

Act 664 of the 1989 Regular Session.

Act 664

SB181

By: Senator Bearden

"AN ACT TO AMEND TITLE 20, CHAPTER 10, SUBCHAPTER 2 OF THE ARKANSAS CODE OF 1987 TO REQUIRE ANNUAL DISCLOSURE STATEMENTS TO BE PROVIDED TO RESIDENTS OF LONG TERM CARE FACILITIES UPON APPLICATION OR RENEWAL FOR LICENSURE; TO PROVIDE FOR FILING OF THE ANNUAL STATEMENT; AND FOR OTHER PURPOSES."

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

SECTION 1. Title 20, Chapter 10, Subchapter 2 of the Arkansas Code of 1987 is hereby amended by adding the following new subsections to read as follows:

"20-10-229. Disclosure Statement Requirement. Any person, corporation, partnership or facility seeking a license or renewal to provide long term care in this state shall furnish a current annual disclosure statement to all residents upon request or to all prospective residents upon request. The statement shall be filed along with the annual application for licensure during July of each year and the statement shall be on forms and in a format as prescribed by the Department of Human Services of the State of Arkansas and shall include the following information:

(1) The name and business address of the facility and a statement as to whether the facility is a partnership, corporation, or other type of legal entity:

(2) The names and business addresses of the officers, directors, trustees, managing or general partners, or any person having a five (5) percent or greater equity or beneficial interest in or of the facility and a description of each person's interest in or occupation with the facility;

(3) A statement as to whether the facility or any of its officers, directors, trustees, partners, or administrators, prior to the date of application:

(A) has ever been convicted of Medicare or Medicaid fraud or a felony;

(B) has ever been convicted of fraud, embezzlement, fraudulent conversion, or misappropriation of property; or

(C) had final administrative judgement on any Class A or B long term care violations within the last two (2) years.

(4) The location and description of the physical property or property of the facility;

(5) The disclosure statement shall clearly state which services are included in basic care contracts for long term care and which services are available at or by the facility at extra charge;

(6) A copy of the contract used by the facility.

20-10-230. Each facility must file the completed annual disclosure statement along with its annual license application during July of each year and file a copy of the disclosure statement with the Department of Human Services, County Office in the county in which the facility is located.

20-10-231. The failure to provide any resident a copy of the disclosure statement upon request or to a prospective resident upon request or the failure of any facility to disclose the required information in a timely manner or the failure to file the disclosure statement as required shall be

grounds for a Class C violation, pursuant to Arkansas Code 20-10-205.

SECTION 2. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this act are hereby repealed.

APPROVED: March 20, 1989

---