

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

HOUSE BILL 1334

5 By: Representatives Maddox, D. Douglas  
6 By: Senators K. Hammer, B. Ballinger  
7

## For An Act To Be Entitled

9 AN ACT TO INCREASE THE NUMBER OF PERSONS SERVED UNDER  
10 THE ASSISTED LIVING PROGRAM; TO REMOVE A LIMITATION  
11 ON THE NUMBER OF PERSONS SERVED AT A TIME IN THE  
12 ASSISTED LIVING PROGRAM; TO DECLARE AN EMERGENCY; AND  
13 FOR OTHER PURPOSES.  
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## Subtitle

16  
17 TO INCREASE THE NUMBER OF PERSONS SERVED  
18 UNDER THE ASSISTED LIVING PROGRAM; TO  
19 REMOVE A LIMITATION ON THE NUMBER OF  
20 PERSONS SERVED AT A TIME IN THE ASSISTED  
21 LIVING PROGRAM; AND TO DECLARE AN  
22 EMERGENCY.  
23  
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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27 SECTION 1. Arkansas Code § 20-10-1704(g), concerning the assisted  
28 living program, is amended to read as follows:

29 (g)(1) The department shall take all actions necessary to develop a  
30 home- and community-based care waiver application in accordance with §  
31 1915(c) of the Social Security Act.

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

36 (3)(A) The waiver application shall seek permission to serve a



1 ~~minimum of one thousand (1,000) persons at a time~~ at least one thousand seven  
 2 hundred twenty-five (1,725) persons and shall be submitted to the Centers for  
 3 Medicare & Medicaid Services by ~~June 30, 2001~~ May 1, 2019.

4 (B)(i) The waiver shall not limit the number of persons  
 5 served under the waiver based on a unduplicated number of persons enrolled in  
 6 the assisted living program at a given time period.

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

11  
 12 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
 13 General Assembly of the State of Arkansas that assisted living patients are  
 14 not receiving care due to the limitation of the number of persons served by  
 15 the assisted living program; that assisted living providers are providing  
 16 care for assisted living patients who are waiting to be enrolled in the  
 17 assisted living program due to the limitation on the number of persons served  
 18 by the assisted living program at a time; that increasing the number of the  
 19 persons served under the assisted living program and removing the limitation  
 20 on the number of persons served at a time in the assisted living program will  
 21 ensure that citizens of Arkansas receive the appropriate care needed and that  
 22 assisted living providers are reimbursed for their services; that this act  
 23 requires the Department of Human Services to request from the Centers for  
 24 Medicare and Medicaid Services an amendment to the existing waiver concerning  
 25 the assisted living program; and that this act is immediately necessary to  
 26 ensure that the citizens of Arkansas have access to the assisted living  
 27 program and to provide assisted living providers certainty about the law  
 28 regarding the assisted living program. Therefore, an emergency is declared to  
 29 exist, and this act being immediately necessary for the preservation of the  
 30 public peace, health, and safety shall become effective on:

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

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

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