

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

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

As Engrossed: S3/13/19 S3/25/19  
**A Bill**

SENATE BILL 468

By: Senator B. Sample  
By: Representative Penzo

### **For An Act To Be Entitled**

AN ACT TO AMEND THE REQUIREMENTS FOR A PERSONAL CARE SERVICE PROVIDER, PRIVATE CARE AGENCY, AND HOME HEALTHCARE SERVICES AGENCY REGARDING VISITS TO A PATIENT'S HOME AND THE DISTANCE OF A PRIVATE CARE AGENCY OFFICE FROM A PATIENT'S HOME; AND FOR OTHER PURPOSES.

### **Subtitle**

TO AMEND THE REQUIREMENTS FOR A PERSONAL CARE SERVICE PROVIDER, PRIVATE CARE AGENCY, AND HOME HEALTHCARE SERVICES AGENCY REGARDING VISITS TO A PATIENT'S HOME AND THE DISTANCE OF AN OFFICE FROM THE PATIENT'S HOME.

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

SECTION 1. Arkansas Code § 20-10-2304(c), concerning the rules by the State Board of Health regarding personal care service providers and private care agencies, is amended to read as follows:

(c) The board shall:

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

(2)(A) Adopt, promulgate, and enforce rules and standards as necessary to implement this subchapter.



(B) A rule adopted to implement this subchapter shall be amended or repealed by the board as in the interest of the public through the Arkansas Administrative Procedure Act, § 25-15-201 et seq.;

(3) Require that:

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

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

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

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

(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

(4) Not require:

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

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

SECTION 2. Arkansas Code § 20-10-806(b), concerning the administration and rules of home healthcare services agencies, as amended by Acts 2019, No. 315, is amended to read as follows:

(b)(1) The State Board of Health shall adopt, promulgate, and enforce such rules and standards as may be necessary for the accomplishment of the purposes of this subchapter.

(2) The rules and standards shall be ~~modified~~, amended, or rescinded from time to time by the board as may be in the public interest,

after first complying with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(3) Rules under this subchapter shall:

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

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

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

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

(B) Not require:

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

(ii) A branch office of a home healthcare services agency that only provides unskilled home healthcare services to be within a one-hundred-mile radius of a patient's home.

SECTION 3. DO NOT CODIFY. Advisory Private Care Agency and Home Healthcare Services Agency Rule Working Group.

(a) There is created the Advisory Private Care Agency and Home Healthcare Services Agency Rule Working Group within the Department of Health.

(b) The group shall consist of the following individuals appointed by the Director of the Department of Health:

(1) One (1) member from a list of individuals provided by the HomeCare Association of Arkansas;

(2) Three (3) members from a list of individuals provided by private care agencies; and

(3) Three (3) members from a list of individuals provided by

home healthcare services agencies that provide unskilled home healthcare services.

(c)(1) The director shall call the first meeting of the group.

(2) The group shall select a chair from the membership at the first meeting.

(d) Within sixty (60) days of the effective date of this act, the group shall review the rules regarding private care agencies and make recommendations to the Department of Health for changes to the rules regarding private care agencies and home healthcare services agencies that provide unskilled home healthcare to make the rules consistent with rules regarding private care agencies in the surrounding states.

(e)(1) On or before November 1, 2019, the group shall provide a report on their review and recommendations described in subsection (d) of this section to:

(A) The director;

(B) The Governor; and

(C) The Legislative Council.

(2) The recommendations by the group shall not relate to contract labor laws that are related to business models for personal care service providers, private care agencies, or home healthcare services agencies.

(f) The members shall not receive expense reimbursement, per diem, or stipends.

(g) This section shall expire on November 1, 2019.

*SECTION 4. DO NOT CODIFY. Legislative intent.*

*It is the intent of the General Assembly to address and require amendments to rules concerning nonskilled, nonmedical personal care and private care services without making any alternations to skilled home healthcare services or the provision of medical home care services.*

/s/B. Sample