

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

As Engrossed: S4/2/19

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 DECLARE AN EMERGENCY; AND
12 FOR OTHER PURPOSES.
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Subtitle

15 TO INCREASE THE NUMBER OF PERSONS SERVED
16 UNDER THE ASSISTED LIVING PROGRAM TO ONE
17 THOUSAND FIVE HUNDRED FIFTY (1,550); AND
18 TO DECLARE AN EMERGENCY.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. DO NOT CODIFY. Legislative purpose.

25 It is the purpose of the General Assembly to reaffirm the commitment of
26 the General Assembly to the legislative intent of the Arkansas Assisted
27 Living Act, § 20-10-1701 et seq., which created within the Department of
28 Human Services an assisted living program for the State of Arkansas.
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30 SECTION 2. Arkansas Code § 20-10-1702(a), concerning the purpose of
31 the Arkansas Assisted Living Act, is amended to read as follows:

32 (a) The purpose of this subchapter is to:

33 (1) Promote the availability of appropriate services for elderly
34 persons and adults with disabilities in the least restrictive and most
35 homelike environment;

36 (2) Encourage the development of facilities that promote the



1 dignity, individuality, privacy, and decision-making ability of those
2 persons;

3 (3) Provide for the health, safety, and welfare of residents of
4 facilities offering assisted living services in the state;

5 (4) Promote continued improvement of those facilities;

6 (5) Include residential care facilities in the assisted living
7 program; ~~and~~

8 (6) Encourage the development of innovative and affordable
9 facilities, particularly for persons with low to moderate incomes; and

10 (7) Ensure the sustainability of the assisted living program and
11 the financial stability of facilities offering assisted living services in
12 the state.

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14 SECTION 3. Arkansas Code § 20-10-1704(g), concerning the assisted
15 living program, is amended to read as follows:

16 (g)(1) The department shall take all actions necessary to develop a
17 home- and community-based care waiver application in accordance with §
18 1915(c) of the Social Security Act.

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

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

27 (4) The department's implementation of the waiver shall be
28 reasonable and shall not have the effect of excluding residential care
29 facilities ~~which~~ that have become assisted living facilities under the
30 provisions of this subchapter.

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32 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
33 General Assembly of the State of Arkansas that assisted living patients are
34 not receiving care due to the limitation of the number of persons served by
35 the assisted living program; that assisted living providers are providing
36 care for assisted living patients who are waiting to be enrolled in the

1 assisted living program due to the limitation on the number of persons served
2 by the assisted living program at a time; that increasing the number of the
3 persons served under the assisted living program and removing the limitation
4 on the number of persons served at a time in the assisted living program will
5 ensure that citizens of Arkansas receive the appropriate care needed and that
6 assisted living providers are reimbursed for their services; that this act
7 requires the Department of Human Services to request from the Centers for
8 Medicare and Medicaid Services an amendment to the existing waiver concerning
9 the assisted living program; and that this act is immediately necessary to
10 ensure that the citizens of Arkansas have access to the assisted living
11 program and to provide assisted living providers certainty about the law
12 regarding the assisted living program. Therefore, an emergency is declared to
13 exist, and this act being immediately necessary for the preservation of the
14 public peace, health, and safety shall become effective on:

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

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

19 (3) If the bill is vetoed by the Governor and the veto is
20 overridden, the date the last house overrides the veto.

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23 */s/K. Hammer*
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