

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

SENATE BILL 577

5 By: Senators K. Hammer, B. Ballinger  
6 By: Representatives D. Douglas, Maddox  
7

## For An Act To Be Entitled

9 AN ACT TO INCREASE THE NUMBER OF PERSONS SERVED UNDER  
10 THE ASSISTED LIVING PROGRAM TO ONE THOUSAND FIVE  
11 HUNDRED FIFTY (1,550); TO REMOVE A LIMITATION ON THE  
12 NUMBER OF PERSONS SERVED AT A TIME IN THE ASSISTED  
13 LIVING PROGRAM; TO DECLARE AN EMERGENCY; AND FOR  
14 OTHER PURPOSES.  
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## Subtitle

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18 TO INCREASE THE NUMBER OF PERSONS SERVED  
19 UNDER THE ASSISTED LIVING PROGRAM TO ONE  
20 THOUSAND FIVE HUNDRED FIFTY (1,550); TO  
21 REMOVE THE LIMIT ON THE NUMBER OF PERSONS  
22 SERVED AT A TIME IN THE PROGRAM; AND TO  
23 DECLARE AN EMERGENCY.  
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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 § 20-10-1704(g), concerning the assisted  
29 living program, is amended to read as follows:

30 (g)(1) The department shall take all actions necessary to develop a  
31 home- and community-based care waiver application in accordance with §  
32 1915(c) of the Social Security Act.

33 (2) The waiver application shall seek federal financial  
34 participation to increase access to services in assisted living facilities by  
35 raising Medicaid income and resource limits to the maximum eligibility level  
36 of other home- and community-based waivers in effect.



1           (3)(A) The waiver application shall seek permission to serve a  
2 ~~minimum of one thousand (1,000) persons at a time~~ at least one thousand five  
3 hundred fifty (1,550) persons and shall be submitted to the Centers for  
4 Medicare & Medicaid Services by ~~June 30, 2001~~ May 1, 2019.

5           (B) The waiver shall not limit the number of persons  
6 served under the waiver based on a unduplicated number of persons enrolled in  
7 the assisted living program at a given time period.

8           (4) The department’s implementation of the waiver shall be  
9 reasonable and shall not have the effect of excluding residential care  
10 facilities ~~which~~ that have become assisted living facilities under the  
11 provisions of this subchapter.

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13           SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
14 General Assembly of the State of Arkansas that assisted living patients are  
15 not receiving care due to the limitation of the number of persons served by  
16 the assisted living program; that assisted living providers are providing  
17 care for assisted living patients who are waiting to be enrolled in the  
18 assisted living program due to the limitation on the number of persons served  
19 by the assisted living program at a time; that increasing the number of the  
20 persons served under the assisted living program and removing the limitation  
21 on the number of persons served at a time in the assisted living program will  
22 ensure that citizens of Arkansas receive the appropriate care needed and that  
23 assisted living providers are reimbursed for their services; that this act  
24 requires the Department of Human Services to request from the Centers for  
25 Medicare and Medicaid Services an amendment to the existing waiver concerning  
26 the assisted living program; and that this act is immediately necessary to  
27 ensure that the citizens of Arkansas have access to the assisted living  
28 program and to provide assisted living providers certainty about the law  
29 regarding the assisted living program. Therefore, an emergency is declared to  
30 exist, and this act being immediately necessary for the preservation of the  
31 public peace, health, and safety shall become effective on:

32           (1) The date of its approval by the Governor;

33           (2) If the bill is neither approved nor vetoed by the Governor,  
34 the expiration of the period of time during which the Governor may veto the  
35 bill; or

36           (3) If the bill is vetoed by the Governor and the veto is

1 overridden, the date the last house overrides the veto.

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