

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
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: H3/17/99 H4/2/99 H4/8/99

A Bill

Act 1539 of 1999
SENATE BILL 569

5 By: Senators Ross, Bradford, Beebe, Brown
6
7

For An Act To Be Entitled

9 "AN ACT TO AUTHORIZE THE OFFICE OF LONG-TERM CARE TO
10 RELEASE INFORMATION REGARDING COMPLAINTS AGAINST
11 RESIDENTIAL CARE FACILITIES; AND FOR OTHER PURPOSES."
12
13

Subtitle

15 "AN ACT TO AUTHORIZE THE OFFICE OF LONG-
16 TERM CARE TO RELEASE INFORMATION
17 REGARDING COMPLAINTS AGAINST RESIDENTIAL
18 CARE FACILITIES."
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code 20-10-210 is amended to read as follows:

24 "20-10-210. Information confidential.

25 Information received by the Office of Long-Term Care, through inspection or
26 otherwise, shall not be disclosed publicly in administrative appeals or
27 otherwise, in such manner as to identify long-term care facility residents,
28 their families, or persons filing complaints against a long-term care facility
29 ~~or any owner, administrator, or any personnel,~~ except in cases of civil or
30 criminal litigation."
31

32 SECTION 2. Arkansas Code 20-10-228 is amended to read as follows:

33 "20-10-228. Information confidential.

34 (a) Information received by the department through inspection, or
35 otherwise, authorized under §§ 20-10-213 - 20-10-228, shall not be disclosed
36 *publicly in such manner as to identify ~~individuals or institutions.~~ long-term*

1 care facility residents, their families, or persons filing complaints except
2 in a proceeding involving the question of licensing or revocation of a
3 license.”

4
5 SECTION 3 Arkansas Code 20-10-207(a)-(b) is amended to read as follows:

6 “20-10-207. Notification to media of violations.

7 (a) When the Office of Long-Term Care of the appropriate division as
8 determined by the Director of the Department of Human Services finds, upon
9 inspection and investigation, that any nursing home or residential care
10 facility has committed two (2) violations constituting Class A or Class B
11 violations as defined in § 20-10-205, as amended, during any twelve-month
12 period, the Office of Long-Term Care shall so notify the various news media
13 within the county wherein the nursing home or residential care facility is
14 located and shall advise the media that a complete record of the inspection
15 and investigation will be available for public inspection at the Office of
16 Long-Term Care.

17 (b) However, no information shall be made available which will
18 identify any resident, the family of any resident of the nursing home or
19 residential care facility, or any person who has filed a complaint against a
20 nursing home or against an administrator or any personnel of a nursing home or
21 residential care facility, except in cases of criminal or civil litigation.”

22
23 SECTION 4. All provisions of this act of a general and permanent nature
24 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
25 Revision Commission shall incorporate the same in the Code.

26
27 SECTION 5. If any provision of this act or the application thereof to
28 any person or circumstance is held invalid, such invalidity shall not affect
29 other provisions or applications of the act which can be given effect without
30 the invalid provision or application, and to this end the provisions of this
31 act are declared to be severable.

32
33 SECTION 6. All laws and parts of laws in conflict with this act are
34 hereby repealed.

35 /s/ Ross, et al

36 APPROVED: 4/15/1999