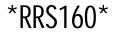
Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1	State of Arkansas	As Engrossed: \$2/9/99 \$2/11/99 \$2/15/99	
2	82nd General Assembly	A Bill	Act 709 of 1999
3	Regular Session, 1999		SENATE BILL 223
4			
5	By: Senator Brown		
6	By: Representative Sal	mon	
7			
8			
9		For An Act To Be Entitled	
10	"AN AC	T TO AMEND ARKANSAS CODE 20-10-104(e) TO I	PERMI T
11	THE OF	FICE OF LONG TERM CARE OF THE ARKANSAS	
12	DEPART	MENT OF HUMAN SERVICES TO PHOTOGRAPH RESII	DENTS
13	OF LON	G TERM CARE FACILITIES DURING SURVEYS AND	
14	INVEST	IGATIONS; AND FOR OTHER PURPOSES."	
15			
16		Subtitle	
17		TO AMEND ARKANSAS CODE 20-10-104(e) TO	
18	F	PERMIT THE OFFICE OF LONG TERM CARE OF	
19	-	THE ARKANSAS DEPARTMENT OF HUMAN	
20	SERVICES TO PHOTOGRAPH RESIDENTS OF LONG		
21	-	ERM CARE FACILITIES DURING SURVEYS AND	
22	I	NVESTI GATI ONS. "	
23			
24			
25	BE IT ENACTED BY T	HE GENERAL ASSEMBLY OF THE STATE OF ARKANS	SAS:
26			
27	SECTION 1.	Arkansas Code 20-10-104(e) is hereby amend	ded to read as
28	follows:		
29	"(e) <del>In cas</del>	es where a long term care facility or any	employee of a long
30	<del>term care facility</del>	' has custody or legal guardianship of a m	<del>edi cai d-reci pi ent,</del>
31	nothing in this section shall be construed to prevent representatives of the		
32	Department of Human Services, the United States Department of Health and Human		
33	Services, or the Office of the Attorney General from taking photographs of the		
34	<del>recipient without</del>	written consent while investigating circu	<del>nstances which</del>
35	<del>would constitute (</del>	lass A or Class B violations. Under such	-circumstances, the
36	photographs_shall_	be used only for evidentiary purposes in <sub>l</sub>	<del>oroceedi ngs -</del>



As Engrossed: S2/9/99 S2/11/99 S2/15/99

SB223

1	concerning the alleged violations and shall not be released to the media or to		
2	the public. Photographing of residents is prohibited without written consent		
3	from the resident or the resident's legal representative except in the course		
4	of licensure inspections, medicaid certification, a complaint investigation,		
5	investigation of allegations or resident abuse, neglect or misappropriation of		
6	resident property or in connection with surveys or investigations made		
7	pursuant to law conducted by the Office of Long Term Care, the office of		
8	Attorney General, or the United States Department of Health and Human		
9	Services. Under such circumstances, the photographs shall be used only for		
10	evidentiary purposes <del>in proceedings</del> concerning the alleged violations and		
11	shall not be released to the media or to the public <u>, but shall be made</u>		
12	available to the facility if utilized to impose a remedy or set forth a		
13	statement of deficiency."		
14			
15	SECTION 2. All provisions of this act of a general and permanent nature		
16	are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code		
17	Revision Commission shall incorporate the same in the Code.		
18			
19	SECTION 3. If any provision of this act or the application thereof to		
20	any person or circumstance is held to be invalid, such invalidity shall not		
21	affect other provisions or applicants of the act which can be given effect		
22	without the invalid provision or application, and to this end the provisions		
23	of this act are declared to be severable.		
24			
25	SECTION 4. All laws and parts of laws in conflict with this act are		
26	hereby repealed.		
27	/s/ Brown		
28			
29			
30	APPROVED: 3/18/1999		
31			
32			
33			
34			
35			

2

As Engrossed: S2/9/99 S2/11/99 S2/15/99

1

SB223