

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Wagner**
5
6

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 20-10-212 TO ALLOW THE
9 APPLICANTS AND LICENSEES FOR LONG-TERM CARE FACILITY AND
10 ADMINISTRATORS LICENSES TO APPEAL TO THE CIRCUIT COURT OF
11 THE COUNTY IN WHICH THE LICENSEE OR APPLICANT RESIDES OR
12 DOES BUSINESS WITHIN THIRTY (30) DAYS OF THE BOARD'S
13 DECISION INSTEAD OF FIFTEEN (15) DAYS; AND FOR OTHER
14 PURPOSES."

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

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18 SECTION 1. Arkansas Code § 20-10-212 is hereby amended to read as
19 follows:

20 "20-10-212. Appeal from denial, suspension, or revocation of license.

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22 (a) Any applicant or licensee who is aggrieved by any decision of the
23 office with respect to the denial, suspension, or revocation of any long-term
24 care facility license or long-term care facility administrator license or
25 other final decision of the office with respect to standards of construction,
26 operation, or maintenance of long-term care facilities or long-term care
27 facility personnel or employees may appeal the decision of the board to the
28 Circuit Court of Pulaski County or any county in which the applicant or
29 licensee resides or does business within thirty (30) days.

30 (b) Pending determination of the matter on appeal, the status quo of
31 the applicant or licensee shall be preserved."

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

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2 SECTION 3. If any provisions of this act or the application thereof to
3 any person or circumstance is held invalid, the invalidity shall not affect
4 other provisions or applications of the act which can be given effect without
5 the invalid provisions or application, and to this end the provisions of this
6 act are declared to be severable.

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8 SECTION 4. All laws and parts of laws in conflict with this act are
9 hereby repealed.

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11 SECTION 5. Emergency. It is hereby found and determined by the
12 Seventy-Eighth General Assembly of the State of Arkansas that applicants and
13 licensees for long-term care facilities and administrators licenses must now
14 go to Pulaski County Circuit Court in order to appeal decisions of the Office
15 of Long-Term Care and do it within fifteen (15) days of the decision; that
16 this makes it terribly inconvenient and costly for licensees and
17 administrators who must drive long distances to reach Pulaski County and take
18 off days to attend the court hearings; and that these circumstances create an
19 inefficient and inequitable situation which must be corrected immediately.
20 Therefore, in order to alleviate this inefficient system of appeals, an
21 emergency is hereby declared to exist, and this act being necessary for the
22 immediate preservation of the public peace, health, and safety, shall be in
23 full force and effect from and after its passage and approval.

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