

1 HB483  
2 150758-1  
3 By Representatives Barton, Clouse and Fincher  
4 RFD: Children and Senior Advocacy  
5 First Read: 20-MAR-13

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Existing federal law provides for programs  
9 which provide and administer all inclusive care for  
10 the elderly (PACE programs). The programs provide  
11 different levels of health care for the elderly and  
12 are funded under special provisions of the federal  
13 Medicaid program.

14 Existing state law does not specifically  
15 provide for the licensure of PACE programs by the  
16 Health Department.

17 This bill would provide for the licensure of  
18 PACE programs by the health department and for  
19 licensure fees with certain limitations to be set  
20 by the State Board of Health.

21  
22 A BILL  
23 TO BE ENTITLED  
24 AN ACT

25  
26 Relating to licensing of health care providers by  
27 the health department; to amend Section 22-21-20 and Section

1 22-21-24 of the Code of Alabama 1975, to provide for the  
2 licensing of PACE programs which provide and administer health  
3 care to the elderly; and to provide for fees to be set by the  
4 State Board of Health.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. Section 22-21-20 and Section 22-21-24 of  
7 the Code of Alabama 1975, are amended to read as follows:

8 "§22-21-20.

9 "For the purpose of this article, the following  
10 terms shall have the meanings respectively ascribed to them by  
11 this section:

12 "(1) HOSPITALS. General and specialized hospitals,  
13 including ancillary services; independent clinical  
14 laboratories; rehabilitation centers; ambulatory surgical  
15 treatment facilities for patients not requiring  
16 hospitalization; end stage renal disease treatment and  
17 transplant centers, including free-standing hemodialysis  
18 units; abortion or reproductive health centers; hospices;  
19 health maintenance organizations; and other related health  
20 care institutions when such institution is primarily engaged  
21 in offering to the public generally, facilities and services  
22 for the diagnosis and/or treatment of injury, deformity,  
23 disease, surgical or obstetrical care. Also included within  
24 the term are PACE programs, as defined in 42 CFR Section  
25 460.6, and long term care facilities such as, but not limited  
26 to, skilled nursing facilities, intermediate care facilities,  
27 assisted living facilities, and specialty care assisted living

1 facilities rising to the level of intermediate care. The term  
2 "hospitals" relates to health care institutions and shall not  
3 include the private offices of physicians or dentists, whether  
4 in individual, group, professional corporation or professional  
5 association practice. This section shall not apply to county  
6 or district health departments.

7 "(2) PERSON. The term includes individuals,  
8 partnerships, corporations, and associations.

9 "\$22-21-24.

10 "The application for a license to operate a hospital  
11 other than an assisted living facility or a specialty care  
12 assisted living facility rising to the level of intermediate  
13 care shall be accompanied by a standard fee of two hundred  
14 dollars (\$200), plus a fee of five dollars (\$5) per bed for  
15 each bed over 10 beds to be licensed in accordance with  
16 regulations promulgated under Section 22-21-28. Increase in a  
17 hospital's bed capacity during the calendar year is assessed  
18 at the standard fee of two hundred dollars (\$200) plus five  
19 dollars (\$5) each for the net gain in beds. The initial  
20 licensure fee and subsequent annual licensure renewal fee for  
21 an assisted living facility and for a specialty care assisted  
22 living facility rising to the level of intermediate care shall  
23 be two hundred dollars (\$200) plus fifteen dollars (\$15) for  
24 each bed. The initial licensure fee and subsequent annual  
25 license renewal fee for a PACE program shall be established by  
26 the State Board of Health and shall not exceed five hundred  
27 dollars (\$500) per year. A license renewal application for any

1 hospital, as defined by this article, which is not received by  
2 the expiration date in a properly completed form and  
3 accompanied by the appropriate renewal fee shall be subject to  
4 a late penalty equal to two hundred fifty dollars (\$250) or  
5 100 percent of the renewal fee, whichever is greater. No fee  
6 shall be refunded. All fees received by the State Board of  
7 Health under the provision of this article shall be paid into  
8 the State Treasury to the credit of the State Board of Health  
9 and shall be used for carrying out the provisions of this  
10 article. A license granted under this article shall expire on  
11 December 31 of the year in which it was granted. A license  
12 certificate shall be on a form prescribed by the department,  
13 and shall be posted in a conspicuous place on the licensed  
14 premises. Licenses shall not be transferable or assignable and  
15 shall be granted only for the premises named in the  
16 application. Licenses may be renewed from year to year upon  
17 application, investigation, and payment of the required  
18 license fee, as in the case of procurement of the original  
19 license. All fees collected under this article are hereby  
20 appropriated for expenditure by the State Health Department.  
21 All hospitals which are accredited by the joint commission on  
22 accreditation of hospitals shall be deemed by the State Health  
23 Department to be licensable without further inspection or  
24 survey by the personnel of the State Department of Health.  
25 Further accreditation by the joint commission on accreditation  
26 of hospitals shall in no way relieve that hospital of the

1 responsibility of applying for licensure and remitting the  
2 appropriate licensure fee as specified in this article."

3 Section 2. The requirement for a PACE program to be  
4 licensed shall be operative on October 1, following the  
5 effective date of this act.

6 Section 3. This act shall become effective  
7 immediately following its passage and approval by the  
8 Governor, or its otherwise becoming law.