

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

A Bill

SENATE BILL 310

4
5 By: Senator Horn
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For An Act To Be Entitled

8
9 AN ACT TO AMEND ARKANSAS LAW CONCERNING THE SALE
10 AND LICENSURE OF LONG-TERM CARE FACILITIES; AND
11 FOR OTHER PURPOSES.
12

Subtitle

13
14 AN ACT TO AMEND ARKANSAS LAW CONCERNING
15 THE SALE AND LICENSURE OF LONG-TERM CARE
16 FACILITIES.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 20-10-224(e), concerning ownership and
22 operation of long-term care facilities, is amended to read as follows:

23 (e)(1) Whenever ownership of controlling interest in the operation of
24 a facility is sold by the person or persons named in the license to any other
25 person or persons, the buyer shall obtain a license to operate the facility.
26 The buyer shall notify the department of the sale and apply for a license at
27 least thirty (30) days prior to the completed sale.

28 (2) Except as provided by the Arkansas Long-Term Care Facility
29 Receivership Law, § 20-10-901 et seq., the seller shall notify the department
30 at least thirty (30) days prior to the completed sale. The seller shall
31 remain responsible for the operation of the facility until such time as a
32 license is issued to the buyer.

33 (3) The buyer shall be subject to any plan of correction
34 submitted by the previous licensee and approved by the department.

35 (4) The seller shall remain liable for all penalties assessed
36 against the facility which are imposed for violations or deficiencies



1 occurring prior to sale of ownership or operational control.

2 (5) Before approval of the application for licensure of the
3 buyer, the department shall consider and may deny a license based upon the
4 following:

5 (A) Whether the administrator, officers, directors, or
6 partners have ever been convicted of a felony;

7 (B) Whether, within twelve (12) months prior to the
8 license application, any facility or facilities owned or operated by the
9 applicant or applicants have been found, after final administrative decision,
10 to have committed a Class A long-term care violation;

11 (C) Whether during the three (3) years prior to the
12 application the applicant or applicants have had a license revoked; or

13 (D) Whether the applicant or applicants have demonstrated
14 to the satisfaction of the department that any other facility owned,
15 operated, or administered by the applicant or applicants has been in
16 substantial compliance with the standards as set by applicable state and
17 federal law for the previous twelve-month period prior to application for
18 licensure.

19 (6)(A) Except as provided in subdivision (e)(6)(B) of this
20 section, the buyer shall not be issued a license until the buyer provides the
21 department with proof of payment by the buyer to the seller of a sum equal to
22 the annual fee under subsection (i) of this section.

23 (B) The department shall process a renewal application
24 before issuing a license to a buyer if:

25 (i) The buyer provides the department with proof of
26 payment by the buyer to the seller of a sum equal to the annual fee under
27 subsection (i) of this section;

28 (ii) The sale occurs between March 1 and July 1 of
29 any year;

30 (iii) The seller applied for or received a renewal
31 of the license; and

32 (iv) The seller paid the annual fee under subsection
33 (i) of this section to the department.

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35 SECTION 2. Arkansas Code § 20-10-224(i), concerning the payment of an
36 annual fee for licensure of a long-term care facility, is amended to read as

1 follows:

2 (i) Annual licensure fees are payable in one (1) sum. Fees for new
3 licensure applications may be prorated by dividing the total fee by three
4 hundred sixty-five (365) and multiplying the quotient, that is, the result,
5 by the number of days from the date the application is approved through June
6 30, inclusive. Applications for licensure renewal shall be delivered, or if
7 mailed shall be postmarked, on or before ~~June~~ March 1.

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9 SECTION 3. Arkansas Code § 20-10-229(b), concerning the filing of
10 annual disclosure statements by persons, corporations, partnerships, or
11 facilities seeking licensure or renewal to provide long-term care, is amended
12 to read as follows:

13 (b) The statement shall be filed along with the annual application for
14 licensure ~~during July~~ by March 1 of each year.

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16 SECTION 4. Arkansas Code § 20-10-230 is amended to read as follows:

17 20-10-230. Annual disclosure statement – Filing.

18 Each facility shall file the completed annual disclosure statement
19 along with its annual license application ~~during July~~ by March 1 of each year
20 and file a copy of the disclosure statement with the Department of ~~Health and~~
21 Human Services county office in the county in which the facility is located.

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