

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: S4/2/19  
**A Bill**

SENATE BILL 577

By: Senators K. Hammer, B. Ballinger  
By: Representatives D. Douglas, Maddox

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

AN ACT TO INCREASE THE NUMBER OF PERSONS SERVED UNDER THE ASSISTED LIVING PROGRAM TO ONE THOUSAND FIVE HUNDRED FIFTY (1,550); TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

### **Subtitle**

TO INCREASE THE NUMBER OF PERSONS SERVED UNDER THE ASSISTED LIVING PROGRAM TO ONE THOUSAND FIVE HUNDRED FIFTY (1,550); AND TO DECLARE AN EMERGENCY.

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

*SECTION 1. DO NOT CODIFY. Legislative purpose.*

*It is the purpose of the General Assembly to reaffirm the commitment of the General Assembly to the legislative intent of the Arkansas Assisted Living Act, § 20-10-1701 et seq., which created within the Department of Human Services an assisted living program for the State of Arkansas.*

*SECTION 2. Arkansas Code § 20-10-1702(a), concerning the purpose of the Arkansas Assisted Living Act, is amended to read as follows:*

*(a) The purpose of this subchapter is to:*

*(1) Promote the availability of appropriate services for elderly persons and adults with disabilities in the least restrictive and most homelike environment;*

*(2) Encourage the development of facilities that promote the*



dignity, individuality, privacy, and decision-making ability of those persons;

(3) Provide for the health, safety, and welfare of residents of facilities offering assisted living services in the state;

(4) Promote continued improvement of those facilities;

(5) Include residential care facilities in the assisted living program; ~~and~~

(6) Encourage the development of innovative and affordable facilities, particularly for persons with low to moderate incomes; and

(7) Ensure the sustainability of the assisted living program and the financial stability of facilities offering assisted living services in the state.

SECTION 3. Arkansas Code § 20-10-1704(g), concerning the assisted living program, is amended to read as follows:

(g)(1) The department shall take all actions necessary to develop a home- and community-based care waiver application in accordance with § 1915(c) of the Social Security Act.

(2) The waiver application shall seek federal financial participation to increase access to services in assisted living facilities by raising Medicaid income and resource limits to the maximum eligibility level of other home- and community-based waivers in effect.

(3) The waiver application shall seek permission to serve a minimum of ~~one thousand (1,000)~~ one thousand five hundred fifty (1,550) persons at a time and shall be submitted to the Centers for Medicare & Medicaid Services by ~~June 30, 2001~~ May 1, 2019.

(4) The department's implementation of the waiver shall be reasonable and shall not have the effect of excluding residential care facilities ~~which~~ that have become assisted living facilities under the provisions of this subchapter.

SECTION 4. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that assisted living patients are not receiving care due to the limitation of the number of persons served by the assisted living program; that assisted living providers are providing care for assisted living patients who are waiting to be enrolled in the

assisted living program due to the limitation on the number of persons served by the assisted living program at a time; that increasing the number of the persons served under the assisted living program and removing the limitation on the number of persons served at a time in the assisted living program will ensure that citizens of Arkansas receive the appropriate care needed and that assisted living providers are reimbursed for their services; that this act requires the Department of Human Services to request from the Centers for Medicare and Medicaid Services an amendment to the existing waiver concerning the assisted living program; and that this act is immediately necessary to ensure that the citizens of Arkansas have access to the assisted living program and to provide assisted living providers certainty about the law regarding the assisted living program. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

*/s/K. Hammer*