

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001

A Bill

SENATE BILL 201

4
5 By: Senator Faris
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7

For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE 24-7-1403 TO REVISE THE
10 DEFINITION OF "FACILITIES" AND BY ADDING DEFINITIONS
11 OF "INDEPENDENT LIVING FACILITY" AND "UNIT"; TO AMEND
12 ARKANSAS CODE 24-7-1409 REGARDING ENTITLEMENTS TO AND
13 LIMITATIONS ON LICENSURE; TO AMEND ARKANSAS CODE 20-8-
14 101(6)(B) BY ADDING A NEW EXEMPTION; TO AMEND ARKANSAS
15 CODE 20-8-103 REGARDING HEALTH SERVICES COMMISSION
16 EVALUATION STANDARDS; TO DECLARE AN EMERGENCY; AND FOR
17 OTHER PURPOSES.

Subtitle

18
19 TO AMEND THE TEACHER RETIREMENT SYSTEM
20 AFFORDABLE HOUSING INVESTMENT ACT TO
21 ALLOW THE RETIREMENT SYSTEM TO CONSTRUCT
22 ASSISTED LIVING AND NURSING HOME BEDS.
23
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. Arkansas Code 24-7-1403 is amended to read as follows:
29 24-7-1403. Definitions.

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

31 (1) "Assisted living facility" means retirement housing at which
32 minimal food, security, and medical assistance services are available for
33 occupants;

34 (2) "Board" means the Board of Trustees of the Arkansas Teacher
35 Retirement System;

36 (3) "Facilities" when used without elaboration means and refers

1 to any or all the facilities referred to in this subchapter, including, but
 2 not limited to, retirement housing, assisted living facility, skilled nursing
 3 facility, nursing facility, or any combination thereof, built, owned, and
 4 operated for the exclusive use and benefit of qualified occupants, and shall
 5 also include a "long-term care facility" as defined by § 20-10-101(8);

6 (4) "Independent living facility" means retirement housing other
 7 than an assisted living facility or a skilled nursing facility;

8 ~~(4)(5)~~ "Members" means any individual who is a member of the
 9 system;

10 ~~(5)(6)~~ "Nursing facility" means a nursing home or a distinct part
 11 of another retirement housing facility not meeting the skilled nursing
 12 facility licensure regulations, but which provides on a more limited basis
 13 skilled nursing and supportive care;

14 ~~(6)(7)~~ "Qualified occupant" means any member or the dependent of
 15 any member who is receiving or is designated by a member to receive any plan
 16 benefit from the system or any other person deemed by the board, by regulation
 17 promulgated by the board or otherwise, to be a suitable occupant of the
 18 facility;

19 ~~(7)(8)~~ "Retirement housing" means residential housing facilities;

20 ~~(8)(9)~~ "Skilled nursing facility" means a nursing home or a
 21 distinct part of a retirement housing facility, which home or distinct part is
 22 licensed by the Office of Long-Term Care of the Department of Human Services,
 23 or any similar successor agency, as meeting the skilled nursing facility
 24 licensure regulations and which provides skilled nursing care and supportive
 25 care on a twenty-four-hour basis to residents whose primary need is for
 26 availability of skilled nursing care on an extended basis; ~~and~~

27 ~~(9)(10)~~ "System" means the Arkansas Teacher Retirement System as
 28 established by § 24-7-201 et seq.; and

29 (11) "Unit" means a room, apartment, or similar facility
 30 containing separate and complete facilities for living, sleeping, cooking, and
 31 sanitation.

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 33 SECTION 2. Arkansas Code 24-7-1409 is amended to read as follows:

34 24-7-1409. Permit of approval.

35 (a) Nothing Except as provided in § 20-8-101, nothing in this
 36 subchapter exempts the Arkansas Teacher Retirement System, its subsidiaries,

1 corporations, or other related legal entities from ~~the requirement to acquire~~
2 ~~a permit of approval, as set forth in § 20-8-101 et seq., or any~~ any of the
3 requirements of the Office of Long-Term Care for licensure or certification
4 ~~requirement~~ to own, operate, or manage a long-term care facility or
5 residential care facility, as defined in § 20-10-101.

6 (b) The system shall be entitled to a license for the number of beds
7 included in its application provided the facility otherwise meets the
8 requirements of the Office of Long-Term Care, except for any requirements
9 arising from or based upon §§ 20-8-101 through 20-8-112, as set forth in its
10 rules and regulations and the limitations of subsection (c) of this section.

