1	State of Arkansas	As Engrossed: H2/28/97 H3/5/97		
2	81st General Assembly	A Bill		
3	Regular Session, 1997		HOUSE BILL	1787
4				
5	By: Representatives Rodgers and Young			
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8	For An Act To Be Entitled			
9	"AN ACT TO AMEND ARKANSAS CODE 20-10-214 TO CLARIFY THE			
10	SITUATIONS IN WHICH A LONG-TERM CARE FACILITY MUST HAVE A			
11	LICENSE; ANI	FOR OTHER PURPOSES."		
12				
13		Subtitle		
14	"AN ACT TO AMEND ARKANSAS CODE 20-10-214			
15	TO CLARIFY THE SITUATIONS IN WHICH A			
16	LONG-TERM CARE FACILITY MUST HAVE A			
17	L	ICENSE."		
18				
19	BE IT ENACTED BY TH	E GENERAL ASSEMBLY OF THE STATE OF ARKAI	NSAS:	
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21	SECTION 1. Legislative Findings and Intent.			
22	It is the intent of this act to provide for the protection, safety and quality			
23	of care of elderly and disabled Arkansans by allowing only long-term care			
2425	facilities that have been licensed, inspected and regulated by the state to			
26	<u>operate.</u>			
27	SECTION 2 A	urkansas Code 20-10-213(4) is amended to	read as follow	· .
28	"(4) Long-term care facility means and shall be construed to include			
29	any building, structure, agency, institution, or other place for the			
30	reception, accommodation, board, care, or treatment of three (3) or more			
31				
32	physical or mental infirmity, are unable to sufficiently or properly to care			
33	for themselves, and where for that reception, accommodation, board care, or			
34	treatment a charge is made. However, the term 'long-term care facility' shall			
35	not include:			
36	(A) Th	ne offices of private physicians and surg	geons;	

1 (B) Boarding homes, provided that 50 percent or more of the 2 residents of the boarding home at any given time are not receiving personal 3 care, as defined by Arkansas Medicaid regulations. If this threshold is met, the boarding home shall be classified as a residential care facility. This 5 provision does not change the prohibition on boarding homes providing direct care to residents. 7 (C) Hospitals; 8 (D) Recuperation centers; (E) Supervised or supported living apartments, group homes, 9 10 family homes, or developmental day treatment clinics for individuals with 11 developmental disabilities operate by providers licensed by the Developmental 12 Disabilities Services Division of the Department of Human Services; or (F) Institutions operated by the federal government; or 13 14 (G) Separate living arrangements that do not involve monitoring 15 the activities of the residents while on the premises of the institution or 16 facility to ensure the residents health, safety, or well-being, and that do not involve the institution or facility being aware of the residents general 18 whereabouts." 19 SECTION 3. All provisions of this act of a general and permanent nature 2.0 21 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code 22 Revision Commission shall incorporate the same in the Code. 23 SECTION 4. If any provision of this act or the application thereof to 2.4 25 any person or circumstance is held invalid, such invalidity shall not affect 26 other provisions or applications of the act which can be given effect without 27 the invalid provision or application, and to this end the provisions of this 28 act are declared to be severable. 29 30 SECTION 5. All laws and parts of laws in conflict with this act are 31 hereby repealed. 32 33 34 /s/Rep. Rodgers et al 35