

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1502

By: Representative S. Meeks

For An Act To Be Entitled

AN ACT TO CREATE AN EXEMPTION TO THE DEFINITION OF
RESIDENTIAL CARE FACILITY AND THE DEFINITION OF
ASSISTED LIVING FACILITY; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE AN EXEMPTION TO THE DEFINITION
OF RESIDENTIAL CARE FACILITY AND THE
DEFINITION OF ASSISTED LIVING FACILITY.

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

SECTION 1. Arkansas Code § 20-10-101(15), concerning the definition of "residential care facility", is amended to read as follows:

(15)(A) "Residential care facility" means a building or structure which is used or maintained to provide for pay on a twenty-four-hour basis a place of residence and board for three (3) or more individuals whose functional capabilities may have been impaired but who do not require hospital or nursing home care on a daily basis but who could require other assistance in activities of daily living.

(B) "Residential care facility" does not include an exempt facility as defined by this section; and

SECTION 2. Arkansas Code § 20-10-101, concerning definitions relating to long-term care facilities and services, is amended to add an additional subdivision to read as follows:

(17) "Exempt facility" means a building or structure which is used or maintained to provide on a twenty-four-hour basis a place of



residence and board for fewer than ten (10) individuals whose functional capabilities may have been impaired but who do not require hospital or nursing home care on a daily basis but who could require other assistance in activities of daily living if:

(A) The individual or the power of attorney for the individual contracts for the services of the facility;

(B) The facility does not bill Medicare, the Arkansas Medicaid Program, or any insurance company for any services provided;

(C)(i) The facility does not provide nursing home care or skilled nursing care.

(ii) Nursing home care or skilled nursing care within the exempt facility shall only be performed by a third-party provider such as a hospice or home health agency.

(iii) A resident in an exempt facility may receive hospice services or home health agency services if the treating physician certifies that the hospice services or home health agency services can be appropriately provided at the facility; and

(D) The facility registers with the Department of Human Services as an exempt facility and consents to annual inspections of the facility.

SECTION 3. Arkansas Code § 20-10-1703(1), concerning the definition of "assisted living facility" within the Arkansas Assisted Living Act, is amended to read as follows:

(1)(A) "Assisted living facility" means any building or buildings, section or distinct part of a building, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide assisted living services for a period exceeding twenty-four (24) hours to more than three (3) adult residents of the facility who are not relatives of the owner or administrator.

(B) "Assisted living facility" includes those facilities which provide assisted living services either directly or through contractual arrangements or which facilitate contracting in the name of residents.

(C) "Assisted living facility" does not include an exempt facility as defined by § 20-10-101;