

State of Arkansas

CALL ITEM 12

76th General Assembly

Fourth Extraordinary Session, 1988

HOUSE BILL 1009

By: Representatives Gibson and Arrington

"AN ACT TO EXEMPT FROM THE PERMIT OF APPROVAL PROCESS AND ANY OTHER MORATORIA ON NURSING HOME BEDS, LICENSURE APPLICATIONS BY OWNERS OF HOSPITALS OR CITIES OR COUNTIES WHEREIN A HOSPITAL IS LOCATED FOR A LIMITED NUMBER OF MEDICAID ELIGIBLE NURSING HOME BEDS IN RURAL AREAS OF THE STATE; AND FOR OTHER PURPOSES."

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

SECTION 1. For the purposes of this Act Medicaid eligible nursing home beds are those which in the opinion of the Arkansas Health Services Agency would meet the criteria for Medicaid eligibility.

SECTION 2. Notwithstanding Arkansas Code 20-8-106 or any other law to the contrary, licensure applications by the owner of a hospital or any city or county wherein a hospital is located to the Arkansas Health Services Agency for Medicaid eligible nursing home beds are exempt from the permit of approval process under Subchapter 1 of Chapter 8 of Title 20 of the Arkansas Code and all other moratoria on nursing home beds if the nursing home beds applied for would be located in a city with a population of not more than five thousand (5,000) persons according to the 1980 Federal Decennial Census and in which city is located a hospital with no more than thirty-five (35) staffed beds at the time of filing the application. Furthermore, no more than seventy (70) Medicaid eligible nursing home beds for any one licensure application shall be exempted under this Act, and for the remainder of calendar year 1988 and for each calendar year hereafter the Health Services Agency shall exempt under this Act no more than two hundred fifty (250) Medicaid eligible nursing home beds per year.

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 All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 4. Emergency. It is hereby found and determined by the General Assembly that many hospitals and nursing homes in rural Arkansas are facing financial crises which threaten health services to the elderly in rural Arkansas; that this Act would help ensure the solvency of hospitals and nursing homes in rural Arkansas; and that this Act should go into effect in order to benefit the elderly of rural Arkansas as soon as possible. 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.

