

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.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003  
4

*As Engrossed: S3/27/03*

# A Bill

SENATE BILL 320

5 By: Senators Wooldridge, Miller, Critcher  
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## For An Act To Be Entitled

9 AN ACT TO AMEND THE CHILD WELFARE AGENCY ACT; AND  
10 FOR OTHER PURPOSES.  
11  
12  
13

## Subtitle

15 AN ACT TO AMEND THE CHILD WELFARE AGENCY  
16 ACT.  
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 *SECTION 1. Arkansas Code § 9-28-407(a), concerning licenses required*  
22 *and issued by the Child Welfare Agency Review Board, is amended to read as*  
23 *follows:*

24 *(a)(1) It shall be unlawful for any person, partnership, group,*  
25 *corporation, association, or other entity or identifiable group of entities*  
26 *having a coordinated ownership of controlling interest, to operate or assist*  
27 *in the operation of a child welfare agency which has not been licensed by the*  
28 *Child Welfare Agency Review Board from licensing pursuant to this subchapter.*

29 *(2) This license shall be required in addition to any other*  
30 *license required by law for all entities that fit the definition of a child*  
31 *welfare agency and are not specifically exempted, except that no*  
32 *nonpsychiatric residential treatment facility or agency licensed or exempted*  
33 *pursuant to this subchapter shall be deemed to fall within the meaning of §*  
34 *20-10-101 (8) for any purpose.*

35 *(3) Any child welfare agency licensed or permitted by the board*  
36 *as of ~~1999~~ March 1, 2003 is exempted from ~~the requirements of law:~~*



1 (A) ~~To obtain a~~ Obtaining any license or permit from the  
2 Office of Long-Term Care of the Division of Medical Services of the  
3 Department of Human Services; and

4 (B) ~~To obtain a~~ Obtaining any permit from the Health  
5 Services Permit Agency ~~and or the~~ Health Services Permit Commission to  
6 operate at the capacity licensed by the board as of March 1, 2003; and

7 (C) Obtaining any permit from the Health Services Permit  
8 Agency or the Health Services Permit Commission to operate any future  
9 expanded capacity serving only non Arkansas residents unless a permit is  
10 required by federal law or regulation.

11 (4) Any further expansion of capacity by a licensee of the board  
12 shall require a license or permit from the Office of Long Term Care of the  
13 Division of Medicaid Services or the Department of Human Services and the  
14 Health Services Permit Agency unless the bed expansion is exempted under  
15 subdivisions (a)(3)(A), (B), and (C) of this section.

16  
17 SECTION 2. Arkansas Code § 20-8-107, concerning approval of expansion  
18 or services at health care facilities by the Health Services Permit  
19 Commission, is amended to add an additional subsection to read as follows:

20 (c) In no event shall the requirements of this subchapter apply to any  
21 facility licensed or approved as of March 1, 2003, by the Child Welfare  
22 Agency Review Board, pursuant to § 9-28-401 and as specifically exempted by §  
23 9-28-407(a)(3).

24 /s/ Wooldridge

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