

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

# A Bill

HOUSE BILL 1935

5 By: Representative Summers  
6 By: Senator B. Pritchard  
7

## For An Act To Be Entitled

9 AN ACT TO EXEMPT ALCOHOL AND DRUG ABUSE TREATMENT  
10 CENTERS FROM HEALTH FACILITIES SERVICES LICENSING;  
11 AND FOR OTHER PURPOSES.  
12  
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## Subtitle

15 AN ACT TO EXEMPT ALCOHOL AND DRUG ABUSE  
16 TREATMENT CENTERS FROM HEALTH FACILITIES  
17 SERVICES LICENSING.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 20-9-201 is amended to read as follows:  
23 20-9-201. Definitions.

24 As used in this subchapter:

25 (1) "Administrator" means the chief administrative officer in  
26 the Division of Health Facilities Services of the ~~Division of Health of the~~  
27 ~~Department of Health and Human Services~~ Department of Health;

28 (2)~~(A)~~ "Alcohol and drug abuse inpatient treatment center" means  
29 a distinct unit within a hospital facility in which services are provided for  
30 the diagnosis, treatment, and rehabilitation of alcohol and drug abuse.

31 ~~(B) "Alcohol and drug abuse inpatient treatment center"~~  
32 ~~does not include a facility that provides only counseling and room and board;~~

33 ~~(3) "Department" means the State Board of Health;~~

34 ~~(4) "Division" means the Division of Health Facilities Services~~  
35 ~~of the Division of Health of the Department of Health and Human Services;~~

36 ~~(5)~~(3) "Federal act" means the Hospital Survey and Construction



1 Act, Pub. L. No. 79-725, ~~as amended~~;

2 ~~(6)(A)(4)(A)~~ (4)(A) "Hospital" means a public health center, a general,  
 3 tuberculosis, mental, or chronic disease hospital, or a related facility such  
 4 as a laboratory, outpatient department, nurses home or training facility, or  
 5 a central service facility operated in connection with a hospital.

6 (B) "Hospital" does not include an establishment:

7 (i) ~~furnishing~~ Furnishing primarily domiciliary  
 8 care; or

9 (ii) Licensed or certified by the Office of Alcohol  
 10 and Drug Abuse Prevention of the Division of Behavioral Health of the  
 11 Department of Human Services as an alcohol and drug abuse inpatient treatment  
 12 center;

13 ~~(7)(A)(5)(A)~~ "Institution" means a place for the diagnosis,  
 14 treatment, or care of two (2) or more persons, not related to the proprietor,  
 15 suffering from illness, injury, or deformity, or where obstetrical care or  
 16 care of the aged, blind, or disabled is rendered over a period exceeding  
 17 twenty-four (24) hours.

18 (B) "Institution" also includes an outpatient surgery  
 19 center, ~~alcohol or drug abuse treatment center~~, outpatient psychiatric  
 20 center, and infirmary.

21 (C) "Institution" does not include ~~any~~ an establishment:

22 (i) ~~operated~~ Operated by the federal government or  
 23 by any of its agencies; or

24 (ii) Licensed or certified by the Office of Alcohol  
 25 and Drug Abuse Prevention of the Division of Behavioral Health of the  
 26 Department of Human Services as an alcohol and drug abuse inpatient treatment  
 27 center;

28 ~~(8)(6)~~ "Medical facility" means a diagnostic or diagnostic and  
 29 treatment center, or rehabilitation facility as these terms are defined in  
 30 the federal act, and any other medical facility for which federal aid may be  
 31 authorized under federal law;

32 ~~(9)(7)~~ "Nonprofit hospital" and "nonprofit medical facility"  
 33 ~~means~~ mean a hospital or medical facility, owned and operated by one (1) or  
 34 more persons or a corporation or association, no part of the net earnings of  
 35 which inures to the benefit of any shareholder or individual;

36 (8)(A) "Outpatient psychiatric center" means a facility in which

1 psychiatric services are offered for a period of eight (8) to sixteen (16)  
 2 hours a day, and where, in the opinion of the attending psychiatrist,  
 3 hospitalization, as defined in the present licensure law, is not necessary.

4 (B) "Outpatient psychiatric center" does not include  
 5 community mental health clinics and centers as they now exist;

6 ~~(10)(A)~~(9)(A) "Outpatient surgery center" means a facility in  
 7 which surgical services, other than minor dental surgery, are offered which  
 8 require the use of general or intravenous anesthetics and where, in the  
 9 opinion of the attending physician, hospitalization, as defined in the  
 10 present licensure law, is not necessary;

11 ~~(B)(i)~~ "Outpatient psychiatric center" means a facility in  
 12 which psychiatric services are offered for a period of eight (8) to sixteen  
 13 ~~(16)~~ hours a day, and where, in the opinion of the attending psychiatrist,  
 14 hospitalization, as defined in the present licensure law, is not necessary.

15 ~~(ii)~~ "Outpatient psychiatric center" does not  
 16 include community mental health clinics and centers, as they now exist;

17 ~~(11)~~(10) "Public health center" means a publicly owned facility  
 18 for the provision of public health services and includes related facilities  
 19 such as laboratories, clinics, and administrative offices operated in  
 20 connection with public health centers;

21 ~~(12)(A)~~(11)(A) "Recuperation center" means an establishment with  
 22 permanent facilities ~~which~~ that include inpatient beds, with an organized  
 23 medical staff, and with medical services including physicians' services and  
 24 continuous nursing services to provide treatment for patients who are not in  
 25 an acute phase of illness but who currently require primarily convalescent or  
 26 restorative service ~~which~~ that is usually post-acute hospital care of  
 27 relatively short duration.

28 (B) "Recuperation center" does not include an  
 29 establishment furnishing primarily domiciliary care; and

30 ~~(13)~~(12) "Surgeon General" means the Surgeon General of the  
 31 United States Public Health Service.

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