

SENATE CONCURRENT RESOLUTION  
PROVIDING FOR A STUDY OF LONG TERM CARE FACILITIES  
IN THIS STATE, AND THE LAWS, RULES, AND REGULATIONS  
GOVERNING THEIR OPERATION.

WHEREAS, over 17,000 persons in this State are confined to private long term care facilities because of age or physical or medical necessity, and it is believed that this number will double by the year 2000; and

WHEREAS, in the calendar year 1986, the Office of Long Term Care of the Division of Economic and Medical Services of the Department of Human Services shows by its records to have initiated sixty-three adverse actions against nursing homes to achieve compliance with federal and State laws defining standards of care for residents in such facilities; and

WHEREAS, the Office of Long Term Care has imposed civil penalties for violations of standards of care, and has undertaken procedures to withhold Medicaid payments from a number of long term care facilities that have been determined to be in violation of standards and eligibility for federal funds; and

WHEREAS, considerable debate has been generated in both House and Senate committees during the 76th General Assembly, as well as on the floor of both houses of the Legislature, over the laws and regulations governing the Office of Long Term Care, and said Office's responsibilities and authority over long term care facilities in this State for imposing rules, regulations, and penalties designed to maximize care of residents in such facilities; and

WHEREAS, the residents of long term care facilities in Arkansas, as well as the owners and operators of such facilities, must depend upon the knowledge of the members of the General Assembly to ensure that proper legislation is passed to protect the rights of all concerned, and this study is necessary to see that all parties have the facts as they actually exist, prior to considering amendments to existing laws and regulations of this State;

NOW THEREFORE,

BE IT RESOLVED BY THE SENATE OF THE REGULAR SESSION OF THE 76TH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

THAT the Joint Interim Committee on Public Health, Welfare, and Labor is hereby directed to make a study of the conditions of and level of services provided in long term care facilities in this State, for the purpose of submitting recommendations to the next regular session of the General Assembly for such legislation or other action as may be deemed necessary and appropriate to assure that residents in long term care facilities in this State receive the highest quality of care which may be made available to them under federal standards and the requirements of applicable laws and regulations of this State.

Such study shall include, but not be limited to, the following:

(a) on-premises investigations of the conditions in long term care facilities in this State, especially in those facilities which, according to records of the Office of Long Term Care, have a high incidence of violations of Department regulations and standards;

(b) holding public hearings at which interested citizens and families of residents in long term care facilities are permitted to testify concerning the status and condition of the quality of care received in such facilities in this State;

(c) enlisting the cooperation and assistance of the Attorney General, prosecuting attorneys, and other appropriate agencies regarding investigations of alleged violations of long term care laws, regulations, and standards;

(d) reviewing earlier research concerned with Arkansas nursing homes to identify barriers now existing in public policy which prevent realistic implementation of the nursing home patients' plans of care and rehabilitation, and how other states have developed policy to address such problems;

(e) investigation of the adequacy of existing rules and regulations of the Office of Long Term Care with respect to licensing and examination of long term care facilities, the quality of care provided therein, and the remedies available to the State of Arkansas, the residents, and their families, to resolve deficiencies which may be discovered, as well as a study of the due process procedures available to the management of such facilities and to the residents;

(f) determination of whether the Office of Long Term Care has diligently and promptly investigated alleged violations of long term care standards and regulations for patient care, and whether the Department has implemented corrective procedures in the event violations were discovered;

(g) determination of the cost of nursing and medical services received by patients in long term care facilities in this State, and the extent to which doctors, nurses, and other professionals have reported to the Office of Long Term Care instances of neglect or abuse of nursing home patients;

(h) determination of the adequacy of current regulations pertaining to the staffing of long term care facilities in this State, and the adequacy of food and nursing services to meet the human needs of the patients;

(i) insuring that procedures are established which will recognize as meritorious those long term care facilities exceeding minimum standards for their residents; and

(j) reviewing the cost of care and the method of providing funds necessary to long term care to support the lodging, caring, feeding, treatment, and personal needs of residents in such facilities;

BE IT FURTHER RESOLVED:

THAT said committee shall complete its study as provided herein on or before October 1, 1988, and shall file a report of its findings and recommendations, including drafts of proposed legislation, deemed necessary resulting from such study, with the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Arkansas Legislative Council.