

1 State of Arkansas

2 80th General Assembly

3 Regular Session, 1995

4 By: Representative Goodwin

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For An Act To Be Entitled

8 "AN ACT TO REQUIRE ALL PERSONS, PARTNERSHIPS,
9 ASSOCIATIONS, OR CORPORATIONS HOLDING THEMSELVES OUT TO
10 THE PUBLIC AS AN ALCOHOL/DRUG ABUSE TREATMENT PROGRAM TO
11 BE LICENSED BY THE BUREAU OF ALCOHOL AND DRUG ABUSE
12 PREVENTION AND TO SET A FEE FOR THE LICENSE REVIEW; TO
13 REPEAL ARKANSAS CODE 20-64-901 THROUGH 20-64-909
14 CONCERNING ACCREDITATION OF ALCOHOL/DRUG ABUSE TREATMENT
15 PROGRAMS; AND FOR OTHER PURPOSES."

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Subtitle

18 "AN ACT TO LICENSE ALCOHOL/DRUG ABUSE
19 TREATMENT PROGRAMS."

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

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24 SECTION 1. Purpose. The purpose of this act is to require all persons,
25 partnerships, associations, or corporations holding themselves out to the
26 public as an alcohol and drug abuse treatment program in the state of
27 Arkansas to meet the licensure standards set by the Bureau of Alcohol and
28 Drug Abuse Prevention of the Arkansas Department of Health unless expressly
29 exempted by the act.

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31 SECTION 2. Definitions.

32 (1) An "Alcohol/ Drug Abuse Treatment Program" is a program that
33 renders or offers to render to a person or group of persons for any service
34 that assists the person or group to develop an understanding of alcoholism
35 and drug dependency problems, and to define goals and plan courses of action

1 reflecting the person_s or group_s interests, abilities and needs as affected
2 by alcoholism and drug dependency problems. It includes actions taken with
3 the intent of the cessation of harmful or addictive use of alcohol, or other
4 drugs. It includes but is not restricted to one or more of the following:

5 (a) Counseling with individuals, families or groups;

6 (b) Helping persons or families obtain other services appropriate to
7 alcoholism and drug abuse rehabilitation; and

8 (c) Engaging in alcoholism and drug abuse research, education or
9 prevention through the administration of alcoholism and drug abuse
10 counseling.

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12 SECTION 3. Authority. (a) The Bureau of Alcohol and Drug Abuse
13 Prevention of the Arkansas Department of Health is vested with the authority
14 and duty to establish and promulgate rules for the licensure of alcohol and
15 drug abuse treatment programs in Arkansas.

16 (b) All persons, partnerships, associations, or corporations
17 establishing, conducting, managing, or operating and holding itself out to
18 the public as alcohol, drug, or alcohol and drug abuse treatment must be
19 licensed by the Bureau of Alcohol and Drug Abuse Prevention.

20 (c) No person, partnership, association or corporation will be allowed
21 to receive federal or state funds for treatment services until they have
22 received such license.

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24 SECTION 4. Exemptions. The following programs and persons are exempted
25 from the requirements of this act:

26 (a) Acute care, hospital based alcohol and drug abuse treatment
27 programs governed by Arkansas Code 20-9-201; 20-9-218; and 20-10-213.

28 (b) Members of the clergy, Christian Science practitioners, and
29 licensed professionals such as physicians, nurses, psychologists, counselors,
30 social workers, psychological examiners, school counselors, substance abuse
31 counselors, and attorneys working within the standards of their respective
32 professions.

33 (c) Programs meeting the alcohol/drug abuse program standards of the
34 Joint Commission on the Accreditation of Health Care Organizations (JCAHO) or
35 the Commission on Accreditation of Rehabilitation Facilities (CARF) will

1 automatically receive Bureau of Alcohol and Drug Abuse Prevention Licensure
2 as a licensed alcohol/drug abuse treatment program and such license shall be
3 awarded by the Bureau of Alcohol and Drug Abuse Prevention upon presentation
4 by said program of evidence of JCAHO or CARF accreditation.

5 (d) Treatment directly administered by the Department of Defense or
6 any other Federal Agency.

7 (e) Self help or Twelve Step programs such as Alcoholics Anonymous,
8 Cocaine Anonymous, Narcotics Anonymous, Al-Anon or Narc-Anon.

