

1 State of Arkansas  
2 95th General Assembly  
3 Regular Session, 2025  
4

# A Bill

HOUSE BILL 1439

5 By: Representative Ladyman  
6 By: Senator Flippo  
7

## For An Act To Be Entitled

8  
9 AN ACT TO REMOVE THE CERTIFICATION PROCESS OF THE  
10 DEPARTMENT OF HUMAN SERVICES FROM LICENSURE AS A  
11 PRIVATE CARE AGENCY; AND FOR OTHER PURPOSES.  
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## Subtitle

14  
15 TO REMOVE THE CERTIFICATION PROCESS OF  
16 THE DEPARTMENT OF HUMAN SERVICES FROM  
17 LICENSURE AS A PRIVATE CARE AGENCY.  
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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 § 20-10-2301(b), concerning the purpose and  
22 intent of the licensure of private care agencies, is amended to read as  
23 follows:

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

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

28 (2) Provide for the reimbursement of the personal care services  
29 through Medicaid; and

30 (3) Authorize the Department of Human Services in its  
31 administration of the Arkansas Medicaid Program to set forth Medicaid  
32 provider participation requirements for a private care agency that will  
33 ensure sufficient available personal care service providers in order to meet  
34 the needs of all eligible recipients, including available in-home personal  
35 care services twenty-four (24) hours a day and seven (7) days a week.  
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1 SECTION 2. Arkansas Code § 20-10-2302 is amended to read as follows:  
 2 20-10-2302. Definitions.

3 As used in this subchapter, “private care agency” means a provider that  
 4 ~~is certified by the Division of Provider Services and Quality Assurance as a~~  
 5 ~~provider of home and community based health services~~ licensed by the  
 6 Department of Health as a private care agency and that:

7 (1) Furnishes in-home staffing services for personal and  
 8 attendant care services for which the provider seeks reimbursement through  
 9 the Arkansas Medicaid Program; and

10 (2) Retains liability insurance of not less than one million  
 11 dollars (\$1,000,000) to cover its employees and independent contractors while  
 12 its employees and independent contractors are engaged in providing personal  
 13 and attendant care services.

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 15 SECTION 3. Arkansas Code § 20-10-2304(c)(3)(B), concerning the rules  
 16 for private care agencies, is amended to read as follows:

17 (B) A private care agency maintain a primary location in  
 18 Arkansas ~~and a sufficient number of regional offices~~ to adequately service  
 19 the administrative needs of the private care agency and the patients of the  
 20 private care agency; and

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