

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**

# A Bill

**HOUSE BILL**

4 **By: Representatives Wilkins, Townsend, Bennett, J. Smith and Fletcher**

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## **For An Act To Be Entitled**

8 "AN ACT TO REQUIRE A LONG-TERM CARE FACILITY TO NOTIFY THE  
9 LEGAL REPRESENTATIVE OR GUARDIAN OF A RESIDENT OF THE  
10 FACILITY WHEN CERTAIN INCIDENTS OCCUR THAT RESULT IN A  
11 CHANGE OF THE STATUS OR PHYSICAL OR MENTAL CONDITION OF  
12 THE RESIDENT; AND FOR OTHER PURPOSES."

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## **Subtitle**

15 "TO REQUIRE A LONG-TERM CARE FACILITY TO NOTIFY THE LEGAL  
16 REPRESENTATIVE OF A RESIDENT OF THE OCCURRENCE OF CERTAIN  
17 INCIDENTS."

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. As used in this act, \_long-term care facility\_ means \_long-  
22 care facility\_ as defined by Arkansas Code § 20-10-213(4).

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24 SECTION 2. (a) Within twenty-four (24) hours after the incident  
25 requiring notification occurs, a long-term care facility shall notify, by  
26 telephone and in writing, the legal representative or guardian of a resident  
27 of the facility when:

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(1) the resident suffers an injury;

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(2) the resident is taken outside the facility for medical care;

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(3) the resident is moved to a different room; and

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(4) there is any significant change in the physical or mental

32 condition of the resident.

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(b) Any person who does not comply with the provisions of this section  
34 is guilty of a misdemeanor and shall be punished by a fine of one thousand  
35 dollars (\$1,000). The fine shall be deposited in the State Treasury and

1 credited to the Economic and Medical Services Fund there to be used  
2 exclusively for the support of the Office of Long-Term Care of the Department  
3 of Human Services.

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5 SECTION 3. It shall be the responsibility of the long-term care  
6 facility to obtain an address and telephone number where the legal  
7 representative or guardian is available for notification.

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9 SECTION 4. It shall be the responsibility of the legal representative  
10 or guardian to notify the long-term care facility of any change in address of  
11 telephone number.

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13 SECTION 5. All provisions of this act of a general and permanent nature  
14 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
15 Revision Commission shall incorporate the same in the Code.

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17 SECTION 6. If any provision of this act or the application thereof to  
18 any person or circumstance is held invalid, such invalidity shall not affect  
19 other provisions or applications of the act which can be given effect without  
20 the invalid provision or application, and to this end the provisions of this  
21 act are declared to be severable.

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23 SECTION 7. All laws and parts of laws in conflict with this act are  
24 hereby repealed.

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