

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

SENATE BILL 425

4
5 By: Senators Bradford, Wilson, Bearden, Ross, B. Walker, Fitch, Gwatney, Beebe, Mahony, K. Smith
6 By: Representatives Horn, Teague, Kidd, B. Johnson, Allison, Vess, Broadway, Biggs, Trammell, Faris,
7 Jones, T. Thomas, Ammons, Wood, Elliott, M. Steele, P. Malone, Gullett, Parks, Hunt

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For An Act To Be Entitled

11 "AN ACT TO AMEND ARKANSAS CODE § 20-9-219 TO PROVIDE
12 FOR THE VOLUNTARY SUBSTITUTION OF HOSPITAL SURVEYS
13 CONDUCTED BY THE JOINT COMMISSION ON ACCREDITATION OF
14 HEALTHCARE ORGANIZATIONS (JCAHO) FOR SURVEYS CONDUCTED
15 BY THE ARKANSAS DEPARTMENT OF HEALTH WHEN THE HOSPITAL
16 RECEIVES FULL ACCREDITATION OF HEALTHCARE
17 ORGANIZATIONS AND DURING THE TERM OF ACCREDITATION. "

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Subtitle

20 "TO SUBSTITUTE ACCREDITATION SURVEYS BY
21 THE JOINT COMMISSION ON ACCREDITATION
22 FOR STATE LICENSING SURVEYS FOR
23 HOSPITALS WHICH ARE ACCREDITED. "

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26 WHEREAS, the Arkansas Department of Health has been charged with the
27 responsibility for conducting surveys of inpatient hospital facilities to
28 ensure that each complies with the rules and regulations adopted by the
29 Arkansas State Department of Health; and

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32 WHEREAS, the Joint Commission on Accreditation of Healthcare
33 Organizations performs rigorous surveys in connection with its accreditation
34 process, refusing accreditation to those hospitals which do not meet the Joint
35 Commission on Accreditation of Healthcare Organizations' standards; and

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WHEREAS, many hospitals choose to engage the Joint Commission on

1 Accreditation of Healthcare Organizations to perform surveys in order to
2 receive accreditation; and

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4 WHEREAS, the Joint Commission on Accreditation of Healthcare
5 Organization is recognized for the rigor of its surveys, which are performed
6 on a regular schedule; and

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8 WHEREAS, forty-four (44) states recognize surveys and accreditation by
9 the Joint Commission on Accreditation of Healthcare Organizations as adequate
10 substitutes for state surveys and accordingly deem them to be sufficient to
11 meet survey requirements, and

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13 WHEREAS, the duplicate surveys are costly to hospitals, leading to costs
14 which are higher than would be necessary if only one (1) survey was required;
15 and

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17 WHEREAS, it is in the public interest that Arkansas hospitals be
18 surveyed by expert surveyors at the lowest cost for the provision of quality
19 reviews.

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21 NOW THEREFORE,

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

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24 SECTION 1. Findings. The General Assembly of the State of Arkansas
25 hereby finds and declares that the citizens of Arkansas are entitled to
26 receive health care in hospitals which have been surveyed on a regular basis
27 to ensure high quality care, that a hospital must undergo two (2) duplicate
28 surveys when they decide to become accredited by the Joint Commission on
29 Accreditation of Healthcare Organizations, and that this duplication is costly
30 and without effect on the quality of hospital care whenever a hospital, after
31 survey, is accredited by the Joint Commission on Accreditation of Healthcare
32 Organizations.

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34 SECTION 2 Arkansas Code § 20-9-219 is amended to read as follows:

35 "20-9-219. Inspections of facilities.

36 (a) As used in this section:

1 (1) 'Hospital' means a facility used for the purpose of providing
2 inpatient diagnostic care or treatment, including general medical care,
3 surgical care, obstetrical care, psychiatric care, and specialized services or
4 specialized treatment which is subject to the rules and regulations for
5 Hospitals and Related Institutions in Arkansas. It does not mean a facility
6 primarily for the provision of long-term care;

7 (2) 'Joint Commission on Accreditation of Healthcare
8 Organizations' and 'JCAHO' means the national accrediting body for hospitals,
9 which performs on-site surveys of compliance with its regulations at regular
10 intervals to ensure that the hospital provides quality care sufficient to
11 justify accreditation;

12 (3) 'Department' means the Arkansas Department of Health and
13 'Division' means the Department's Division of Health Facility Services;

14 (4) 'Survey' means the on-site formal review process of a
15 hospital by the Division at regular intervals to ensure compliance with
16 applicable rules and regulations adopted by the Department;

17 (5) 'Investigation' means a specific inspection by the Division
18 related to a complaint or complaints; and

19 (6) 'Inspection' means the on-site review of the physical plant
20 and practices as governed by the current rules and regulations of Hospitals
21 and Related Institutions.

22 (b) The Department shall make such inspections and surveys as it may
23 prescribe by regulation.

24 (c) All hospitals which are accredited by the Joint Commission on
25 Accreditation of Healthcare Organizations (JCAHO) shall be deemed by the
26 Department to be licensable without further survey by the personnel of the
27 Division of Health Facility Services ('Division') if:

28 (1) the hospital holds current, full accreditation; and

29 (2) the Division receives a copy of the hospital's official
30 accreditation certificate and the complete report issued by the JCAHO within
31 thirty (30) days of receipt by the hospital from the JCAHO or within thirty
32 (30) days of the effective date of the section.

33 (d) No hospital shall be required to submit accreditation by the JCAHO,
34 but whenever a hospital does not submit a JCAHO accreditation certificate, the
35 personnel of the Department shall conduct such surveys as are prescribed by
36 regulation.

1 (e) Nothing in this section shall affect the right of an authorized
2 representative of the Department to enter upon or into the premises of a
3 hospital at any time to make an inspection as part of an investigation when
4 the Department does so in response to a complaint or specific identifiable
5 information that the hospital is not meeting minimum quality standards. In
6 the event that the Division upon review of a JCAHO report, reasonably
7 determines that a hospital may not be meeting state licensure standards, it
8 may perform a survey of that hospital and take such steps as are necessary to
9 enforce the Department's standards.

10 (f) A validation survey may be conducted on five percent (5%) of deemed
11 hospitals during any calendar year to determine continued compliance with
12 state regulations.

13 (g) The Department shall continue to have authority over new
14 construction, renovation and alterations of the hospitals as set forth in the
15 current regulations.

16 (h) All hospitals must notify the Division within thirty (30) days when
17 there is a change in accreditation status.

18 (i) A staff member of the Division may accompany the JCAHO team that
19 conducts any hospital accreditation survey as an ex-officio member for the
20 purpose of observation."

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22 SECTION 3. All provisions of this act of a general and permanent nature
23 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
24 Revision Commission shall incorporate the same in the Code.

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26 SECTION 4. If any provision of this act or the application thereof to
27 any person or circumstance is held invalid, such invalidity shall not affect
28 other provisions or applications of the act which can be given effect without
29 the invalid provision or application, and to this end the provisions of this
30 act are declared to be severable.

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

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