

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: H2/28/01

A Bill

HOUSE BILL 1733

5 By: Representative Altes
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For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE 20-10-1205 TO PROTECT
10 PROPERTY AND PERSONAL AFFAIRS OF RESIDENTS OF LONG-
11 TERM CARE FACILITIES; AND FOR OTHER PURPOSES.
12

Subtitle

13 AN ACT TO AMEND ARKANSAS CODE 20-10-1205
14 TO PROTECT PROPERTY AND PERSONAL AFFAIRS
15 OF RESIDENTS OF LONG-TERM CARE
16 FACILITIES.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code 20-10-1205(e), concerning property and
23 personal affairs of residents, is amended to read as follows:

24 (e)(1)(A)(i) In the event of the death of a resident, a licensee within
25 thirty (30) days of the resident's death shall provide an accounting and shall
26 return all refunds and funds held in trust to the resident's personal
27 representative, if one (1) has been appointed at the time the long-term care
28 facility disburses such funds, and, if not, to the resident's spouse or ~~adult~~
29 ~~next of kin~~ a beneficiary named in a beneficiary designation form provided by
30 *the long-term care facility to the resident.*

31 (ii) No licensee, owner, administrator, employee, or representative of
32 a long-term care facility shall be named as a beneficiary to such funds.

33 *(iii) A beneficiary designation form shall only be completed by the*
34 *resident at the time of admission to a long-term care facility and in the*
35 *presence of two (2) witnesses who shall affix their signatures to the form as*
36 *witnesses.*

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(B) In the event that the resident has no spouse or ~~adult~~
~~next of kin~~ a named beneficiary or that such person cannot be located, funds
due to the resident shall be placed in an interest-bearing account in a bank,
savings and loan association, trust company, or credit union located in this
state and, if possible, located within the same county in which the facility
is located, which funds shall not be represented as part of the assets of the
facility on a financial statement, and the licensee shall maintain such
account until such time as the trust funds are disbursed pursuant to the
provisions of the Probate Code, § 28-1-101 et seq.

(2)(A) All other property of a deceased resident being held in
trust by the licensee shall be returned to the resident's personal
representative, if one ~~(1)~~ has been appointed at the time that the facility
disburses such property, and if not, to the resident's spouse or ~~adult next of~~
~~kin~~ a beneficiary named in a beneficiary designation form provided by the
facility to the resident.

(B) In the event that the resident has no spouse or ~~adult~~
~~next of kin~~ a named beneficiary or that such person cannot be located,
property being held is disbursed pursuant to the provisions of the Probate
Code, § 28-1-101 et seq.

/s/ Al tes