11 (c) The system shall be entitled to one (1) assisted living facility
12 bed and one (1) skilled nursing facility bed for each independent living
13 facility unit owned by the system, including its subsidiaries, corporations,
14 or other related legal entities.

15
16 SECTION 3. Arkansas Code 20-8-101(6), concerning the definitions for
17 the Health Services Agency law, is amended to read as follows:

18 (6)(A) "Health facility" or "health facilities" means "long-term
19 care facility" as defined by § 20-10-101(7) or a "home health care services
20 agency" as defined by § 20-10-801.

21 (B) The terms "health facility" or "health facilities"
22 shall not mean, and nothing in this subchapter shall be deemed to require a
23 permit of approval for or to otherwise regulate the licensure of in any
24 manner:

25 (i) A "hospital" as defined by and licensed pursuant
26 to § 20-9-201(3), except when a hospital seeks to add long-term care beds or
27 to convert acute beds to long-term care beds or to add home health services
28 pursuant to a letter of intent filed with the Department of Health after
29 February 15, 1993, or to expand home health services pursuant to a letter of
30 intent filed with the department after February 15, 1993;

31 (ii) Offices of private physicians and surgeons;

32 (iii) Outpatient surgery or imaging centers;

33 (iv) Post-acute head injury retraining and
34 residential care facilities or establishments operated by the federal
35 government or any agency thereof;

36 (v) Free-standing radiation therapy centers;

1 (vi) Expansion, not to exceed fifteen (15) beds, of
2 the twenty-five-bed nonprofit intermediate care facility for the mentally
3 retarded that provides transitional rehabilitation for pediatric patients;

4 (vii) Residences for four (4) or fewer individuals
5 with developmental disabilities who receive support and services from
6 nonprofit providers currently licensed by the Division of Developmental
7 Disabilities Services of the Department of Human Services; ~~or~~

8 (viii) Any facility which is conducted by and for
9 those who rely exclusively upon treatment by prayer for healing in accordance
10 with the tenets or practices of any recognized religious denomination; ~~or~~

11 (ix) Any facility, as defined in § 24-7-1403(3),
12 owned by the Arkansas Teacher Retirement System, its subsidiaries,
13 corporations, or other related legal entities under the Arkansas Teacher
14 Retirement System Affordable Housing Investment Act.

15 (C) The term "health facility" shall not include offices of
16 private physicians and surgeons, outpatient surgery or imaging centers,
17 establishments operated by the federal government or any of its agencies,
18 free-standing radiation therapy centers, or any facility which is conducted by
19 and for those who rely exclusively upon treatment by prayer alone for healing
20 in accordance with the tenets or practices of any recognized religious
21 denomination; and

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23 SECTION 4. Arkansas Code 20-8-103, concerning the powers and duties of
24 the Health Services Commission, is amended to add an additional subsection to
25 read as follows:

26 (i) In evaluating the availability and adequacy of health facilities
27 and health services as they relate to long-term care facilities and home
28 health care service agencies, and issuing permits for new or expanded
29 facilities or services within the state, the commission shall not include or
30 consider any facilities owned by the Arkansas Teacher Retirement System, its
31 subsidiaries, corporations, or other related legal entities under the Arkansas
32 Teacher Retirement System Affordable Housing Investment Act.

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34 SECTION 5. [THE ARKANSAS CODE REVISION COMMISSION IS NOT REQUIRED TO
35 CODIFY THIS SECTION.] No benefit enhancement provided for by this act shall
36 be implemented if it would cause the publicly supported retirement system's

1 unfunded actuarial accrued liabilities to exceed a thirty (30) year
2 amortization. No benefit enhancement provided for by this act shall be
3 implemented by any publicly supported system which has unfunded actuarial
4 accrued liabilities being amortized over a period exceeding thirty (30) years
5 until the unfunded actuarial accrued liability is reduced to a level less than
6 the standards prescribed by Arkansas Code, Title 24.

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8 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the General
9 Assembly that the Arkansas Teacher Retirement System is facing delays in being
10 able to provide facilities authorized by Arkansas Teacher Retirement System
11 Affordable Housing Investment Act because of uncertainty as to the proper
12 application of other provisions of law, which uncertainty will be resolved by
13 this act. Therefore, an emergency is declared to exist and this act being
14 immediately necessary for the preservation of the public peace, health and
15 safety shall become effective on the date of its approval by the Governor. If
16 the bill is neither approved nor vetoed by the Governor, it shall become
17 effective on the expiration of the period of time during which the Governor
18 may veto the bill. If the bill is vetoed by the Governor and the veto is
19 overridden, it shall become effective on the date the last house overrides the
20 veto.

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