

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1102

By: Representative Blair

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE §20-8-106 TO PROVIDE THAT THE MORATORIA PROVIDED FOR IN THIS SECTION EXPIRE ON JANUARY 1, 1989 AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code §20-8-106(a) is hereby amended to read as follows:

"(a) The Health Services Agency, at the direction of the Health Services Commission, shall implement the following Health Services Program in this state:

(1) From June 19, 1987, until January 1, 1989, there shall be no new hospitals, home health agencies, or nursing homes, with the exceptions of intermediate care facilities for the mentally retarded with fifteen (15) or fewer beds and with the exception of nursing home applications under review by the Arkansas Health Services Agency on June 2, 1987, and except for nursing homes with thirty-five (35) beds or less attached to or a part of hospitals located in cities or towns where no nursing home exists, provided applicants for such nursing homes must obtain a permit of approval from the proper authority pursuant to the provisions of §§ 20-8-101 et seq., and a hospital in an incorporated municipality with a population of five thousand (5,000) or more which does not have a hospital and which is located in a county with a city of a population of fifty thousand (50,000) or more, constructed in this state nor shall there be any additional beds licensed for existing hospitals, nursing homes, or intermediate care facilities in this state. The commission may remove any or all of the moratoria anytime after June 1, 1988, provided the commission has adopted and promulgated standards for the review of the health facility for which the moratorium is removed.

(2) No permit shall be required for the construction, expansion,

or alteration of a post-acute head injury retraining and residential care facility.

(3) Nursing home applications under review by the Arkansas Health Services Agency on June 2, 1987, shall be considered under the provisions of §20-8-101 et seq. under updated standards on a county-by-county basis."

SECTION 2. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

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 present law prohibits construction of hospitals, home health agencies or nursing homes and also prohibits licensing of any other additional beds for existing hospitals, nursing homes or intermediate care facilities in this State until June 1, 1989; that health care is a major concern of the people of this State; that it would be in the best interests of the people of this State to lift this moratoria in order that any new hospital, home health agency or nursing home may be constructed where these facilities are needed and that additional beds needed for any hospital, nursing home or intermediate care facility may be obtained immediately; and that this Act should go into affect immediately in order to allow construction of these facilities and to allow licensing of additional beds as soon as possible. Therefore, an emergency is hereby declared to exist and this act being 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.