

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

HOUSE BILL 2114

4
5 By: Representative Stalnaker

For An Act To Be Entitled

9 "AN ACT TO AMEND THE HOME HEALTH CARE SERVICES ACT BY
10 ESTABLISHING A CLASS C LICENSE; AND FOR OTHER PURPOSES."

Subtitle

13 "AN ACT TO AMEND THE HOME HEALTH CARE
14 SERVICES ACT BY ESTABLISHING A CLASS C
15 LICENSE."

16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19 SECTION 1. Arkansas Code Annotated § 20-10-801 is amended to read as
20 follows:

21 "20-10-801. Definitions.

22 As used in this subchapter, unless the context otherwise requires:

23 (1) Home health care services means the providing or coordinating of
24 acute, restorative, rehabilitative, maintenance, preventive, or health
25 promotion services through professional nursing or by other therapeutic
26 services such as physical therapy, occupational therapy, speech therapy, home
27 health aide, or personal services in a client's residence;

28 (2) Agency means any person, partnership, association, corporation, or
29 other organization, whether public or private, proprietary or nonprofit;

30 (3) Home health care services agency means an agency licensed to
31 provide home health care services;

32 (4) Subunit means an organization of an agency that provides home
33 health care services, which serves patients in a geographic area different
34 from that of the agency;

35 (5) Division means the Division of Health Care Facility Services of
36 the Department of Health;

1 (6) Residence means a place where a person resides, including a home,
 2 nursing home, or convalescent home for the disabled or aged;

3 (7) Class A license means the applicant is, at the time of filing an
 4 application, a Medicare-certified home health agency. If the applicant is not,
 5 at the time of filing its application, a certified home health agency, it
 6 shall be in the process of receiving its certification from the Health Care
 7 Financing Administration;

8 (8) Class B license means the application shall show proof of the
 9 services provided and geographical territory in which those services have been
 10 provided as of July 20, 1987, and it shall have requested a survey for the
 11 purpose of confirming the services provided and territory covered;

12 (9) Place of business means any office of a home health agency
 13 including subunits.

14 (10) Class C license means the applicant is, at the time of filing an
 15 application, a home health agency providing extended care, which is defined as
 16 four (4) or more hours of continuous home health services provided in a
 17 twenty-four (24) hour period, by a licensed agency which provides both skilled
 18 nursing and other home health services."

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20 SECTION 2. Arkansas Code Annotated § 20-10-808 is amended to read as
 21 follows:

22 "20-10-808. Application for license - Temporary license.

23 (a) An applicant for a license to provide a home health service shall:

24 (1) File a written application on a form prescribed by the
 25 division;

26 (2) File with the application the name of the owner of the
 27 services or a list of names of persons who own an interest in the service and
 28 a list of any businesses with which the service business subcontracts and in
 29 which the owner or owners of the service business hold as much as five percent
 30 (5%) of the ownership;

31 (3) Establish a place of business within the State of Arkansas
 32 that maintains home health service records and directs patient services;

33 (4) Cooperate with any inspections the division may require for a
 34 license and comply with regulations and standards promulgated under this
 35 subchapter; and

36 (5) Pay to the division a license fee as prescribed by §

1 20-10-812.

2 (b) In addition to the requirements listed in subsection (a) of this
 3 section for new and existing agencies providing home health services on July
 4 20, 1987, those agencies shall furnish the following information for a Class
 5 A, ~~or~~ Class B, or Class C license:

6 (1) For a Class A license, if the applicant is at the time of
 7 filing an application a Medicare-certified home health agency, it shall
 8 provide proof of its compliance with federal conditions of participation. If
 9 the applicant is not at the time of filing its application a certified home
 10 health agency, it shall be in the process of receiving its certification from
 11 the Health Care Financing Administration;

12 (2) For a Class B license, the applicant shall show proof of the
 13 services provided and geographical territory in which those services have been
 14 provided as of July 20, 1987, and it shall have requested a survey for the
 15 purposes of confirming the services provided and territory covered.

16 (3) For a Class C license, the applicant shall show proof that it
 17 was the primary home health agency providing extended care services, county by
 18 county, in good standing since July 20, 1987 through July 1, 1997. It shall
 19 have requested a verification of the patient information for the purposes of
 20 confirming that extended care services were provided in the county or counties
 21 as indicated in the application. In each confirmed county, the Division shall
 22 grant the applicant authority to provide extended care services. No Class C
 23 license holder shall be required to establish an office in any county for
 24 which authority to provide extended care services has been granted pursuant to
 25 this subsection.

26 (c) The director may issue a temporary license to an applicant for a
 27 period not to exceed six (6) months."
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29 SECTION 3. All provisions of this act of a general and permanent nature
 30 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
 31 Revision Commission shall incorporate the same in the Code.
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33 SECTION 4. If any provision of this act or the application thereof to
 34 any person or circumstance is held invalid, such invalidity shall not affect
 35 other provisions or applications of the act which can be given effect without
 36 the invalid provision or application, and to this end the provisions of this

1 act are declared to be severable.

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3 SECTION 5. All laws and parts of laws in conflict with this act are
4 hereby repealed.

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