

As Engrossed: 2/14/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A Bill

HOUSE BILL 1665

4 **By: Representatives Flanagan, Goodwin and Pollan**

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For An Act To Be Entitled

8 "AN ACT TO AMEND TITLE 9, CHAPTER 28, SUBCHAPTER 4 OF THE
9 ARKANSAS CODE OF 1987 TO ALLOW A LICENSE TO REMAIN IN
10 EFFECT UNTIL SUSPENDED, REVOKED, OR CLOSED; TO PROVIDE FOR
11 THE EXPIRATION OF LICENSES; AND FOR OTHER PURPOSES."

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

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15 SECTION 1. Arkansas Code §9-28-409 is hereby amended to read as
16 follows:

17 "9-28-409. Licenses - Application, issuance, etc.

18 (a) An applicant may apply for a license to plan for the placement of
19 children, place children in institutions, place children in foster homes, and
20 place children in adoptive homes, or the applicant may limit the application
21 to one (1) or more of these services.

22 (b) Application for a child placement agency license or renewal shall
23 be made on forms approved by the director.

24 (c) The director shall issue a license to any applicant which:

25 (1) Gives satisfactory evidence of financial responsibility;

26 (2) Has sufficient personnel, properly qualified, to provide

27 child placement services and to provide for the needs of children who may

28 reasonably be expected to be in the applicant's charge as an incident to

29 placement of the children;

30 (3) Has suitable and adequate facilities and administrative
31 capabilities for the conduct of its programs;

32 (4) Complies with the standards contained in regulations made
33 pursuant to this subchapter; and

34 (5) Upon receipt of a completed application, and pending the

35 renewal of the license, the current license shall remain in effect unless it

1 is suspended, revoked, the licensed agency closes, or no longer requires a
2 license under this subchapter.

3 (d) (1) If a completed application containing all the information
4 required by regulations for renewal is not received by the expiration date of
5 the current license, the current license shall expire and the agency shall
6 cease operation. The appropriate division of the Department of Human Services
7 shall verify that the agency has ceased operations. If an agency license has
8 lapsed, the agency cannot operate until a license is issued.

9 (2) The granting or denial of an application for a license
10 pursuant to this subchapter shall constitute final action of the Director of
11 the Arkansas Department of Human Services subject to review in accordance with
12 the Arkansas Administrative Procedure Act, §25-15-201 et seq.

13 (e) Upon issuance of a license or a renewal there shall be paid to the
14 director a license fee which shall be determined by regulation.

15 (f) A child placement agency license shall be issued for a term of
16 three (3) years and shall be renewable for like terms by the holder, provided
17 that the holder continues to meet all requirements for licensure.

18 (g) (1) A child placement agency which is applying for an initial
19 license shall receive a provisional license which shall entitle the holder to
20 all rights and privileges conferred by a child placement agency license but
21 which shall have a term of one (1) year.

22 (2) An applicant for a provisional license shall be required to
23 satisfy the director that it is prepared to meet all requirements for
24 licensure upon the issuance of a license."

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26 SECTION 2. All provisions of this act of a general and permanent nature
27 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
28 Revision Commission shall incorporate the same in the Code.

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30 SECTION 3. If any provision of this act or the application thereof to
31 any person or circumstance is held invalid, such invalidity shall not affect
32 other provisions or applications of the act which can be given effect without
33 the invalid provision or application, and to this end the provisions of this
34 act are declared to be severable.

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1 SECTION 4. All laws and parts of laws in conflict with this act are
2 hereby repealed.

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/s/P. Flanagan, et al