

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

HOUSE BILL 1439

By: Representative Ladyman

By: Senator Flippo

For An Act To Be Entitled

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

Subtitle

TO REMOVE THE CERTIFICATION PROCESS OF
THE DEPARTMENT OF HUMAN SERVICES FROM
LICENSURE AS A PRIVATE CARE AGENCY.

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

SECTION 1. Arkansas Code § 20-10-2301(b), concerning the purpose and intent of the licensure of private care agencies, is amended to read as follows:

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

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

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

(3) Authorize the Department of Human Services in its administration of the Arkansas Medicaid Program to set forth Medicaid provider participation requirements for a private care agency that will ensure sufficient available personal care service providers in order to meet the needs of all eligible recipients, including available in-home personal care services twenty-four (24) hours a day and seven (7) days a week.



SECTION 2. Arkansas Code § 20-10-2302 is amended to read as follows:
20-10-2302. Definitions.

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

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

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

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

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

APPROVED: 4/17/25