

## HOUSE AMENDMENT 1 TO hb1787.

deleting Section 2 and substituting therefor the following:

"SECTION 2. Arkansas Code 20-10-214 is amended to read as follows:

§ 20-10-214. Penalties for §§ 20-10-213 - 20-10-228.

(a) Any person, partnership, association, or corporation establishing, conducting, managing, or operating any institution or facility, or any combination of separate entities working in concert within the meaning of §§ 20-10-213 - 20-10-228, without first obtaining a license therefor as provided, or violating any provision of §§ 20-10-213 - 20-10-228 or regulation lawfully promulgated thereunder, shall be guilty of a misdemeanor.

(b) Working in concert shall include indirect care, which shall mean the situation in which one or more separate entities provides the care or medical services to a resident in the institution or facility, regardless of who actually contracts for the services; in this situation, the institution or facility still must obtain a permit of approval and a license. The department shall promulgate and enforce regulations to carry out the provisions of this act.

(c) In the case of institutions and facilities in operation and providing indirect care as of January 1, 1997, they may continue to operate provided they meet statutory and regulatory long term care licensure requirements and provided that they provide only indirect care. If these institutions and facilities in operation as of January 1, 1997, desire to provide direct care, they must obtain a permit of approval. This subpart (c) applies only to those institutions and facilities in operation as of January 1, 1997; all other institutions and facilities must obtain a permit of approval and license, regardless of whether they provide direct or indirect care.

~~—(b)~~ (d) Upon conviction, the person shall be liable for a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for the first offense nor more than one thousand dollars (\$1,000) for each subsequent offense.

~~—(c)~~ (e) Each day the institution shall operate after a first conviction shall be considered a subsequent offense. \_"