

State of Arkansas

76th General Assembly

Regular Session, 1987

AS ENGROSSED 1/30/87

HOUSE BILL 1363

By: Representatives Collier, Rice, McCoy, et al

"AN ACT TO AMEND SECTION 6 OF ACT 324 OF 1979, AS AMENDED [ARK. STAT. 11-1415], TO PROVIDE FOR THE CONVERSION OF THE ARKANSAS VETERANS HOME TO A NURSING HOME AND DOMICILIARY FOR VETERANS WITHOUT THE NECESSITY OF OBTAINING A CERTIFICATE OF NEED; AND FOR OTHER PURPOSES."

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

SECTION 1. The General Assembly intended, through Act 432 of 1985, Act 578 of 1985 and Act 175 of 1985, to provide for the conversion of the Arkansas Veterans Home to a nursing home and domiciliary for veterans without the necessity of obtaining a certificate of need. However, there still appears to be confusion regarding whether the Veterans Home must obtain a certificate of need in order to convert to a nursing home, and it is the intent of the General Assembly through this Act to make more clear its intent to authorize and direct the conversion of the Arkansas Veterans Home to a nursing home and domiciliary without obtaining a certificate of need. Therefore, this Act shall be interpreted and construed in whatever manner necessary to provide for the conversion without obtaining a certificate of need.

SECTION 2. The second unnumbered paragraph of Section 6 of Act 324 of 1979, as amended, the same being the second unnumbered paragraph of Arkansas Statute 11-1415, is hereby amended to read as follows:

"The Department of Veterans Affairs shall promulgate appropriate guidelines for determining eligibility of veterans for admission to the Arkansas Veterans Home, and the monetary charges to be made for veterans residing in the Home. All such guidelines shall conform to the Federal requirements which must be met to qualify the Arkansas Veterans Home as a nursing home and domiciliary for veterans and to render the Home eligible to receive Federal

financial assistance. Furthermore, notwithstanding the provisions of Act 558 of 1975 or any other law to the contrary, the Arkansas Veterans Home may be converted to a nursing home and domiciliary for veterans without obtaining a certificate of need therefor. Bed capacity will be limited to 70. No beds shall be designated for medicaid payment."

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 4. It is hereby found and determined by the General Assembly that the Arkansas Veterans Home should already have been converted to a nursing home facility; that legislation was enacted in 1985 to accomplish the same but has not been properly interpreted; that our veterans are suffering undue hardship as a result of this delay, and that the hardship will continue until the conversion of the facility; that the increasing age of Arkansas veterans increases the need for the conversion on a daily basis; and this Act will provide for the expedient conversion of the Veterans Home into a nursing home facility. 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/ Tom Collier, et al

