

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003  
4

# A Bill

HOUSE BILL 2419

5 By: Representative Gillespie  
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## For An Act To Be Entitled

9 AN ACT TO CLARIFY THE LIMITATION ON ACTIONS  
10 AGAINST LONG-TERM CARE FACILITIES INVOLVING  
11 RESIDENT CARE; TO AMEND ARKANSAS CODE §§ 16-56-  
12 105, 16-56-111, AND 20-10-1209 TO CLARIFY THE  
13 LIMITATION ON ACTIONS AGAINST LONG-TERM CARE  
14 FACILITIES INVOLVING RESIDENT CARE; TO CLARIFY  
15 THE ADMISSIBILITY OF UNRESOLVED ALLEGATIONS OF  
16 REGULATORY VIOLATIONS IN ACTIONS AGAINST LONG-  
17 TERM CARE FACILITIES INVOLVING RESIDENT CARE; TO  
18 AUTHORIZE FEES AND COSTS FOR THE PREVAILING PARTY  
19 IN SUCH ACTIONS; AND FOR OTHER PURPOSES.  
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## Subtitle

21 TO CLARIFY THE LIMITATION ON ACTIONS  
22 AGAINST LONG-TERM CARE FACILITIES  
23 INVOLVING RESIDENT CARE; TO CLARIFY THE  
24 ADMISSIBILITY OF UNRESOLVED ALLEGATIONS  
25 OF REGULATORY VIOLATIONS, AND TO  
26 AUTHORIZE FEES AND COSTS.  
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30 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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32 SECTION 1. As used in this act:

33 (1) "Long-term care facility" means a nursing facility, nursing  
34 home, residential care facility, post-acute head injury retraining and  
35 residential care facility or any other facility that provides long-term  
36 medical, personal, or custodial care; and



1           (2) "Resident care" means care provided to a resident of a long-  
2 term care facility and includes medical, health, nursing, personal,  
3 custodial, or other similar care, including, without limitation, supervision,  
4 oversight, observation, assessment, planning, intervention, and evaluation.

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6           SECTION 2. (a) Any action founded upon any liability arising out of  
7 resident care provided in a long-term care facility shall be commenced within  
8 two (2) years after the cause of action accrues, or from the date the alleged  
9 harm, breach, injury, deprivation, infringement, loss, or damage was known or  
10 reasonably should have been known.

11           (b) If in any action founded upon any liability arising out of  
12 resident care provided in a long-term care facility, claims, defenses, or  
13 denials are intentionally made without reasonable cause and found to be  
14 untrue, the party pleading them shall thereafter be subject to the payment of  
15 reasonable costs actually incurred by the other party by reason of the untrue  
16 pleading.

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