

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 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H2/11/05

A Bill

HOUSE BILL 1250

5 By: Representatives Bond, S. Prater, J. Martin, Borhauer, Bright
6 By: Senator Salmon
7
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For An Act To Be Entitled

10 AN ACT TO REPEAL THE REQUIREMENT THAT ASSISTED
11 LIVING FACILITIES OBTAIN PERMITS OF APPROVAL; AND
12 FOR OTHER PURPOSES.
13

Subtitle

15 AN ACT TO REPEAL THE REQUIREMENT THAT
16 ASSISTED LIVING FACILITIES OBTAIN
17 PERMITS OF APPROVAL.
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 20-8-101(6)(B), defining terms for the
23 Health Services Permit Agency, is amended to read as follows:

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

28 (i) A "hospital" as defined by and licensed pursuant
29 to § 20-9-201(6), except when a hospital seeks to add long-term care beds or
30 to convert acute beds to long-term care beds or to add home health services
31 pursuant to a letter of intent filed with the Department of Health after
32 February 15, 1993, or to expand home health services pursuant to a letter of
33 intent filed with the Department of Health after February 15, 1993;

34 (ii) Offices of private physicians and surgeons;

35 (iii) Outpatient surgery or imaging centers;

36 (iv) Post-acute head injury retraining and



1 residential care facilities or establishments operated by the federal
2 government or any agency thereof;

3 (v) Free-standing radiation therapy centers;

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

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

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

14 (ix) Any bed or facility used to provide care to
15 delinquent juveniles committed into the care of the Division of Youth
16 Services; or

17 (x) An assisted living facility in a county having
18 a population of seventy-five thousand (75,000) or more persons.

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20 SECTION 2. Arkansas Code § 20-10-1704, concerning the assisted living
21 program, is amended to add an additional subsection to read as follows:

22 (j) Residential care facilities that choose to offer assisted living
23 services are not exempted from assisted living licensure except as provided
24 in this subchapter.

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26 SECTION 3. Arkansas Code § 20-10-1709 is amended to read as follows:
27 20-10-1709. Permit of approval.

28 (a) Facilities located in a county having a population of less than
29 seventy-five thousand (75,000) persons offering assisted living services ~~must~~
30 shall obtain a permit of approval.

31 (b)(1) Provided, however, that However, permits of approval held by
32 residential care facilities as of April 2, 2001, or held by subsequent
33 purchasers of those facilities, shall also be considered permits of approval
34 for assisted living without further action.

35 (2) However, residential care facilities that choose to offer
36 assisted living services are not exempted from assisted living licensure

1 requirements except as provided in § 20-10-1704.

2 ~~(b)(1)(A) Provided, further, that in order to take advantage of a~~
3 ~~Robert Wood Johnson Foundation grant, one (1) new facility chosen by the~~
4 ~~Department of Human Services may serve as a pilot project without the~~
5 ~~necessity of a permit of approval. This facility shall be exempt from the~~
6 ~~permit of approval process provided that in 2001 it is awarded funding from~~
7 ~~the Coming Home Project and tax credits from the Arkansas Development Finance~~
8 ~~Authority.~~

9 ~~(B) The Coming Home Project means the Robert Wood Johnson~~
10 ~~Foundation/NCB Development Corporation grant.~~

11 ~~(2) The facility shall have no more than sixty (60) beds and~~
12 ~~shall serve a population a majority of which is low income as defined by the~~
13 ~~Department of Housing and Urban Development.~~

14 ~~(3) The pilot project facility must still meet all other~~
15 ~~licensure requirements.~~

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17 /s/ Bond, et al
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