

State of Arkansas
76th General Assembly
Regular Session, 1987
By: Representative Gilbert

HOUSE BILL 1316

"AN ACT TO AMEND VARIOUS SECTIONS OF ACT 414 OF 1961, AS AMENDED [ARK. STAT. 82-327, ET SEQ.], TO ESTABLISH OR INCREASE INSPECTION FEES CHARGED BY THE STATE DEPARTMENT OF HEALTH TO HOSPITALS AND RELATED MEDICAL INSTITUTIONS; AND FOR OTHER PURPOSES."

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

SECTION 1. Subsection (e) of Section 2 of Act 414 of 1961, as amended, the same being Arkansas Statute 82-328(e), is hereby amended to read as follows:

"(e) Institution means a place for the diagnosis, treatment, or care of two (2) or more persons, not related to the proprietor, suffering from illness, injury, or deformity, or where obstetrical care or care of the aged, blind, or disabled is rendered over a period exceeding twenty-four (24) hours. The term institution also includes an outpatient surgery center, alcohol/drug abuse treatment center, outpatient psychiatric center and infirmary. No establishment operated by the federal government or an agency thereof is within this definition."

SECTION 2. Section 20 of Act 414 of 1961, as amended, the same being Arkansas Statute 82-346, is hereby amended to read as follows:

"Section 20. (a) The Health Department is hereby authorized to levy and collect the following annual fees for issuance of a permanent license to hospitals or institutions:

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| (1) Hospitals | \$2.00 per patient bed, or fifty dollars (\$50.00), whichever is greater, but not to exceed one thousand dollars (\$1,000.00) |
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| (2) Outpatient Surgery Center | \$500.00 |
| (3) Recuperation Centers | |
| a. Hospital Based | \$50.00 per facility |
| b. Free-standing | \$500.00 per facility |
| (4) Alcohol/Drug Abuse Treatment Center | |
| a. Hospital Based | \$50.00 per facility |
| b. Free-standing | \$500.00 per facility |
| (5) Outpatient Psychiatric Centers | |
| a. Hospital Based | \$50.00 per facility |
| b. Free-standing | \$500.00 per facility |
| (6) Infirmaries | \$50.00 per facility |

(b) Applicants for license shall file applications under oath with the Department upon forms prescribed by the Department and shall pay an annual license fee as set forth above, which shall be paid into the State Treasury or refunded to the applicant if a license is denied. Application shall be signed by the owner, if an individual or partnership, or in the case of a corporation by two (2) of its officers, or in the case of a governmental unit by the head of the governmental department having jurisdiction over it. Applications shall set forth the full name and address of the institution for which license is sought, and such additional information as the Department may require, including affirmative evidence of ability to comply with such reasonable standards, rules and regulations as may be lawfully prescribed hereunder. Applications for annual license renewal shall be postmarked no later than January 2 of the succeeding calendar year. License applications for existing institutions received after the aforementioned date shall be subject to a penalty of one dollar (\$1.00) per day for each and every day after the aforementioned date of January 2.

(c) Licenses issued hereunder shall be effective on a calendar year basis and shall expire on December 31 of each calendar year. License shall be issued only for the premises and persons in the application, and shall not be transferable. Licenses shall be posted in a conspicuous place on the licenses premises."

SECTION 3. Section 21 of Act 414 of 1961, as amended, the same being Arkansas Statute 82-347, is hereby amended to read as follows:

"Section 21. (a) The Department shall make such inspections as it may

prescribe by regulation. The Department shall prescribe by regulation that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alterations, additions or new construction, submit plans and specifications therefor to the Department for preliminary inspection and approval or recommendations with respect to compliance with the regulations and standards herein directed.

(b) From time to time the Director of the Department of Health or his agent, shall inspect each construction project approved by the Surgeon General, and, if the inspection so warrants, the Director of the Department of Health, or his agent, shall certify to the Surgeon General that work has been performed upon the project, or purchases have been made, in accordance with the approved plans and specifications, and that payment of an installment of Federal funds is due to the applicant."

SECTION 4. Act 414 of 1961, as amended, the same being Arkansas Statute 82-327 et seq., is hereby amended by adding a new Section 29 to read as follows and renumbering subsequent sections:

"Section 29. (A) All fees levied and collected under the provisions of this Act are hereby declared to be 'special revenues' and shall be deposited in the State Treasury, there to be credited to the Public Health Fund."

(B) Subject to such rules and regulations as may be implemented by the Chief Fiscal Officer of the State, the Disbursing Officer for the Department of Health is hereby authorized to transfer all unexpended funds relative to the health facility services that pertain to fees collected, as certified by the Chief Fiscal Officer of the State, to be carried forward and made available for expenditures for the same purpose for any following fiscal year."

SECTION 5. All laws and parts of laws in conflict with this Act are hereby repealed.

