

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1583

5 By: Representative Unger
6 By: Senator C. Penzo
7

For An Act To Be Entitled

9 AN ACT TO EXEMPT FACILITIES THAT PROVIDE CONTINUING
10 CARE, INCLUDING WITHOUT LIMITATION A CONTINUING CARE
11 RETIREMENT COMMUNITY OR A LIFE-CARE FACILITY, FROM
12 THE QUALITY ASSURANCE FEE FOR NURSING FACILITIES; AND
13 FOR OTHER PURPOSES.
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Subtitle

16 TO EXEMPT FACILITIES THAT PROVIDE
17 CONTINUING CARE, INCLUDING WITHOUT
18 LIMITATION A CONTINUING CARE RETIREMENT
19 COMMUNITY OR A LIFE-CARE FACILITY, FROM
20 THE QUALITY ASSURANCE FEE FOR NURSING
21 FACILITIES.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. DO NOT CODIFY. Legislative finding and intent.

28 (a) The General Assembly finds that requiring a quality assurance fee
29 from a facility that provides continuing care, but depriving a facility that
30 provides continuing care from a benefit of the quality assurance fee is
31 taxation without representation and is in violation of the Fifth Amendment
32 and the Fourteenth Amendment to the United States Constitution.

33 (b) It is the intent of the General Assembly that a facility that is
34 providing continuing care as defined by § 23-93-103(2) and is licensed under
35 the Continuing Care Provider Regulation Act, § 23-93-101 et seq., including
36 without limitation a continuing care retirement community or a life-care



1 facility, is exempt from the quality assurance fee under § 20-10-1601 et seq.

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3 SECTION 2. Arkansas Code § 20-10-1604, concerning administration of
4 the quality assurance fee for nursing facilities, is amended to add an
5 additional subsection to read as follows:

6 (e)(1) A facility that is providing continuing care as defined by §
7 23-93-103(2) and is licensed under the Continuing Care Provider Regulation
8 Act, § 23-93-101 et seq. and § 23-93-201 et seq., including without
9 limitation a continuing care retirement community or a life-care facility, is
10 exempt from the assessment imposed under this subchapter unless the exemption
11 is adjudged to be unconstitutional or otherwise determined to be invalid.

12 (2) If the exemption under subdivision (e)(1) of this section is
13 adjudged to be unconstitutional or otherwise determined to be invalid, the
14 exempted facility shall pay the assessment imposed under this subchapter.