

1 INTERIM STUDY PROPOSAL 2017-030

2 State of Arkansas  
3 91st General Assembly  
4 Regular Session, 2017

*As Engrossed: H3/22/17*

**A Bill**

HOUSE BILL 2208

5  
6 By: Representative Lundstrum

7 Filed with: House Committee on Public Health, Welfare, and Labor  
8 pursuant to A.C.A. §10-3-217.

9 **For An Act To Be Entitled**

10 AN ACT TO ENSURE VULNERABLE ARKANSANS ARE PROTECTED  
11 FROM UNLICENSED ASSISTED LIVING FACILITIES OR  
12 RESIDENTIAL CARE FACILITIES; TO REQUIRE UNLICENSED  
13 FACILITIES TO COMPLY WITH THE SAME STATUTES AND  
14 REGULATIONS AS THOSE FOR LICENSED LONG-TERM CARE  
15 FACILITIES; AND FOR OTHER PURPOSES.

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18 **Subtitle**

19 TO REQUIRE UNLICENSED ASSISTED LIVING  
20 FACILITIES OR RESIDENTIAL CARE FACILITIES  
21 TO COMPLY WITH THE SAME STATUTES AND  
22 REGULATIONS AS THOSE FOR LICENSED LONG-  
23 TERM CARE FACILITIES.

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

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28 *SECTION 1. Arkansas Code § 20-10-2007 is amended to read as follows:*  
29 *20-10-2007. Penalties and enforcement.*

30 *(a)(1) Each person establishing, conducting, managing, constructing,*  
31 *or operating an assisted living facility or residential care facility without*  
32 *a license in violation of this subchapter or using the terms “assisted*  
33 *living”, “residential care”, or similar term to promote the facility’s*  
34 *services without first having obtained a license is subject to penalties*  
35 *under this chapter for operating an unlicensed long-term care facility.*

1           (2) A building, structure, agency, institution, or other place  
2 for the reception, accommodation, board, care, or treatment of unrelated  
3 individuals who are unable to sufficiently or properly care for themselves  
4 due to age, illness, blindness, disease, or physical or mental infirmity and  
5 where a charge is made the reception, accommodation, board, care, or  
6 treatment shall comply with the rules for licensed residential care  
7 facilities promulgated by the Office of Long-Term Care.

8           (b) The Department of Human Services:

9           (1) Shall ~~shall~~ have the same powers to enforce this subchapter  
10 as are authorized in § 20-10-215; and

11           (2) May apply for and shall be granted an injunction in the name  
12 of the state to prohibit an unlicensed facility from operating in  
13 noncompliance with the rules for licensed residential care facilities  
14 promulgated by the Office of Long-Term Care.

15           (c)(1) The department may enter and inspect suspected unlicensed  
16 assisted living or residential care facilities, including any combination of  
17 separate entities working in concert within the meaning of § 20-10-215  
18 without first having secured a warrant.

19           (2) If a facility denies or refuses the department entry or  
20 denies, refuses, or interferes with inspection by the department, the  
21 department may apply for and shall be granted an injunction in the name of  
22 the state to prohibit the facility from operating until the department is  
23 permitted to enter and inspect the facility.

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/s/Lundstrum

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Referred by the Arkansas House of Representatives

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Prepared by: VJF

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