

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

As Engrossed: S3/29/99 S4/5/99

## A Bill

SENATE BILL 909

4  
5 By: Senator Ross  
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### For An Act To Be Entitled

8  
9 "AN ACT TO CLARIFY THE REQUIREMENTS FOR INSPECTIONS OF  
10 RESIDENTIAL CARE FACILITIES; AND FOR OTHER PURPOSES."

### Subtitle

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13 "AN ACT TO CLARIFY THE REQUIREMENTS FOR  
14 INSPECTIONS OF RESIDENTIAL CARE  
15 FACILITIES."  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. (a) The Office of Long-Term Care shall at least two (2)  
21 times a year and whenever it deems necessary inspect, survey, and evaluate  
22 each residential care facility to determine compliance with applicable  
23 licensure requirements and standards promulgated pursuant to Arkansas Code 20-  
24 10-203.

25 (1) An inspection shall occur within one hundred twenty (120) days  
26 prior to license renewal.

27 (2)(A) All inspections, investigations, surveys and evaluations  
28 shall be conducted without prior notice to the residential care facility.

29 (B) Any licensee or applicant for a license shall be deemed to  
30 have given consent to any duly authorized employee or agent of the Office of  
31 Long-Term Care or the Department of Health to enter and inspect the  
32 residential care facility. Refusal to permit such entry or inspection may  
33 constitute grounds for the denial, nonrenewal, suspension, or revocation of a  
34 license.

35 (b) The Office of Long-Term Care shall maintain a file, updated at least  
36 monthly and available for public inspection, which shall at a minimum detail:

1           (1) The name of the residential care facility and date of  
2 inspection, investigation, survey, or evaluation;

3           (2) Any deficiencies, lack of compliance, or violation noted at  
4 the inspection, investigation, survey, or evaluation;

5           (3) The date a notice of violation, license denial, nonrenewal,  
6 suspension, or revocation was issued or other enforcement action occurred;

7           (4) The date a plan of correction was submitted by the residential  
8 care facility and the date that plan was approved;

9           (5) A copy of any inspection report filed by the Department of  
10 Health;

11           (6) The date corrections were completed, as verified by an  
12 inspection; and

13           (7) If the inspection or investigation was made pursuant to the  
14 receipt of a complaint, the date such complaint was received and the date the  
15 complainant was notified of the results of the inspection or investigation.

16           (c) The Office of Long-Term Care shall require periodic reports and  
17 shall have access to books, records and other documents maintained by the  
18 residential care facility to the extent necessary to implement the provisions  
19 this act.

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21           SECTION 2. (a) When the Office of Long-Term Care upon investigation  
22 finds conditions in a residential care facility that:

23           (1) imminently endanger the health, safety or welfare of a resident or  
24 residents;

25           (2) fail to provide necessary treatment, care, food, shelter or  
26 supervision to a resident or residents; or

27           (3) fail to report health problems or changes in health problems or  
28 changes in the health condition of a resident or residents;

29 the Office of Long-Term Care shall immediately notify the residential care  
30 facility of the deficiency or deficiencies and state in writing the reasons  
31 for dissatisfaction.

32           (b) The Office of Long-Term Care shall within ten (10) calendar days  
33 issue a written notice to the residential care facility requiring that the  
34 deficiency or deficiencies which exist be corrected.

35           (c) (1) After notice, if the directors of the Department of Human  
36 Services and the Office of Long-Term Care agree that conditions at the

1 residential care facility constitute a threat to the health, safety or welfare  
2 of a resident or residents requiring immediate action, either director or  
3 either director's designee may take immediate action, including closure, to  
4 protect the resident or residents.

5 (2)(A) After notice, if the directors of the Department of Human  
6 Services and the Office of Long-Term Care do not find an immediate threat to  
7 the health, safety or welfare of a resident or residents, a plan of correction  
8 will be requested which shall be submitted to the department within ten (10)  
9 days of receipt of the notice and shall establish the means by which the  
10 violation will be corrected and a timetable for implementation of the  
11 corrections.

12 (B) If an item of non-compliance that affects the health, safety or  
13 welfare of a resident or residents is not promptly corrected, the Office of  
14 Long-Term Care may sanction or initiate action to suspend or revoke the  
15 facility's license.

16 (d) If on the date named the residential care facility does not present  
17 good and sufficient reason why its authority to do business in this state  
18 should not be suspended, revoked, or refused, the Office of Long-Term Care may  
19 suspend or refuse the license of the residential care facility to do business  
20 in this state until the Office of Long-Term Care receives satisfactory  
21 evidence that the suspension or refusal should be withdrawn; or the Office of  
22 business in this state.

23 (e) Nothing in this act shall be construed as in any way limiting or  
24 altering the authority of the Office of Long-Term Care to also classify  
25 deficiencies under Arkansas Code 20-10-205 or to assess any civil penalties  
26 authorized under Arkansas Code 20-10-206.

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28 SECTION 3. (a) In order to ensure that individuals housed or employed in  
29 residential care facilities, licensed by the Office of Long-term Care of the  
30 Department of Human Services, are not subject to unsafe and unsanitary  
31 conditions, the Director of the Department of Health, or its duly authorized  
32 agent, is authorized to enter the premises in order to conduct random and  
33 unannounced health inspections of the food service or food related facilities.

34 (b) No residential care facility shall be allowed to operate food  
35 service or food related facilities unless it has procured a food establishment  
36 permit from the Division of Sanitarian Services of the Department of Health

1 pursuant to Arkansas Code 20-57-201 through 20-57-205.

2 (c) The inspections, while random, shall be performed at least two (2)  
3 times per calendar year with specific follow-up inspections by the Department  
4 of Health to monitor deficiencies and corrections as determined by the  
5 Department of Health.

6 (d) The Department of Health shall present a list of findings of the  
7 random health inspections to the Director of the Department of Human Services  
8 or the Office of Long-term Care within one (1) month after conducting the  
9 random inspection. A complete report including, but not limited to  
10 statistics, shall be made available to the public.

11 (e) The Director of the Department of Human Services or the Office of  
12 Long-term Care shall file a response to the Department of Health within thirty  
13 (30) days of receiving an inspection report prepared by the Department of  
14 Health.

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16 SECTION 4. All provisions of this act of a general and permanent nature  
17 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
18 Revision Commission shall incorporate the same in the Code.

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20 SECTION 5. If any provision of this act or the application thereof to  
21 any person or circumstance is held invalid, such invalidity shall not affect  
22 other provisions or applications of the act which can be given effect without  
23 the invalid provision or application, and to this end the provisions of this  
24 act are declared to be severable.

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26 SECTION 6. All laws and parts of laws in conflict with this act are  
27 hereby repealed.

28 /s/ Ross  
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