

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Representative Goodwin**

A Bill

ACT 173 OF 1995
HOUSE BILL 1337

For An Act To Be Entitled

8 "AN ACT TO REQUIRE ALL PERSONS, PARTNERSHIPS,
9 ASSOCIATIONS, OR CORPORATIONS HOLDING THEMSELVES OUT TO
10 THE PUBLIC AS AN ALCOHOL/DRUG ABUSE TREATMENT PROGRAM TO
11 BE LICENSED BY THE BUREAU OF ALCOHOL AND DRUG ABUSE
12 PREVENTION AND TO SET A FEE FOR THE LICENSE REVIEW; TO
13 REPEAL ARKANSAS CODE 20-64-901 THROUGH 20-64-909
14 CONCERNING ACCREDITATION OF ALCOHOL/DRUG ABUSE TREATMENT
15 PROGRAMS; AND FOR OTHER PURPOSES."

Subtitle

18 "AN ACT TO LICENSE ALCOHOL/DRUG ABUSE
19 TREATMENT PROGRAMS."

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

24 SECTION 1. Purpose. The purpose of this act is to require all persons,
25 partnerships, associations, or corporations holding themselves out to the public
26 as an alcohol and drug abuse treatment program in the state of Arkansas to
27 meet the licensure standards set by the Bureau of Alcohol and Drug Abuse
28 Prevention of the Arkansas Department of Health unless expressly exempted by
29 the act.

31 SECTION 2. Definitions.

32 (1) An "Alcohol/ Drug Abuse Treatment Program" is a program that
33 renders or offers to render to a person or group of persons for any service
34 that assists the person or group to develop an understanding of alcoholism and
35 drug dependency problems, and to define goals and plan courses of action
36 reflecting the person_s or group_s interests, abilities and needs as affected

1 by alcoholism and drug dependency problems. It includes actions taken with
2 the intent of the cessation of harmful or addictive use of alcohol, or other
3 drugs. It includes but is not restricted to one or more of the following:

4 (a) Counseling with individuals, families or groups;

5 (b) Helping persons or families obtain other services appropriate to
6 alcoholism and drug abuse rehabilitation; and

7 (c) Engaging in alcoholism and drug abuse research, education or
8 prevention through the administration of alcoholism and drug abuse counseling.

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10 SECTION 3. Authority. (a) The Bureau of Alcohol and Drug Abuse
11 Prevention of the Arkansas Department of Health is vested with the authority
12 and duty to establish and promulgate rules for the licensure of alcohol and
13 drug abuse treatment programs in Arkansas.

14 (b) All persons, partnerships, associations, or corporations
15 establishing, conducting, managing, or operating and holding itself out to the
16 public as alcohol, drug, or alcohol and drug abuse treatment must be licensed
17 by the Bureau of Alcohol and Drug Abuse Prevention.

18 (c) No person, partnership, association or corporation will be allowed
19 to receive federal or state funds for treatment services until they have
20 received such license.

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22 SECTION 4. Exemptions. The following programs and persons are exempted
23 from the requirements of this act:

24 (a) Acute care, hospital based alcohol and drug abuse treatment programs
25 governed by Arkansas Code 20-9-201; 20-9-218; and 20-10-213.

26 (b) Members of the clergy, Christian Science practitioners, and licensed
27 professionals such as physicians, nurses, psychologists, counselors, social
28 workers, psychological examiners, school counselors, substance abuse
29 counselors, and attorneys working within the standards of their respective
30 professions.

31 (c) Programs meeting the alcohol/drug abuse program standards of the
32 Joint Commission on the Accreditation of Health Care Organizations (JCAHO) or
33 the Commission on Accreditation of Rehabilitation Facilities (CARF) will
34 automatically receive Bureau of Alcohol and Drug Abuse Prevention Licensure as
35 a licensed alcohol/drug abuse treatment program and such license shall be

1 awarded by the Bureau of Alcohol and Drug Abuse Prevention upon presentation
2 by said program of evidence of JCAHO or CARF accreditation.

3 (d) Treatment directly administered by the Department of Defense or any
4 other Federal Agency.

5 (e) Self help or Twelve Step programs such as Alcoholics Anonymous,
6 Cocaine Anonymous, Narcotics Anonymous, Al-Anon or Narc-Anon.

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8 SECTION 5. Applications. (a) Any person or program desiring to be
9 licensed as an alcohol/drug abuse treatment program shall make application to
10 the Bureau of Alcohol and Drug Abuse Prevention on forms prescribed by the
11 Bureau of Alcohol and Drug Abuse Prevention and shall furnish such
12 information with the application as shall be required by the Bureau.

