

State of Arkansas

76th General Assembly

Regular Session, 1987

AS ENGROSSED 2/3/87

HOUSE BILL 1261

By: Representative Ward

AS ENGROSSED 3/30/87

"AN ACT TO AMEND ARKANSAS STATUTE 82-2216 TO REDEFINE LONG TERM CARE FACILITY TO INCLUDE POST-ACUTE HEAD INJURY RETRAINING AND RESIDENTIAL CARE FACILITIES; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Subsection (a) of Section 1 of Act 28 of 1979, as amended, the same being Arkansas Statute 82-2216, is hereby amended to read as follows:

"(a) As used in this Act the term 'Long Term Care Facility' shall be defined as a nursing home, residential care facility, post-acute head injury retraining and residential care facility, or any other facility which provides long term medical or personal care. For purposes of this Act only, the term 'Long Term Care Facility' shall be defined to include adult day care facilities."

SECTION 2. Section 1 of Act 28 of 1979, as amended, the same being Arkansas Statute 82-2216, is hereby amended by adding an additional subsection at the end thereof to read as follows:

"(d) As used in this Act, the following terms shall have the following definitions:

(1) 'Head injury' is defined as a non-congenital injury to the brain, or a neurological impairment caused by illness, accident, or non-degenerative etiology.

(2) 'Post-acute head injury residential care facility' is defined as a residential care facility which is not a nursing home and which provides head injury retraining and rehabilitation for individuals who are disabled on account of head injury and are not in present need of

inpatient diagnostic care in a hospital or related institution.

(3) 'Head injury, retraining and rehabilitation' is defined as an individualized program of instruction designed to assist an individual suffering disability as a result of head injury to reduce the adverse effects of the disability and improve functioning in activities of daily living and work-related activities, which does not include inpatient diagnostic care and may be offered in a residential or day program.

(4) 'Post-acute head injury residential care' is defined as a residential program offering assistance in activities of daily living for individuals who are disabled on account of head injury and are therefore unable to live independently without assistance."

SECTION 3. No Certificate of Need or permit shall be required under Section 5 of Act 558 of 1975, as amended (Arkansas Statute 82-2311) or any other law in connection with facilities offering head injury retraining and rehabilitation. Post-acute head injury residential facilities shall not be eligible to receive any State Medicare or Medicaid monies.

SECTION 4. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 5. Emergency. It is hereby found and determined by the General Assembly that in order to meet the State's responsibility in assuring that head injured individuals are afforded a high quality of services and to further enhance the effective and coordinated regulation of long term care facilities through the functions of the Office of Long Term Care the immediate passage of this Act is necessary. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

/s/ J. Ward

