

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 3/23/99
A Bill

SENATE BILL 941

5 By: Senator Bearden
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8 **For An Act To Be Entitled**

9 "AN ACT TO AMEND ARKANSAS CODE 20-10-204 TO ADD NEW
10 SUBSECTIONS; TO AMEND ARKANSAS CODE 20-10-303; AND FOR
11 OTHER PURPOSES. "

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13 **Subtitle**

14 "AN ACT CONCERNING LONG-TERM CARE
15 FACILITIES AND SERVICES. "

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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 *SECTION 1. Arkansas Code 20-10-204 is amended to read as follows:*

21 *"20-10-204. Notice of violation.*

22 *(a) If, upon inspection or investigation, the Office of Long-Term Care*
23 *determines that a licensed long-term care facility is in violation of any*
24 *federal or state law or regulation pertaining to Title XIX Medicaid*
25 *certification or licensure, the office shall promptly serve, by certified mail*
26 *or other means that gives actual notice, a notice of violation upon the*
27 *licensee when the violation is a classified violation as described in § 20-10-*
28 *205.*

29 *(b)(1) Each notice of violation shall be prepared in writing and shall*
30 *specify the exact nature of the classified violation, the statutory provision*
31 *or specific rule alleged to have been violated, the facts and grounds*
32 *constituting the elements of the classified violation, and the amount of civil*
33 *penalty assessed by the Director of the Department of Human Services, if any.*

34 *(2) The notice shall also inform the licensee of the right to*
35 *hearing ~~under § 20-10-208 when civil penalties are imposed~~ which shall be*
36 *conducted in accordance with the Arkansas Administrative Procedure Act and*

1 regulations of the department consistent with that act.

2 (c) The department shall provide a fair and impartial hearing officer
3 for appeals.

4 (d) Except to the extent inconsistent with federal law, a request for
5 appeal shall stay the administrative action pending the hearing and final
6 decision.

7 (e) Upon written request of a long term care facility the department
8 shall provide copies of all documents, papers, reports, and other information
9 gathered through inspection or survey, which relate to the basis for a
10 violation cited or sanction imposed by the department. Such disclosure shall
11 be made within twenty-four (24) hours of the receipt of the request, and in no
12 event later than seven (7) working days prior to a scheduled hearing date."

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14 SECTION 2. Arkansas Code 20-10-303(a) is amended to read as follows:

15 "(a) The Long-Term Care Facility Advisory Board created in § 20-10-301
16 shall have the power and authority to hear all appeals by licensed long-term
17 care facilities, long-term care administrators, or other parties regulated by
18 the Office of Long-Term Care with regards to licensure, ~~and~~ certification,
19 deficiencies, and administrative remedies imposed by the Office of Long-Term
20 Care."

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22 SECTION 3. All provisions of this act of a general and permanent nature
23 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
24 Revision Commission shall incorporate the same in the Code.

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26 SECTION 4. If any provision of this act or the application thereof to
27 any person or circumstance is held invalid, such invalidity shall not affect
28 other provisions or applications of the act which can be given effect without
29 the invalid provision or application, and to this end the provisions of this
30 act are declared to be severable.

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32 SECTION 5. All laws and parts of laws in conflict with this act are
33 hereby repealed.

34 /s/ Bearden