

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Representative Hunton

A Bill

HOUSE BILL 1568

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE § 20-8-103 TO MODIFY THE
AUTHORITY OF THE HEALTH SERVICES COMMISSION AND TO REQUIRE
THE COMMISSION TO FACTUALLY JUSTIFY THE REASON FOR EACH
DENIAL OF A PERMIT; AND FOR OTHER PURPOSES."

Subtitle

"AN ACT TO MODIFY THE AUTHORITY OF THE
HEALTH SERVICES COMMISSION AND TO
REQUIRE THE COMMISSION TO JUSTIFY THE
REASON FOR EACH DENIAL OF A PERMIT."

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

SECTION 1. Arkansas Code § 20-8-103 is amended to read as follows:

"20-8-103. Health Services Commission - Powers and duties.

(a) The Health Services Commission shall evaluate the availability and adequacy of health facilities and health services as they relate to long-term care facilities and home health care service agencies in this state.

(b) The commission shall designate those locales or areas of the state in which, due to the requirements of the population or the geography of the area, the health service needs of the population are underserved.

(c) The commission may specify, within locales or areas, categories of health services which are underserved and overserved due to the composition or requirements of the population or the geography of the area.

(d) The commission shall develop policy and adopt criteria, including time limitations, to be utilized by the agency in the review of applications and the issuing of permits of approval for a long-term care facility or a home health care service agency as provided herein.

1 (e) The commission may define certain underserved locales or areas or
2 categories of services within underserved locales or areas to be exempt for
3 specified periods of time from the permit of approval requirement. The
4 defining of underserved or overserved localities, areas or categories by the
5 commission shall not be conclusive. In the event an applicant is able to
6 show that such a defined locality within a county is underserved with factual
7 data or testimony of interested persons, because of the neglect of or
8 disregard for it by existing licensees, the commission shall find the
9 locality, area or category to be underserved. The commission shall allow
10 exceptions to its rules and criteria to accommodate unusual circumstances or
11 situations.

12 (f) The commission shall review the recommendations of the agency
13 concerning action on applications by long-term care facilities or home health
14 care service agencies for permits of approval and endorse or reject the same.

15 (g) The commission may set application fees for permit of approval
16 applications to be charged and collected by the agency.

17 (h) The commission, upon appeal by the applicant, shall conduct
18 hearings on permits of approval by the agency within thirty (30) days of
19 receipt of the notice of appeal. The commission shall render its final
20 decision within forty-five (45) days of the close of the hearing. Failure of
21 the commission to take final action within these time periods shall be
22 considered a ratification of the agency decision on the permit of approval
23 and shall constitute the final decision of the commission from which an
24 appeal to circuit court may be filed.

25 (i) Because a majority of the commission is representative of
26 established economic interests which could suffer financial detriment by the
27 issuance of each new permit, each denial of a permit of approval must be
28 supported by an enumeration of each of the factual reasons which underlies
29 the basis for such permit denial."
30

31 SECTION 2. All provisions of this act of a general and permanent
32 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
33 Code Revision Commission shall incorporate the same in the Code.
34

35 SECTION 3. If any provision of this act or the application thereof to

1 any person or circumstance is held invalid, such invalidity shall not affect
2 other provisions or applications of the act which can be given effect without
3 the invalid provision or application, and to this end the provisions of this
4 act are declared to be severable.

5

6 SECTION 4. All laws and parts of laws in conflict with this act are
7 hereby repealed.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

1
2
3