13 (b) Each application for licensure shall be accompanied by a
14 nonrefundable license fee of seventy-five dollars (\$75.00). An additional fee
15 will be paid by the entity seeking licensure at the end of the licensure
16 review process for costs of the licensure review.

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18 SECTION 6. Disposition of Funds. All application fees and
19 licensure fees will be paid to the Bureau of Alcohol and Drug Abuse
20 Prevention. The Bureau of Alcohol and Drug Abuse Prevention will transfer
21 said money to the State Treasury, and said money shall be specially designated
22 for transfer to the Alcohol and Drug Abuse Prevention Fund Account to cover
23 maintenance and operation expenses incurred by the licensure review process.

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25 SECTION 7. Penalties. (a) Any person, partnership, association, or
26 corporation establishing, conducting, managing, or operating any alcohol,
27 drug, or alcohol and drug abuse treatment program within the meaning of this
28 act without first obtaining licensure shall be guilty of a class A misdemeanor
29 and upon conviction shall be liable to a fine imposed pursuant to a class A
30 misdemeanor.

31 (b) Each day an alcohol and drug abuse treatment program shall operate
32 after a first conviction shall be considered a class D felony and upon
33 conviction shall be liable to a fine imposed pursuant to a class D felony.

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35 SECTION 8. Renewal. (a) Each alcohol and drug abuse program licensure

1 shall be renewed annually upon a payment of a fee of seventy-five dollars
2 (\$75.00) by January 30th of each year to the Bureau of Alcohol and Drug Abuse
3 Prevention.

4 (b) If any person or program covered by this act fails to make
5 application for renewal of its license within one (1) year after expiration of
6 its license, the license of the person or entity shall be revoked. That person
7 shall not be issued a new license unless the person or entity makes
8 application therefore, and meets all requirements for licensure in effect at
9 the time of the application is filed.

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11 SECTION 9. Current Programs. (a) Any person, partnership, association,
12 or corporation establishing, conducting, managing, or operating any alcohol,
13 drug, or alcohol and drug abuse treatment program in Arkansas, and not
14 exempted by the terms of this act, unless currently accredited by the Bureau
15 of Alcohol and Drug Abuse Prevention, shall have one (1) year from the date of
16 passage of this act to complete the requirements for licensure by the Bureau
17 of Alcohol and Drug Abuse Prevention.

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19 SECTION 10. Reporting Requirements.

20 All persons, partnerships, associations, or corporations operating
21 alcohol and drug abuse treatment programs in the state of Arkansas, whether
22 licensed by the Bureau of Alcohol and Drug Abuse Prevention or expressly
23 exempted from licensure, shall be required to furnish such information at such
24 times and in such form as may be required by the Bureau of Alcohol and Drug
25 Abuse Prevention. The Bureau shall promulgate regulations and prescribe forms
26 for the implementation of this section.

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28 SECTION 11. Appeal Process. (a) The Alcohol and Drug Abuse Authority
29 created in Arkansas Code 20-60-605 shall have the power and authority to hear
30 appeals regarding decisions by the Bureau of Alcohol and Drug Abuse Prevention
31 not to license an alcohol, drug, or alcohol and drug abuse program under this
32 act.

33 (b) All hearings and proceedings under this section shall be conducted
34 in accordance with the Administrative Procedures Act.

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1 SECTION 12. A person who immediately before the effective date of this
2 act was accredited to establish, conduct, manage, or operate an alcohol and
3 drug abuse treatment program pursuant to Arkansas Code 20-64-901 et seq.,
4 shall be issued a licensed under this act without a fee. The license shall be
5 subject to be renewed at the time that the accreditation would have been due
6 for renewal.

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8 SECTION 13. Arkansas Code 20-64-901 through 20-64-909 is repealed.

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10 SECTION 14. All provisions of this act of a general and permanent nature
11 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
12 Revision Commission shall incorporate the same in the Code.

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14 SECTION 15. If any provision of this act or the application thereof to
15 any person or circumstance is held invalid, such invalidity shall not affect
16 other provisions or applications of the act which can be given effect without
17 the invalid provision or application, and to this end the provisions of this
18 act are declared to be severable.

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20 SECTION 16. All laws and parts of laws in conflict with this act are
21 hereby repealed.

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APPROVED: 2-6-95

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