SUMMARY
PROVISIONAL LICENSURE FOR LONG-TERM CARE FACILITIES

Act 656 of 2005, codified as Ark. Code Ann. § 20-10-224(b), authorizes the Office of Long Term Care to promulgate regulations for the issuance of provisional licenses.

Under Arkansas law, long term care facility licenses are non-transferable, and facilities cannot operate without a license. When a facility is sold, the buyer must apply for a new license. This requires the buyer to complete the application for licensure paperwork, which must be reviewed by the Office of Long Term Care. It is not uncommon that the paperwork is incomplete or incorrect, requiring amendment, and thus delaying the issuance of a license.

This in turn results in cases in which a long term care facility is operating without a license. Worse, it means that there is no entity legally responsible for the operation of the facility or the care of the residents.

The purpose of these regulations is to create provisional licenses that act as a "stop-gap" to address the problems above. The provisional license makes the buyer – or holder – legally responsible for the operation of the facility and the care of the residents.