

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

A Bill

SENATE BILL 120

4
5 By: Senator C. Penzo
6 By: Representatives J. Mayberry, Unger, Rye

For An Act To Be Entitled

9 AN ACT TO REQUIRE LICENSURE FOR ALL PRIVATE CARE
10 AGENCIES IN THIS STATE; TO ENSURE CONSUMER PROTECTION
11 FOR VULNERABLE AGING ADULTS; AND FOR OTHER PURPOSES.

Subtitle

15 TO REQUIRE LICENSURE FOR ALL PRIVATE
16 CARE AGENCIES IN THIS STATE; AND TO
17 ENSURE CONSUMER PROTECTION FOR
18 VULNERABLE AGING ADULTS.

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

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22 SECTION 1. DO NOT CODIFY. Legislative findings and intent.

23 (a) The General Assembly finds that:

24 (1) Personal care service providers are a vital component in the
25 recovery from an illness or injury and in the treatment of chronic conditions
26 for vulnerable aging adults;

27 (2) Consumers should have confidence when securing a personal
28 care service provider that all employees are adequately trained to care for
29 the needs of vulnerable aging adults; and

30 (3) All personal care service providers should be subject to the
31 same rules.

32 (b) It is the intent of the General Assembly to ensure that all
33 private care agencies have the same licensure process in addition to the
34 certification by the Department of Human Services.

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36 SECTION 2. Arkansas Code §§ 20-10-2302 – 20-10-2304 are amended to



1 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 State
 6 Board of Health as a provider of personal care services and that:

7 (1) Furnishes in-home staffing services for personal and
 8 attendant care services; and

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

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14 20-10-2303. Private care agencies eligible for Medicaid reimbursement.

15 The Division of Medical Services shall take such action as required by
 16 the Centers for Medicare & Medicaid Services to amend the Arkansas Medicaid
 17 Manual to include private care agencies that:

18 (1) Provide ~~provide~~ personal care services twenty-four (24)
 19 hours a day and seven (7) days a week as a qualified healthcare provider that
 20 is eligible for Medicaid reimbursement; and

21 (2) Are certified by the Division of Provider Services and
 22 Quality Assurance as a provider of home- and community-based health services.

23

24 20-10-2304. Rules.

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

27 (b) To be eligible for reimbursement under this subchapter, ~~the~~ a
 28 private care agency shall provide personal care services that comply with
 29 rules promulgated by the board and be certified by the Division of Provider
 30 Services and Quality Assurance as a provider of home- and community-based
 31 health services.

32 (c) The board shall:

33 (1) Establish a ~~separate~~ licensure category for private care
 34 agencies that provide personal care services ~~twenty-four (24) hours a day and~~
 35 ~~seven (7) days a week;~~

36 (2)(A) Adopt, promulgate, and enforce rules and standards as

1 necessary to implement this subchapter.

2 (B) A rule adopted to implement this subchapter shall be
3 amended or repealed by the board as in the interest of the public through the
4 Arkansas Administrative Procedure Act, § 25-15-201 et seq.;

5 ~~(3) Require that:~~

6 ~~(A)(i) A qualified supervisor shall establish the
7 frequency of in-person supervisory visits as part of the patient's plan of
8 care based on the specific needs of the patient and the recommendations of
9 the registered nurse.~~

10 ~~(ii) The frequency of in-person visits shall be at
11 least annually.~~

12 ~~(iii)(a) A qualified supervisor shall be a
13 licensed nurse or have completed two (2) years of full-time study at an
14 accredited institution of higher education.~~

15 ~~(b) An individual who has a high school
16 diploma or general equivalency diploma may substitute one (1) year of full-
17 time employment in a supervisory capacity in a healthcare facility or
18 community-based agency for one (1) year at an institution of higher
19 education; and~~

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

24 ~~(4) Not require:~~

25 ~~(A) A registered nurse to visit a patient every sixty two
26 (62) days to supervise services; or~~

27 ~~(B) A branch office of a private care agency to be within
28 a one hundred mile radius of a patient's home.~~

29 (3) Require that an employee, independent contractor, or agent
30 who is providing personal care services on behalf of the private care agency:

31 (A) Submit to:

32 (i) A federal criminal background check;

33 (ii) Fingerprinting; and

34 (iii) A check of registries of this state or another
35 state, including without limitation a child maltreatment registry, an adult
36 maltreatment registry, or a sex offender registry; and

1 (B)(i) Complete forty (40) hours of training as determined
 2 by the board.

3 (ii) Subdivision (c)(3)(B)(i) of this section does
 4 not apply to an employee, independent contractor, or agent who has been
 5 providing personal care services on behalf of the private care agency on or
 6 before January 1, 2026; and

7 (4) Establish an annual licensure fee of one thousand dollars
 8 (\$1,000) for a private care agency.

9 (d) The Department of Health shall implement the board's rules and
 10 supervise the conduct of the private care agencies as defined under this
 11 subchapter.

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 13 SECTION 3. Arkansas Code Title 20, Chapter 10, Subchapter 23, is
 14 amended to add an additional section to read as follows:

15 20-10-2305. Requirements for a private care agency.

16 (a) The State Board of Health shall require that a private care
 17 agency:

18 (1)(A) Has a qualified supervisor that establishes the frequency
 19 of in-person supervisory visits as part of a patient's plan of care based on
 20 the specific needs of the patient and the recommendations of the registered
 21 nurse.

22 (B) The frequency of in-person visits shall be at least
 23 annually.

24 (C)(i) A qualified supervisor shall be a licensed nurse or
 25 have completed two (2) years of full-time study at an accredited institution
 26 of higher education.

27 (ii) An individual who has a high school diploma or
 28 general equivalency diploma may substitute one (1) year of full-time
 29 employment in a supervisory capacity in a healthcare facility or community-
 30 based agency for one (1) year at an institution of higher education; and

31 (2) Maintains a primary location in Arkansas and a sufficient
 32 number of regional offices to adequately service the administrative needs of
 33 the private care agency and the patients of the private care agency.

34 (b) The board shall not require a private care agency to have:

35 (1) A registered nurse to visit a patient every sixty-two (62)
 36 days to supervise services; or

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(2) A branch office of a private care agency to be within a one-hundred-mile radius of a patient's home.