

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 87th General Assembly  
3 Regular Session, 2009  
4

# A Bill

SENATE BILL 50

5 By: Senator Faris  
6 By: Representatives Saunders, Shelby  
7

## For An Act To Be Entitled

10 AN ACT TO REQUIRE THE APPROPRIATE STATE AGENCY TO  
11 ADMINISTER SUFFICIENT AVAILABLE PERSONAL CARE  
12 SERVICES TWENTY-FOUR (24) HOURS A DAY AND SEVEN  
13 (7) DAYS A WEEK; AND FOR OTHER PURPOSES.  
14

## Subtitle

15 TO REQUIRE THE APPROPRIATE STATE AGENCY  
16 TO ADMINISTER SUFFICIENT AVAILABLE  
17 PERSONAL CARE SERVICES TWENTY-FOUR (24)  
18 HOURS A DAY AND SEVEN (7) DAYS A WEEK.  
19  
20  
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

24 SECTION 1. Arkansas Code Title 20, Chapter 10 is amended to add an  
25 additional subchapter to read as follows:

26 Subchapter 22. Personal care service providers.

27 20-10-2201. Purpose and intent.

28 (a) The General Assembly recognizes that in order to provide for  
29 appropriate health care for all Arkansans:

30 (1) Personal care service providers are a vital component in the  
31 recovery from an illness or an injury;

32 (2) Sufficient personal care service providers should be  
33 available to meet the needs of all eligible recipients; and

34 (3) Personal care service providers should be allowed to provide  
35 in-home personal care service to eligible recipients twenty-four (24) hours a  
36 day and seven (7) days a week.



1 (b) It is the purpose of this subchapter to:

2 (1) Allow a private care agency to provide in-home personal care  
3 services twenty-four (24) hours a day and seven (7) days a week to eligible  
4 recipients;

5 (2) Provide for the reimbursement of the personal care services  
6 through Medicaid; and

7 (3) Authorize the Department of Human Services in its  
8 administration of the Arkansas Medicaid Program to set forth Medicaid  
9 provider participation requirements for a private care agency that will  
10 ensure sufficient available personal care service providers in order to meet  
11 the needs of all eligible recipients, including available in-home personal  
12 care services twenty-four (24) hours a day and seven (7) days a week.

13 (c) This subchapter does not supersede Department of Human Services  
14 rules that establish monthly benefit limits and prior authorization  
15 requirements.

16 (d) The Department of Human Services is not required to reimburse a  
17 private care agency for twenty-four-hour-a-day and seven-day-a-week personal  
18 care services.

19  
20 20-10-2202. Definitions.

21 As used in this subchapter, "private care agency" means a provider that  
22 is licensed by the Department of Labor and certified as an ElderChoices  
23 Provider and that:

24 (1) Furnishes in-home staffing services for personal care  
25 services that include without limitation, respite services, chore services,  
26 and homemaker services; and

27 (2) Retains liability insurance of not less than one million  
28 dollars (\$1,000,000) to cover its employees and independent contractors while  
29 its employees and independent contractors are engaged in providing personal  
30 care services that include without limitation, respite services, chore  
31 services, and homemaker services.

32  
33 20-10-2203. Private care agencies eligible for Medicaid reimbursement.

34 The Division of Medical Services of the Department of Human Services  
35 shall take such action as required by the Centers for Medicare and Medicaid  
36 Services to amend the Arkansas Medicaid manual to include private care

1 agencies that provide personal care services twenty-four (24) hours a day and  
2 seven (7) days a week as a qualified health care provider that is eligible  
3 for Medicaid reimbursement.

4  
5 20-10-2204. Rules and regulations.

6 (a) The State Board of Health shall promulgate rules necessary to  
7 implement this subchapter.

8 (b) To be eligible for reimbursement under this subchapter, the  
9 private care agency shall provide personal care services that comply with  
10 rules promulgated by the Arkansas Board of Health.

11 (c) The Arkansas Board of Health shall establish a separate licensure  
12 category for private care agencies that provide personal care services  
13 twenty-four (24) hours a day and seven (7) days a week.

14 (d) The Arkansas Department of Health shall implement the Board's  
15 rules and supervise the conduct of the private care agencies as defined under  
16 this subchapter.