medicaid;

(3) An individual who requests a long-term care consultation.

20-10-2105. Consultations – Timing – Content – Reporting.

(a) An options counseling for long-term care consultation required under this subchapter may be provided at any time, including either before or after the individual who is the subject of a long-term care consultation has been admitted to a long-term care facility.

(b) The information provided through a long-term care consultation under this subchapter shall address all of the following:

(1) The availability of long-term care options that are open to the individual;

(2) Sources and methods of both public and private payment for long-term care services;

(3) Factors to consider when choosing among the available programs, services, and benefits; and

(4) Opportunities and methods for maximizing the independence and self-reliance of the individual, including support services provided by the individual's family, friends, and community.

(c) An individual's long-term care consultation may include an assessment of the individual's functional capabilities and may be provided concurrently with any assessment required by the Department of Health and Human Services.

(d)(1) At the conclusion of an individual's long-term care consultation, the department shall provide the individual or the individual's representative with a summary of options and resources available to meet the individual's needs.

(2) Even though the summary may specify that a source of long-term care other than care in a long-term care facility is appropriate and available, the individual is not required to seek an alternative source of long-term care and may be admitted to or continue to reside in a long-term care facility.

20-77-2106. Rules.

The Director of the Department of Health and Human Services shall adopt rules necessary to implement and administer this subchapter, including without limitation:

(1) Procedures for a long-term care facility to notify the Office of Long Term Care of admissions; and

(2)(A) Procedures by which a person in a long-term care facility may decline options counseling for long-term care.

(B) These procedures shall include:

(i) A form promulgated by the Department of Health and Human Services for use by a long-term care facility; and

(ii) The form shall be limited to one (1) page and shall:

(a) Be orally read to the resident or, if applicable, the resident's representative by long-term care facility staff except as provided in this subdivision;

(b) List the date;

(c) State the name of the resident or, if applicable, the resident's representative;

(d) Contain checkboxes indicating that:

(1) The office was notified of the admission;

(2) The form was not read orally to the resident or resident's representative because the resident lacks decisional capacity and does not have a representative; and

(3) The resident or the resident's representative declined the options counseling for long-term care;

(e) Contain a statement and an acknowledgment that options counseling for long-term care is an optional program and may be declined by execution of the form;

(f) Be signed by the resident, or if applicable, the resident's representative; and

(g) Be retained by the long-term care facility in the resident's admission's file for eighteen (18) months or until the next standard survey, whichever is longer.

20-77-2107. Fees

(a) After the first three (3) failures of a long-term care facility to complete the form required under § 20-77-2106 in any calendar year, the Department of Health and Human Services shall assess a fee against the long-term care facility of twenty-five dollars (\$25.00) for each failure beyond three (3), with an annual maximum fee of one thousand two hundred dollars (\$1,200).

(b) A long-term care facility assessed a fee under this section may appeal the assessment under § 20-10-208."

The Amendment was read _____
By: Representative S. Prater
MGF/CDS - 03-08-2007 12:35
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Chief Clerk