

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 84th General Assembly
3 Regular Session, 2003
4

A Bill

HOUSE BILL 2312

5 By: Representative Borhauer
6
7

For An Act To Be Entitled

9 AN ACT TO REPEAL THE REQUIREMENT FOR A PERMIT OF
10 APPROVAL FOR HOME HEALTH CARE SERVICE AGENCIES;
11 AND FOR OTHER PURPOSES.
12

Subtitle

13 AN ACT TO REPEAL THE REQUIREMENT FOR A
14 PERMIT OF APPROVAL FOR HOME HEALTH CARE
15 SERVICE AGENCIES.
16
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. The General Assembly finds that:

22 (1) The requirement for a permit of approval for home health
23 care service agencies:

24 (A) Has the effect of limiting competition based on
25 quality of care and range of service options within Arkansas, causing certain
26 areas of the state to be underserved for necessary health care needs;

27 (B) Contravenes the goal of the United States Supreme
28 Court in Olmstead v. L.C. to reduce the institutional bias in services for
29 the elderly and people with disabilities by maintaining a range of community-
30 based services and supports offering real choices;

31 (C) Impedes the state's efforts to implement a
32 comprehensive, effectively working Olmstead plan, including components to
33 address the needs of Arkansas' aging population, persons with mental illness,
34 persons with developmental disabilities and other populations of persons with
35 disabilities; and

36 (D) Imposes a significant barrier to community placement



1 by denying access to affordable personal care services in the home.

2 (2)(A) Arkansas is facing a critical shortage of home care
3 workers due to the growing numbers of elderly and people with disabilities
4 who are in need of personal assistance services to remain in their
5 communities;

6 (B) The state has an obligation to provide public services
7 in the least restrictive setting consistent with the choice of and
8 appropriate to the needs of the person being served;

9 (C) Lack of sufficient home health care services in
10 Arkansas has resulted in unjustified isolation or segregation of qualified
11 individuals with disabilities through institutionalization, a form of
12 disability-based discrimination prohibited by the Americans with Disabilities
13 Act; and

14 (D) It is in the best interests of Arkansas and its
15 citizens that the requirement for a permit of approval for home health care
16 service agencies be abolished.

17
18 SECTION 2. Purpose and intent.

19 The purpose of this act is to:

20 (1) Encourage the availability of a full spectrum of health and
21 human service options;

22 (2) Increase the availability of community-based home care
23 services, including consumer-directed personal care, to allow the elderly and
24 people with disabilities to remain in their own home; and

25 (3) Stimulate the development of a variety of innovative home
26 care worker initiatives, collaborations between state agencies, and community
27 partnerships to recruit, train, place and support home care workers.

28
29 SECTION 3. Arkansas Code § 20-8-103(a), concerning the powers and
30 duties of the Health Services Permit Commission, is amended to read as
31 follows:

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

1 SECTION 4. Arkansas Code § 20-8-103, concerning the powers and duties
2 of the Health Services Permit Commission, is amended to add an additional
3 subsection to read as follows:

4 (h) The permit of approval process for home health care service
5 agencies as required under this subchapter is repealed as of the effective
6 date of this act.

7
8 SECTION 5. Arkansas Code § 20-8-106(a), concerning permits issued by
9 the Health Services program, is amended to add a new subdivision as follows:

10 (4) No permit of approval shall be required by the agency or the
11 commission for home health care service agencies.