

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1502

5 By: Representative S. Meeks
6

For An Act To Be Entitled

8 AN ACT TO CREATE AN EXEMPTION TO THE DEFINITION OF
9 RESIDENTIAL CARE FACILITY AND THE DEFINITION OF
10 ASSISTED LIVING FACILITY; AND FOR OTHER PURPOSES.
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Subtitle

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14 TO CREATE AN EXEMPTION TO THE DEFINITION
15 OF RESIDENTIAL CARE FACILITY AND THE
16 DEFINITION OF ASSISTED LIVING FACILITY.
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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 § 20-10-101(15), concerning the definition of
22 "residential care facility", is amended to read as follows:

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

29 (B) "Residential care facility" does not include an exempt
30 facility as defined by this section; and
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32 SECTION 2. Arkansas Code § 20-10-101, concerning definitions relating
33 to long-term care facilities and services, is amended to add an additional
34 subdivision to read as follows:

35 (17) "Exempt facility" means a building or structure which is
36 used or maintained to provide on a twenty-four-hour basis a place of



1 residence and board for fewer than ten (10) individuals whose functional
 2 capabilities may have been impaired but who do not require hospital or
 3 nursing home care on a daily basis but who could require other assistance in
 4 activities of daily living if:

5 (A) The individual or the power of attorney for the
 6 individual contracts for the services of the facility;

7 (B) The facility does not bill Medicare, the Arkansas
 8 Medicaid Program, or any insurance company for any services provided;

9 (C)(i) The facility does not provide nursing home care or
 10 skilled nursing care.

11 (ii) Nursing home care or skilled nursing care
 12 within the exempt facility shall only be performed by a third-party provider
 13 such as a hospice or home health agency.

14 (iii) A resident in an exempt facility may receive
 15 hospice services or home health agency services if the treating physician
 16 certifies that the hospice services or home health agency services can be
 17 appropriately provided at the facility; and

18 (D) The facility registers with the Department of Human
 19 Services as an exempt facility and consents to annual inspections of the
 20 facility.

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 22 SECTION 3. Arkansas Code § 20-10-1703(1), concerning the definition of
 23 "assisted living facility" within the Arkansas Assisted Living Act, is
 24 amended to read as follows:

25 (1)(A) "Assisted living facility" means any building or
 26 buildings, section or distinct part of a building, boarding home, home for
 27 the aged, or other residential facility, whether operated for profit or not,
 28 which undertakes through its ownership or management to provide assisted
 29 living services for a period exceeding twenty-four (24) hours to more than
 30 three (3) adult residents of the facility who are not relatives of the owner
 31 or administrator.

32 (B) "Assisted living facility" includes those facilities
 33 which provide assisted living services either directly or through contractual
 34 arrangements or which facilitate contracting in the name of residents.

35 (C) "Assisted living facility" does not include an exempt
 36 facility as defined by § 20-10-101;