

ARKANSAS SENATE

93rd General Assembly - Regular Session, 2021 Amendment Form

Subtitle of Senate Bill No. 466

TO CLARIFY THE REGULATION OF PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES.

Amendment No. 1 to Senate Bill 466

Amend Senate Bill No. 466 as originally introduced:

Page 2, delete lines 7 through 36, and substitute the following:

"(3) Any child welfare agency capacity licensed ~~or permitted~~ by the board as of March 1, 2003, whether held by the original licensee or by a successor in interest to the original licensee, is exempted from:

(A) Obtaining any license or permit from the Office of Long-Term Care; and

(B) (i) Obtaining any permit from the Health Services Permit Agency or the Health Services Permit Commission to operate at the capacity licensed by the board as of March 1, 2003, except as required under subdivision (a)(3)(B)(ii) of this section.

(ii)(a) If a licensee is operating at less than or at the capacity licensed by the board as of March 1, 2021, the licensee shall obtain a permit from the Health Services Permit Agency or the Health Services Permit Commission for any increase in capacity.

(b) For the purposes of subdivision (a)(3)(B)(ii)(a) of this section, both in-state and out-of-state clients shall be counted in capacity for the purpose of obtaining a license from the board and a permit from the Health Services Permit Agency or the Health Services Permit Commission.; and

~~(C) Obtaining any permit from the Health Services Permit Agency or the Health Services Permit Commission to operate at any future expanded capacity serving only non-Arkansas residents unless a permit is required by federal law or regulation.~~

(4) Any ~~further~~ new license or expansion of capacity by ~~a~~ an existing licensee of the board shall require a license ~~or~~ and permit from the Office of Long-Term Care ~~and~~ or the Health Services Permit Agency ~~unless the bed expansion is exempted under subdivisions (a)(3)(A) (C) of this section.~~

(5)(A) ~~Subdivisions (a)(3) and (4) of this section shall be construed to include a child welfare agency that is licensed or permitted by the board as a residential facility as of March 1, 2003, if the licensee then met and continues to meet the following criteria:~~



~~(i) The licensee is a nonhospital based residential facility that specializes in providing treatment and care for seriously emotionally disturbed children under eighteen (18) years of age who have co-occurring substance abuse and psychiatric disorders;~~

~~(ii) The licensee possesses accreditation from at least one (1) of the following national accreditation entities:~~

~~(a) The Commission on Accreditation of Rehabilitation Facilities, Inc.;~~

~~(b) The Council on Accreditation for Children and Family Services, Inc.; or~~

~~(c) The Joint Commission on Accreditation of Healthcare Organizations, Inc.;~~

~~(iii) The licensee is licensed by the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services or its successor; and~~

~~(iv) The licensee is operating a nontraditional program that is approved by the Division of Elementary and Secondary Education~~ A license issued by the board under this subchapter is effective unless revoked, suspended, or terminated by the board.

~~(B)(i) Licensees described in subdivision (a)(5)(A) of this section shall be eligible for reimbursement by the Arkansas Medicaid Program under the same methodology and at the same reimbursement rates as residential treatment facilities that do not specialize in treating children with co-occurring substance abuse and psychiatric disorders~~ In addition to any other basis provided by law or rule, the board shall terminate the license of a licensee that has not been in operation for a consecutive twelve-month period.

~~(ii) However, Medicaid payments shall be reduced by payments received from other payors in connection with Medicaid covered care and treatment furnished to Medicaid recipients.~~

~~(C) The Department of Human Services may recommend to the board the revocation, suspension, or termination of a license for any basis provided by law or rule, including without limitation the failure to be in operation or in substantial compliance for a consecutive six-month period."~~

AND

Page 3, delete lines 1 through 25

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

By: Senator Hester

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Secretary