

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

# A Bill

Act 506 of 1999  
SENATE BILL 425

5 By: Senators Bradford, Wilson, Bearden, Ross, B. Walker, Fitch, Gwatney, Beebe, Mahony, K. Smith  
6 By: Representatives Horn, Teague, Kidd, B. Johnson, Allison, Vess, Broadway, Biggs, Trammell, Faris,  
7 Jones, T. Thomas, Ammons, Wood, Elliott, M. Steele, P. Malone, Gullett, Parks, Hunt  
8  
9

## For An Act To Be Entitled

10 "AN ACT TO AMEND ARKANSAS CODE § 20-9-219 TO PROVIDE  
11 FOR THE VOLUNTARY SUBSTITUTION OF HOSPITAL SURVEYS  
12 CONDUCTED BY THE JOINT COMMISSION ON ACCREDITATION OF  
13 HEALTHCARE ORGANIZATIONS (JCAHO) FOR SURVEYS CONDUCTED  
14 BY THE ARKANSAS DEPARTMENT OF HEALTH WHEN THE HOSPITAL  
15 RECEIVES FULL ACCREDITATION OF HEALTHCARE  
16 ORGANIZATIONS AND DURING THE TERM OF ACCREDITATION. "  
17  
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## Subtitle

19 "TO SUBSTITUTE ACCREDITATION SURVEYS BY  
20 THE JOINT COMMISSION ON ACCREDITATION  
21 FOR STATE LICENSING SURVEYS FOR  
22 HOSPITALS WHICH ARE ACCREDITED. "  
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26 WHEREAS, the Arkansas Department of Health has been charged with the  
27 responsibility for conducting surveys of inpatient hospital facilities to  
28 ensure that each complies with the rules and regulations adopted by the  
29 Arkansas State Department of Health; and  
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31 WHEREAS, the Joint Commission on Accreditation of Healthcare  
32 Organizations performs rigorous surveys in connection with its accreditation  
33 process, refusing accreditation to those hospitals which do not meet the Joint  
34 Commission on Accreditation of Healthcare Organizations' standards; and  
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36 WHEREAS, many hospitals choose to engage the Joint Commission on

1 Accreditation of Healthcare Organizations to perform surveys in order to  
2 receive accreditation; and

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4 WHEREAS, the Joint Commission on Accreditation of Healthcare  
5 Organization is recognized for the rigor of its surveys, which are performed  
6 on a regular schedule; and

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8 WHEREAS, forty-four (44) states recognize surveys and accreditation by  
9 the Joint Commission on Accreditation of Healthcare Organizations as adequate  
10 substitutes for state surveys and accordingly deem them to be sufficient to  
11 meet survey requirements, and

12  
13 WHEREAS, the duplicate surveys are costly to hospitals, leading to costs  
14 which are higher than would be necessary if only one (1) survey was required;  
15 and

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17 WHEREAS, it is in the public interest that Arkansas hospitals be  
18 surveyed by expert surveyors at the lowest cost for the provision of quality  
19 reviews.

20  
21 NOW THEREFORE,

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

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24 SECTION 1. Findings. The General Assembly of the State of Arkansas  
25 hereby finds and declares that the citizens of Arkansas are entitled to  
26 receive health care in hospitals which have been surveyed on a regular basis  
27 to ensure high quality care, that a hospital must undergo two (2) duplicate  
28 surveys when they decide to become accredited by the Joint Commission on  
29 Accreditation of Healthcare Organizations, and that this duplication is costly  
30 and without effect on the quality of hospital care whenever a hospital, after  
31 survey, is accredited by the Joint Commission on Accreditation of Healthcare  
32 Organizations.

33  
34 SECTION 2 Arkansas Code § 20-9-219 is amended to read as follows:

35 "20-9-219. Inspections of facilities.

36 (a) As used in this section:

1           (1) 'Hospital' means a facility used for the purpose of providing  
2 inpatient diagnostic care or treatment, including general medical care,  
3 surgical care, obstetrical care, psychiatric care, and specialized services or  
4 specialized treatment which is subject to the rules and regulations for  
5 Hospitals and Related Institutions in Arkansas. It does not mean a facility  
6 primarily for the provision of long-term care;

7           (2) 'Joint Commission on Accreditation of Healthcare  
8 Organizations' and 'JCAHO' means the national accrediting body for hospitals,  
9 which performs on-site surveys of compliance with its regulations at regular  
10 intervals to ensure that the hospital provides quality care sufficient to  
11 justify accreditation;

12           (3) 'Department' means the Arkansas Department of Health and  
13 'Division' means the Department's Division of Health Facility Services;

14           (4) 'Survey' means the on-site formal review process of a  
15 hospital by the Division at regular intervals to ensure compliance with  
16 applicable rules and regulations adopted by the Department;

17           (5) 'Investigation' means a specific inspection by the Division  
18 related to a complaint or complaints; and

19           (6) 'Inspection' means the on-site review of the physical plant  
20 and practices as governed by the current rules and regulations of Hospitals  
21 and Related Institutions.

22           (b) The Department shall make such inspections and surveys as it may  
23 prescribe by regulation.

24           (c) All hospitals which are accredited by the Joint Commission on  
25 Accreditation of Healthcare Organizations (JCAHO) shall be deemed by the  
26 Department to be licensable without further survey by the personnel of the  
27 Division of Health Facility Services ('Division') if:

28           (1) the hospital holds current, full accreditation; and

29           (2) the Division receives a copy of the hospital's official  
30 accreditation certificate and the complete report issued by the JCAHO within  
31 thirty (30) days of receipt by the hospital from the JCAHO or within thirty  
32 (30) days of the effective date of the section.

33           (d) No hospital shall be required to submit accreditation by the JCAHO,  
34 but whenever a hospital does not submit a JCAHO accreditation certificate, the  
35 personnel of the Department shall conduct such surveys as are prescribed by  
36 regulation.

1       (e) Nothing in this section shall affect the right of an authorized  
 2 representative of the Department to enter upon or into the premises of a  
 3 hospital at any time to make an inspection as part of an investigation when  
 4 the Department does so in response to a complaint or specific identifiable  
 5 information that the hospital is not meeting minimum quality standards. In  
 6 the event that the Division upon review of a JCAHO report, reasonably  
 7 determines that a hospital may not be meeting state licensure standards, it  
 8 may perform a survey of that hospital and take such steps as are necessary to  
 9 enforce the Department's standards.

10       (f) A validation survey may be conducted on five percent (5%) of deemed  
 11 hospitals during any calendar year to determine continued compliance with  
 12 state regulations.

13       (g) The Department shall continue to have authority over new  
 14 construction, renovation and alterations of the hospitals as set forth in the  
 15 current regulations.

16       (h) All hospitals must notify the Division within thirty (30) days when  
 17 there is a change in accreditation status.

18       (i) A staff member of the Division may accompany the JCAHO team that  
 19 conducts any hospital accreditation survey as an ex-officio member for the  
 20 purpose of observation."

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 22       SECTION 3. All provisions of this act of a general and permanent nature  
 23 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
 24 Revision Commission shall incorporate the same in the Code.

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 26       SECTION 4. If any provision of this act or the application thereof to  
 27 any person or circumstance is held invalid, such invalidity shall not affect  
 28 other provisions or applications of the act which can be given effect without  
 29 the invalid provision or application, and to this end the provisions of this  
 30 act are declared to be severable.

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 32       SECTION 5. All laws and parts of laws in conflict with this act are  
 33 hereby repealed.

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 36   APPROVED: 3/9/1999