

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

State of Arkansas
95th General Assembly
Regular Session, 2025

As Engrossed: S3/5/25 S4/1/25

A Bill

SENATE BILL 120

By: Senators C. Penzo, *Irvin*

By: Representatives J. Mayberry, Unger, Rye, K. Moore, L. Johnson

For An Act To Be Entitled

AN ACT TO REQUIRE LICENSURE FOR ALL PRIVATE CARE AGENCIES IN THIS STATE; TO ENSURE CONSUMER PROTECTION FOR VULNERABLE AGING ADULTS; AND FOR OTHER PURPOSES.

Subtitle

TO REQUIRE LICENSURE FOR ALL PRIVATE CARE AGENCIES IN THIS STATE; AND TO ENSURE CONSUMER PROTECTION FOR VULNERABLE AGING ADULTS.

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

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

(a) The General Assembly finds that:

(1) Personal care service providers are a vital component in the recovery from an illness or injury and in the treatment of chronic conditions for vulnerable aging adults;

(2) Consumers should have confidence when securing a personal care service provider that all employees are adequately trained to care for the needs of vulnerable aging adults; and

(3) All personal care service providers should be subject to the same rules.

(b) It is the intent of the General Assembly to ensure that all private care agencies have the same licensure process in addition to the certification by the Department of Human Services.

SECTION 2. Arkansas Code §§ 20-10-2302 – 20-10-2304 are 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 State Board of Health as a provider of personal care services and that:

- (1) Furnishes in-home staffing services for personal and attendant care services; 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.

20-10-2303. Private care agencies eligible for Medicaid reimbursement.

The Division of Medical Services shall take such action as required by the Centers for Medicare & Medicaid Services to amend the Arkansas Medicaid Manual to include private care agencies that:

- (1) Provide ~~provide~~ personal care services twenty-four (24) hours a day and seven (7) days a week as a qualified healthcare provider that is eligible for Medicaid reimbursement; and
- (2) Are certified by the Division of Provider Services and Quality Assurance as a provider of home- and community-based health services.

20-10-2304. Rules.

(a) The State Board of Health shall promulgate rules necessary to implement this subchapter.

(b) To be eligible for reimbursement under this subchapter, ~~the~~ a private care agency shall provide personal care services that comply with rules promulgated by the board and be certified by the Division of Provider Services and Quality Assurance as a provider of home- and community-based health services.

(c) The board shall:

- (1) 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.~~

(3) Require that an employee, independent contractor, or agent who is providing personal care services on behalf of the private care agency:

(A) Submit to:

(i) A federal criminal background check if the applicant has not lived continuously in this state in the last five (5) years;

(ii) A state criminal background check under § 20-38-101 et seq., including any exemptions under § 20-38-101 et seq.; and

(iii) A check of registries of this state or another state, including without limitation a child maltreatment registry and an adult maltreatment registry; and

(B) Complete forty (40) hours of training as determined by the board; and

(4)(A) Establish an annual licensure fee of one thousand dollars (\$1,000) for a private care agency.

(B) If a private care agency does not renew its license and pay the annual licensure fee under subdivision (c)(4) of this section on or before the expiration of the license, the private care agency shall:

(i) Pay a late renewal fee of an additional ten dollars (\$10.00) per day for up to seven (7) calendar days after the expiration date of the license; and

(ii) If renewed after seven (7) calendar days after the expiration date of the license, submit a new application for licensure.

(d) The Department of Health shall implement the board's rules and supervise the conduct of the private care agencies as defined under this subchapter.

SECTION 3. Arkansas Code Title 20, Chapter 10, Subchapter 23, is amended to add an additional section to read as follows:

20-10-2305. Requirements for a private care agency.

(a) The State Board of Health shall require that a private care agency:

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

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

(C)(i) 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.

(ii) 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.

(D) Subdivisions (a)(1)(A)-(C) of this section shall only apply to a private care agency when providing care to Medicaid beneficiaries; and

(2) Maintains 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.

(b) The board shall not require a private care agency to have:

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

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

SECTION 4. EFFECTIVE DATE.

This act shall be effective on and after January 1, 2026.

/s/C. Penzo