

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

A Bill

ACT 1123 OF 1993
HOUSE BILL 1974

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
36 credited to the Economic and Medical Services Fund there to be used

1 exclusively for the support of the Office of Long-Term Care of the Department
2 of Human Services.

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

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

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

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

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23 hereby repealed.

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APPROVED: 04/13/93

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