

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.
Act 5 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

A Bill

SENATE BILL 50

4
5 By: Senator Faris
6 By: Representatives Saunders, Shelby

For An Act To Be Entitled

10 AN ACT TO REQUIRE THE APPROPRIATE STATE AGENCY TO
11 ADMINISTER SUFFICIENT AVAILABLE PERSONAL CARE
12 SERVICES TWENTY-FOUR (24) HOURS A DAY AND SEVEN
13 (7) DAYS A WEEK; AND FOR OTHER PURPOSES.

Subtitle

15 TO REQUIRE THE APPROPRIATE STATE AGENCY
16 TO ADMINISTER SUFFICIENT AVAILABLE
17 PERSONAL CARE SERVICES TWENTY-FOUR (24)
18 HOURS A DAY AND SEVEN (7) DAYS A WEEK.

19
20
21
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

23
24 SECTION 1. Arkansas Code Title 20, Chapter 10 is amended to add an
25 additional subchapter to read as follows:

26 Subchapter 22. Personal care service providers.

27 20-10-2201. Purpose and intent.

28 (a) The General Assembly recognizes that in order to provide for
29 appropriate health care for all Arkansans:

30 (1) Personal care service providers are a vital component in the
31 recovery from an illness or an injury;

32 (2) Sufficient personal care service providers should be
33 available to meet the needs of all eligible recipients; and

34 (3) Personal care service providers should be allowed to provide
35 in-home personal care service to eligible recipients twenty-four (24) hours a



1 day and seven (7) days a week.

2 (b) It is the purpose of this subchapter to:

3 (1) Allow a private care agency to provide in-home personal care
4 services twenty-four (24) hours a day and seven (7) days a week to eligible
5 recipients;

6 (2) Provide for the reimbursement of the personal care services
7 through Medicaid; and

8 (3) Authorize the Department of Human Services in its
9 administration of the Arkansas Medicaid Program to set forth Medicaid
10 provider participation requirements for a private care agency that will
11 ensure sufficient available personal care service providers in order to meet
12 the needs of all eligible recipients, including available in-home personal
13 care services twenty-four (24) hours a day and seven (7) days a week.

14 (c) This subchapter does not supersede Department of Human Services
15 rules that establish monthly benefit limits and prior authorization
16 requirements.

17 (d) The Department of Human Services is not required to reimburse a
18 private care agency for twenty-four-hour-a-day and seven-day-a-week personal
19 care services.

20
21 20-10-2202. Definitions.

22 As used in this subchapter, "private care agency" means a provider that
23 is licensed by the Department of Labor and certified as an ElderChoices
24 Provider and that:

25 (1) Furnishes in-home staffing services for personal care
26 services that include without limitation, respite services, chore services,
27 and homemaker services; and

28 (2) Retains liability insurance of not less than one million
29 dollars (\$1,000,000) to cover its employees and independent contractors while
30 its employees and independent contractors are engaged in providing personal
31 care services that include without limitation, respite services, chore
32 services, and homemaker services.

33
34 20-10-2203. Private care agencies eligible for Medicaid reimbursement.

35 The Division of Medical Services of the Department of Human Services
36 shall take such action as required by the Centers for Medicare and Medicaid

1 Services to amend the Arkansas Medicaid manual to include private care
2 agencies that provide personal care services twenty-four (24) hours a day and
3 seven (7) days a week as a qualified health care provider that is eligible
4 for Medicaid reimbursement.

5
6 20-10-2204. Rules and regulations.

7 (a) The State Board of Health shall promulgate rules necessary to
8 implement this subchapter.

9 (b) To be eligible for reimbursement under this subchapter, the
10 private care agency shall provide personal care services that comply with
11 rules promulgated by the Arkansas Board of Health.

12 (c) The Arkansas Board of Health shall establish a separate licensure
13 category for private care agencies that provide personal care services
14 twenty-four (24) hours a day and seven (7) days a week.

15 (d) The Arkansas Department of Health shall implement the Board's
16 rules and supervise the conduct of the private care agencies as defined under
17 this subchapter.

18
19 **APPROVED: 2/2/2009**
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36