

**ARKANSAS SENATE**  
88th General Assembly - Regular Session, 2011  
**Amendment Form**

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**Subtitle of Senate Bill No. 759**

AN ACT TO AMEND THE INFORMAL DISPUTE RESOLUTION PROCESS FOR LONG-  
TERM CARE FACILITIES; AND FOR OTHER PURPOSES.

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**Amendment No. 1 to Senate Bill No. 759**

Amend Senate Bill No. 759 as originally introduced:

Page 1, delete line 21 and substitute the following:

"SECTION 1. Arkansas Code § 20-10-1902(3), concerning the definition of impartial decision maker for dispute resolution for long-term care facilities, is amended to read as follows:

(3)(A) "Impartial decision maker" means an individual employed by a state agency to conduct an informal dispute resolution hearing for the agency.

(B) "Impartial decision maker" does not include an individual who is presently or has been within the previous twenty-four (24) months actively involved in any survey process under the Department of Human Services;

SECTION 2. Arkansas Code § 20-10-1906(a), concerning scheduling"

AND

Page 1, delete lines 27 and 28 and substitute the following:

"(2) If a deficiency in dispute concerns a pharmacy, a pharmacist, a pharmacy tag, or a deficiency where the expertise of a pharmacist is required, the informal decision maker shall:"

AND

Page 1, line 34, delete "SECTION 2." and substitute "SECTION 3."

AND

Page 2, line 7, delete "SECTION 3." and substitute "SECTION 4."

AND

Page 2, delete lines 13 through 16 and substitute the following:



"(a) Unless the facility chooses another order of presentation of arguments:

(1) The Office of Long-Term Care shall present the initial arguments at the hearing; and

(2) After the office completes its arguments, the facility shall present its arguments.

(b)(1) As a matter of fairness to all parties, the impartial decision maker shall determine in conjunction with all parties:"

AND

Page 2, line 17, delete "(B)" and substitute "(A)"

AND

Page 2, line 19, delete "(C)" and substitute "(B)"

AND

Page 2, delete lines 26 and 27 and substitute the following:

"by the impartial decision maker in conjunction with all parties.

(c)(1) Rules of evidence or procedure shall not apply except as"

AND

Page 2, line 34, delete "~~(d)(1)~~(c)(1)" and substitute "(d)(1)"

AND

Page 3, line 1, delete "~~(e)~~(d)" and substitute "(e)"

AND

Page 3, line 7, delete "~~(f)~~(e)" and substitute "(f)"

AND

Page 3, delete line 9 and substitute the following:

"(g) A person authorized under subsection (e) or (f) of this section to participate in the hearing may present direct questions to an opposing participant during the rebuttal argument.

(h)(1) Within fourteen (14) days of a final decision concerning the issues presented in the hearing and any related matters, the Department of Health shall provide the parties with a report concerning the hearing, all decisions made on the basis of the hearing, and any related matters.

(2) The report required under subdivision (h)(1) of this section shall include without limitation:

(A) Information concerning any change to the disputed deficiency; and

(B) A listing of each specific item of the deficiency and all changes made to the deficiency.

(i)(1) The Department of Human Services shall compile and make available to all facilities subject to this section a quarterly report that shall include without limitation the number of informal dispute resolutions during the previous quarter that were:

(A) Heard;

(B) Decided in favor of the state agency; and

(C) Decided in favor of the facility.

(2) The office shall review the reports under subdivision (i)(1) of this section and shall:

(A) Determine what patterns of sustained and overturned deficiencies exist; and

(B) Evaluate the training process to address the identified patterns.

~~(g)(j)~~ No A party may shall not be represented by an attorney."

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator P. Malone

MGF/CDS - 03/21/11 05:30

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Secretary