

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

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1583

By: Representative Unger
By: Senator C. Penzo

For An Act To Be Entitled

AN ACT TO EXEMPT FACILITIES THAT PROVIDE CONTINUING CARE, INCLUDING WITHOUT LIMITATION A CONTINUING CARE RETIREMENT COMMUNITY OR A LIFE-CARE FACILITY, FROM THE QUALITY ASSURANCE FEE FOR NURSING FACILITIES; AND FOR OTHER PURPOSES.

Subtitle

TO EXEMPT FACILITIES THAT PROVIDE CONTINUING CARE, INCLUDING WITHOUT LIMITATION A CONTINUING CARE RETIREMENT COMMUNITY OR A LIFE-CARE FACILITY, FROM THE QUALITY ASSURANCE FEE FOR NURSING FACILITIES.

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

SECTION 1. DO NOT CODIFY. Legislative finding and intent.

(a) The General Assembly finds that requiring a quality assurance fee from a facility that provides continuing care, but depriving a facility that provides continuing care from a benefit of the quality assurance fee is taxation without representation and is in violation of the Fifth Amendment and the Fourteenth Amendment to the United States Constitution.

(b) It is the intent of the General Assembly that a facility that is providing continuing care as defined by § 23-93-103(2) and is licensed under the Continuing Care Provider Regulation Act, § 23-93-101 et seq., including without limitation a continuing care retirement community or a life-care



facility, is exempt from the quality assurance fee under § 20-10-1601 et seq.

SECTION 2. Arkansas Code § 20-10-1604, concerning administration of the quality assurance fee for nursing facilities, is amended to add an additional subsection to read as follows:

(e)(1) A facility that is providing continuing care as defined by § 23-93-103(2) and is licensed under the Continuing Care Provider Regulation Act, § 23-93-101 et seq. and § 23-93-201 et seq., including without limitation a continuing care retirement community or a life-care facility, is exempt from the assessment imposed under this subchapter unless the exemption is adjudged to be unconstitutional or otherwise determined to be invalid.

(2) If the exemption under subdivision (e)(1) of this section is adjudged to be unconstitutional or otherwise determined to be invalid, the exempted facility shall pay the assessment imposed under this subchapter.