

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011

A Bill

HOUSE BILL 1453

4
5 By: Representative Allen

For An Act To Be Entitled

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7
8 AN ACT TO AMEND VARIOUS LAWS REGARDING OVERSIGHT OF
9 ALCOHOL AND DRUG ABUSE TREATMENT PROGRAMS IN ARKANSAS
10 BY THE OFFICE OF ALCOHOL AND DRUG ABUSE PREVENTION OF
11 THE DIVISION OF BEHAVIORAL HEALTH SERVICES OF THE
12 DEPARTMENT OF HUMAN SERVICES; AND FOR OTHER PURPOSES.

Subtitle

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15 AN ACT TO AMEND VARIOUS LAWS REGARDING
16 OVERSIGHT OF ALCOHOL AND DRUG ABUSE
17 TREATMENT PROGRAMS BY THE OFFICE OF
18 ALCOHOL AND DRUG ABUSE PREVENTION.

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

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24 SECTION 1. Arkansas Code § 20-64-901 is amended to read as follows:
25 20-64-901. Purpose.

26 The purpose of this subchapter is to require all persons, partnerships,
27 associations, or corporations holding themselves out to the public as an
28 alcohol and drug abuse treatment program in the State of Arkansas to meet the
29 licensure standards set by the ~~Bureau~~ Office of Alcohol and Drug Abuse
30 Prevention of the Division of Behavioral Health Services of the Department of
31 Human Services, unless expressly exempted by this subchapter.

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33 SECTION 2. Arkansas Code § 20-64-903 is amended to read as follows:
34 20-64-903. Authority – Exemptions – Current programs.

35 (a)(1) The Office of Alcohol and Drug Abuse Prevention of the Division
36 of Behavioral Health Services of the Department of Human Services ~~is vested~~



1 ~~with the authority and duty to establish and promulgate~~ shall adopt rules for
 2 the licensure of alcohol and drug abuse treatment programs in Arkansas.

3 (2) All persons, partnerships, associations, or corporations
 4 establishing, conducting, managing, or operating and holding themselves out
 5 to the public as alcohol abuse, drug abuse, or alcohol and drug abuse
 6 treatment programs ~~must~~ shall be licensed by the office unless expressly
 7 exempted under this subchapter.

8 (3) No person, partnership, association, or corporation will be
 9 allowed to receive federal or state funds for treatment services until it has
 10 received a license.

11 (b) The following programs and persons are exempted from the
 12 requirements of this subchapter:

13 (1) Acute care, hospital-based alcohol and drug abuse treatment
 14 programs governed by §§ 20-9-201 and 20-10-213;

15 (2) Members of the clergy, Christian Science practitioners, and
 16 licensed professionals ~~such as physicians, nurses, psychologists,~~
 17 ~~counselors, social workers, psychological examiners, school counselors,~~
 18 ~~substance abuse counselors, and attorneys~~ working within the standards of
 19 their respective professions, including without limitation:

20 (A) Attorneys;

21 (B) Counselors;

22 (C) Nurses;

23 (D) Physicians;

24 (E) Psychological examiners;

25 (F) Psychologists;

26 (G) School counselors; and

27 (H) Social workers;

28 (3) Treatment directly administered by the United States
 29 Department of Defense or any other federal agency; and

30 (4) Self-help or twelve-step programs such as Alcoholics
 31 Anonymous, Cocaine Anonymous, Narcotics Anonymous, Al-Anon, or Narc-Anon.

32 (c)(1)~~(A) Programs meeting the~~ The office shall license programs,
 33 other than methadone programs, that possess current unrestricted alcohol and
 34 drug abuse treatment program ~~standards of~~ accreditation from the Joint
 35 Commission ~~on Accreditation of Health Care Organizations,~~ the Commission on
 36 Accreditation of Rehabilitation Facilities, or the Council on Accreditation

1 ~~will automatically receive office licensure as licensed alcohol and drug~~
 2 ~~abuse treatment programs~~ if the programs comply with the following license
 3 standards:

- 4 (A) Clinical supervision;
- 5 (B) Health and safety;
- 6 (C) Physical plant;
- 7 (D) Progress note development;
- 8 (E) Treatment plan development; and
- 9 (E) Treatment plan review.

10 ~~(B) The license shall be awarded by the office upon~~
 11 ~~presentation by the program of evidence of accreditation by the Joint~~
 12 ~~Commission on Accreditation of Health Care Organizations, the Commission on~~
 13 ~~Accreditation of Rehabilitation Facilities, or the Council on Accreditation.~~

14 (2)(A) This subsection does not apply to methadone ~~and alpha~~
 15 ~~acetylmethadol~~ treatment programs operating in the State of Arkansas.

16 (B) All methadone ~~and alpha acetylmethadol~~ treatment
 17 programs shall be licensed by the office.

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 19 SECTION 3. Arkansas Code § 20-64-904. is amended to read as follows:
 20 20-64-904. ~~Penalties~~ Licenses.

21 (a)(1) A person who immediately before July 28, 1995, was accredited
 22 to establish, conduct, manage, or operate an alcohol and drug abuse treatment
 23 program ~~pursuant to~~ under former § 20-64-901 et seq. [repealed], shall be
 24 issued a license under this subchapter without a fee.

25 (2) The license shall be subject to be renewed at the time that
 26 the accreditation would have been due for renewal.

27 (b)(1) Any person or program desiring to be licensed as an alcohol and
 28 drug abuse treatment program shall make application to the ~~Bureau of Alcohol~~
 29 ~~and Drug Abuse Prevention~~ Office of Alcohol and Drug Abuse Prevention of the
 30 Division of Behavioral Health Services of the Department of Human Services on
 31 forms prescribed by the ~~bureau~~ office and shall furnish ~~such information with~~
 32 ~~the application as shall be~~ the application information required by the
 33 ~~bureau~~ office.

34 (2)(A) Each application for licensure shall be accompanied by a
 35 nonrefundable license fee of seventy-five dollars (\$75.00).

36 (B) An additional fee will be paid by the entity seeking

1 licensure at the end of the licensure review process for costs of the
2 licensure review.

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