

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 As Enrolled: H3/20/01 H4/6/01 S4/11/01 S4/12/01

2 83rd General Assembly

A Bill

3 Regular Session, 2001

HOUSE BILL 2597

4

5 By: Representative Jones

6

7

8

For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE 20-10-210 AND 20-
10 10-228 TO ALLOW LONG-TERM CARE FACILITIES TO
11 OBTAIN ACCESS TO INFORMATION RECEIVED OR
12 GENERATED BY THE OFFICE OF LONG-TERM CARE THROUGH
13 INSPECTIONS, INVESTIGATIONS OR OTHERWISE; AND FOR
14 OTHER PURPOSES.

15

16

Subtitle

17 AN ACT TO ALLOW LONG-TERM CARE FACILITIES
18 TO OBTAIN ACCESS TO INFORMATION RECEIVED OR
19 GENERATED BY THE OFFICE OF LONG-TERM CARE
20 THROUGH INSPECTIONS, INVESTIGATIONS OR
21 OTHERWISE.

22

23

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

25

26 SECTION 1. Arkansas Code 20-10-210 is amended to read as follows:
27 20-10-210. Information received by Office of Long-Term Care
28 confidential.

29 (a) Information received by the Office of Long-Term Care, through
30 inspection or otherwise, shall not be disclosed publicly, in administrative
31 appeals or otherwise, in such a manner as to identify long-term care facility
32 residents, their families, or persons filing complaints against a long-term
33 care facility, except in cases of civil or criminal litigation or as
34 permitted in subsection (b) of this section.

35 (b) Information received or generated by the Office of Long-Term Care,
36 including surveyor notes, documents, photographs, or other materials

1 gathered, generated, or used by the surveyors in their survey or
2 investigation of a founded complaint, shall be made available to the long-
3 term care facility that is the subject of the survey or investigation upon
4 the completion of the investigation or survey, except that no information
5 that reveals the identity or tends to reveal the identity of any complainant
6 may be disclosed.

7
8 SECTION 2. Arkansas Code 20-10-228 is amended to read as follows:

9 20-10-228. Information received by Department of Human Services
10 confidential.

11 (a) Information received by the Department of Human Services, through
12 inspection or otherwise, authorized under §§ 20-10-213 - 20-10-228, shall not
13 be disclosed publicly in such a manner as to identify long-term care facility
14 residents, their families, or persons filing complaints, except in a
15 proceeding involving the question of licensing or revocation of a license or
16 as permitted in § 20-10-210(b).

17 (b) However, in the case of a specific written request by the deputy
18 director of the appropriate division as determined by the Director of the
19 Department of Human Services for information concerning a certain long-term
20 care facility, information obtained during recent inspections of the facility
21 may be supplied in writing to the deputy director.

22 (1) This exception applies only to facilities providing care for
23 recipients of public welfare and is not to be construed as permitting the
24 exchange of such information on all homes in the state but is specifically
25 limited to those for which the appropriate division as determined by the
26 director has specific complaints.

27 (2) These complaints shall be forwarded to the department along
28 with the request for information from the deputy director.

29 (3) Information received by the deputy director in the manner
30 prescribed in this subsection (b) shall not be disclosed.

31
32
33 /s/ Jones
34
35
36

1