

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 86th General Assembly  
3 Regular Session, 2007  
4

# A Bill

HOUSE BILL 1382

5 By: Representatives Bond, S. Prater  
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## For An Act To Be Entitled

9 AN ACT TO REPEAL THE REQUIREMENT THAT ASSISTED  
10 LIVING FACILITIES OBTAIN PERMITS OF APPROVAL; AND  
11 FOR OTHER PURPOSES.  
12

## Subtitle

13 AN ACT TO REPEAL THE REQUIREMENT THAT  
14 ASSISTED LIVING FACILITIES OBTAIN  
15 PERMITS OF APPROVAL.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 20-8-101(6)(B), defining terms for the  
22 Health Services Permit Agency, is amended to read as follows:

23 (B) "Health facility" or "health facilities" shall not  
24 mean and nothing in this subchapter shall be deemed to require a permit of  
25 approval for or to otherwise regulate in any manner the licensure of:

26 (i) A "hospital" as defined by and licensed pursuant  
27 to § 20-9-201, except when a hospital seeks to add long-term care beds or to  
28 convert acute beds to long-term care beds or to add home health services  
29 pursuant to a letter of intent filed with the Division of Health of the  
30 Department of Health and Human Services after February 15, 1993, or to expand  
31 home health services pursuant to a letter of intent filed with the Division  
32 of Health of the Department of Health and Human Services after February 15,  
33 1993;

34 (ii) Offices of private physicians and surgeons;

35 (iii) Outpatient surgery or imaging centers;

36 (iv) Post-acute head injury retraining and



1 residential care facilities or establishments operated by the federal  
 2 government or any agency thereof;

3 (v) Free-standing radiation therapy centers;

4 (vi) Expansion, not to exceed fifteen (15) beds, of  
 5 the twenty-five-bed nonprofit intermediate care facility for the mentally  
 6 retarded that provides transitional rehabilitation for pediatric patients;

7 (vii) Residences for four (4) or fewer individuals  
 8 with developmental disabilities who receive support and services from  
 9 nonprofit providers currently licensed by the Division of Developmental  
 10 Disabilities Services of the Division of Health of the Department of Health  
 11 and Human Services;

12 (viii) Any facility which is conducted by and for  
 13 those who rely exclusively upon treatment by prayer for healing in accordance  
 14 with the tenets or practices of any recognized religious denomination; ~~or~~

15 (ix) Any bed or facility used to provide care to  
 16 delinquent juveniles committed into the care of the Division of Youth  
 17 Services; or

18 (x) An assisted living facility.

19  
 20 SECTION 2. Arkansas Code § 20-10-1704, concerning the assisted living  
 21 program, is amended to add an additional subsection to read as follows:

22 (j) Residential care facilities that choose to offer assisted living  
 23 services are not exempted from assisted living licensure except as provided  
 24 in this subchapter.

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 26 SECTION 3. Arkansas Code § 20-10-1709 is repealed.

27 ~~20-10-1709. Permit of approval.~~

28 ~~(a) Facilities offering assisted living services shall obtain a permit~~  
 29 ~~of approval. However, permits of approval held by residential care facilities~~  
 30 ~~as of April 2, 2001, or held by subsequent purchasers of those facilities,~~  
 31 ~~shall also be considered permits of approval for assisted living without~~  
 32 ~~further action. However, residential care facilities that choose to offer~~  
 33 ~~assisted living services are not exempted from assisted living licensure~~  
 34 ~~requirements except as provided in § 20-10-1704.~~

35 ~~(b)(1)(A) Provided, further, that in order to take advantage of a~~  
 36 ~~Robert Wood Johnson Foundation grant, one (1) new facility chosen by the~~

1 ~~Department of Health and Human Services may serve as a pilot project without~~  
2 ~~the necessity of a permit of approval. This facility shall be exempt from the~~  
3 ~~permit of approval process, provided that in 2001 it is awarded funding from~~  
4 ~~the Coming Home Project and tax credits from the Arkansas Development Finance~~  
5 ~~Authority.~~

6 ~~(B) The Coming Home Project means the Robert Wood Johnson~~  
7 ~~Foundation/NCB Development Corporation grant.~~

8 ~~(2) The facility shall have no more than sixty (60) beds and~~  
9 ~~shall serve a population a majority of which is low income as defined by the~~  
10 ~~Department of Housing and Urban Development.~~

11 ~~(3) The pilot project facility shall still meet all other~~  
12 ~~licensure requirements.~~

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