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10 SECTION 5. Applications. (a) Any person or program desiring to be
11 licensed as an alcohol/drug abuse treatment program shall make application to
12 the Bureau of Alcohol and Drug Abuse Prevention on forms prescribed by the
13 Bureau of Alcohol and Drug Abuse Prevention and shall furnish such
14 information with the application as shall be required by the Bureau.

15 (b) Each application for licensure shall be accompanied by a
16 nonrefundable license fee of seventy-five dollars (\$75.00). An additional
17 fee will be paid by the entity seeking licensure at the end of the licensure
18 review process for costs of the licensure review.

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20 SECTION 6. Disposition of Funds. All application fees and
21 licensure fees will be paid to the Bureau of Alcohol and Drug Abuse
22 Prevention. The Bureau of Alcohol and Drug Abuse Prevention will transfer
23 said money to the State Treasury, and said money shall be specially
24 designated for transfer to the Alcohol and Drug Abuse Prevention Fund Account
25 to cover maintenance and operation expenses incurred by the licensure review
26 process.

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28 SECTION 7. Penalties. (a) Any person, partnership, association, or
29 corporation establishing, conducting, managing, or operating any alcohol,
30 drug, or alcohol and drug abuse treatment program within the meaning of this
31 act without first obtaining licensure shall be guilty of a class A
32 misdemeanor and upon conviction shall be liable to a fine imposed pursuant to
33 a class A misdemeanor.

34 (b) Each day an alcohol and drug abuse treatment program shall operate
35 after a first conviction shall be considered a class D felony and upon

1 conviction shall be liable to a fine imposed pursuant to a class D felony.

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3 SECTION 8. Renewal. (a) Each alcohol and drug abuse program licensure
4 shall be renewed annually upon a payment of a fee of seventy-five dollars
5 (\$75.00) by January 30th of each year to the Bureau of Alcohol and Drug Abuse
6 Prevention.

7 (b) If any person or program covered by this act fails to make
8 application for renewal of its license within one (1) year after expiration
9 of its license, the license of the person or entity shall be revoked. That
10 person shall not be issued a new license unless the person or entity makes
11 application therefore, and meets all requirements for licensure in effect at
12 the time of the application is filed.

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14 SECTION 9. Current Programs. (a) Any person, partnership,
15 association, or corporation establishing, conducting, managing, or operating
16 any alcohol, drug, or alcohol and drug abuse treatment program in Arkansas,
17 and not exempted by the terms of this act, unless currently accredited by the
18 Bureau of Alcohol and Drug Abuse Prevention, shall have one (1) year from the
19 date of passage of this act to complete the requirements for licensure by the
20 Bureau of Alcohol and Drug Abuse Prevention.

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22 SECTION 10. Reporting Requirements.

23 All persons, partnerships, associations, or corporations operating
24 alcohol and drug abuse treatment programs in the state of Arkansas, whether
25 licensed by the Bureau of Alcohol and Drug Abuse Prevention or expressly
26 exempted from licensure, shall be required to furnish such information at
27 such times and in such form as may be required by the Bureau of Alcohol and
28 Drug Abuse Prevention. The Bureau shall promulgate regulations and prescribe
29 forms for the implementation of this section.

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31 SECTION 11. Appeal Process. (a) The Alcohol and Drug Abuse Authority
32 created in Arkansas Code 20-60-605 shall have the power and authority to hear
33 appeals regarding decisions by the Bureau of Alcohol and Drug Abuse
34 Prevention not to license an alcohol, drug, or alcohol and drug abuse program
35 under this act.

1 (b) All hearings and proceedings under this section shall be conducted
 2 in accordance with the Administrative Procedures Act.

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4 SECTION 12. A person who immediately before the effective date of this
 5 act was accredited to establish, conduct, manage, or operate an alcohol and
 6 drug abuse treatment program pursuant to Arkansas Code 20-64-901 et seq.,
 7 shall be issued a licensed under this act without a fee. The license shall
 8 be subject to be renewed at the time that the accreditation would have been
 9 due for renewal.

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11 SECTION 13. Arkansas Code 20-64-901 through 20-64-909 is repealed.

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13 SECTION 14. All provisions of this act of a general and permanent
 14 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
 15 Code Revision Commission shall incorporate the same in the Code.

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17 SECTION 15. If any provision of this act or the application thereof to
 18 any person or circumstance is held invalid, such invalidity shall not affect
 19 other provisions or applications of the act which can be given effect without
 20 the invalid provision or application, and to this end the provisions of this
 21 act are declared to be severable.

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23 SECTION 16. All laws and parts of laws in conflict with this act are
 24 hereby repealed.

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