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.

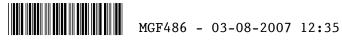
As used in this subchapter:

- (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 -



<u>Creation - Administration.</u>

- (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.

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

- (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:

- <u>(a) Be orally read to the resident or, if</u> applicable, the resident's representative by long-tem 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
- 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
- in the resident's admission's file for eighteen (18) eighteen 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	
MGF486	Chief Clerk