

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H3/18/19

A Bill

HOUSE BILL 1707

5 By: Representatives Capp, Bentley
6 By: Senator B. Davis
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE ADULT AND LONG-TERM CARE FACILITY
10 RESIDENT MALTREATMENT ACT; TO DECLARE AN EMERGENCY;
11 AND FOR OTHER PURPOSES.
12
13

Subtitle

15 TO AMEND THE ADULT AND LONG-TERM CARE
16 FACILITY RESIDENT MALTREATMENT ACT; AND
17 TO DECLARE AN EMERGENCY.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 12-12-1710 is amended to read as follows:
23 12-12-1710. Investigation by Department of Human Services.

24 (a) The Department of Human Services shall have jurisdiction to
25 investigate all cases of suspected maltreatment of an endangered person or an
26 impaired person.

27 (b)(1) The Adult Protective Services Unit of the Department of Human
28 Services shall investigate:

29 (A) All cases of suspected adult maltreatment if the act
30 or omission occurs in a place other than a long-term care facility; and

31 (B) All cases of suspected adult maltreatment of an adult
32 endangered person or an adult impaired person if a family member of the adult
33 endangered person or adult impaired person is named as the suspected
34 offender, regardless of whether or not the adult endangered person or adult
35 impaired person is a long-term care facility resident.

36 (2) The ~~Office of Long-Term Care~~ department shall investigate



1 all cases of suspected maltreatment of a long-term care facility resident.

2 (3) If requested by the department, a law enforcement agency
3 possessing jurisdiction shall assist in the investigation of any case of
4 suspected adult maltreatment or long-term care facility resident
5 maltreatment, including accompanying the department's investigator if the
6 department has a reasonable belief that the investigator's safety could be
7 compromised.

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9 SECTION 2. Arkansas Code § 12-12-1711 is amended to read as follows:
10 12-12-1711. Procedures for investigation by the Department of Human
11 Services.

12 (a) The Department of Human Services shall conduct a thorough
13 investigation of all suspected adult maltreatment or long-term care facility
14 resident maltreatment in accordance with this subchapter.

15 (b)(1) The investigation shall be completed and an investigative
16 determination entered within sixty (60) days.

17 (2) The investigation shall be conducted by an examination and
18 review of the allegations and any other information concerning suspected
19 adult maltreatment or long-term care facility resident maltreatment received
20 by or collected by the department from any source.

21 ~~(2)(3)~~ The investigation and written investigative report shall
22 include:

23 (A) The nature, extent, and cause of the ~~maltreatment~~
24 adult maltreatment or long-term care facility resident maltreatment;

25 (B) The identity of the person responsible;

26 (C) The names and conditions of other adults in the home,
27 if the incident occurred in a home;

28 (D) An evaluation of the persons responsible for the care
29 of the maltreated person, if any;

30 (E) The home environment, the relationship of the
31 maltreated person to the next of kin or other person responsible for his or
32 her care, and all other pertinent data; and

33 (F)(i) A If the incident occurred in the home, a visit to
34 the maltreated adult's home, if the incident occurred in the home, person's
35 home and an interview with the maltreated ~~adult~~ person.

36 (ii) An investigator shall interview the maltreated

1 person alone and out of the hearing of any next of kin or other person
2 responsible for the maltreated person's care.

3 (iii) If necessary, an interpreter may be present
4 during the interview of the maltreated person.

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6 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
7 General Assembly of the State of Arkansas that currently each finding of
8 abuse or neglect by the Department of Human Services is subject to challenge
9 unless the department sends a person to conduct an investigation in person;
10 that the department's review and adoption of the maltreatment investigation
11 record submitted by a nursing home, a practice in place for decades, was
12 determined to be out of compliance; and that this act is immediately
13 necessary because this act would correct that situation. Therefore, an
14 emergency is declared to exist, and this act being immediately necessary for
15 the preservation of the public peace, health, and safety shall become
16 effective on:

17 (1) The date of its approval by the Governor;

18 (2) If the bill is neither approved nor vetoed by the Governor,
19 the expiration of the period of time during which the Governor may veto the
20 bill; or

21 (3) If the bill is vetoed by the Governor and the veto is
22 overridden, the date the last house overrides the veto.

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24 /s/Capp
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