

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

# A Bill

HOUSE BILL 2649

4  
5 By: Representative Magnus  
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## For An Act To Be Entitled

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9 AN ACT TO AMEND ARKANSAS CODE 5-28-106 TO REMOVE  
10 REDUNDANT AND EXCESSIVE CIVIL PENALTY ENFORCEMENT  
11 PROVISIONS; AND FOR OTHER PURPOSES.  
12

## Subtitle

13  
14 TO REMOVE CIVIL PENALTY PROVISIONS FROM  
15 CRIMINAL CODE REGARDING ABUSE, NEGLECT,  
16 AND EXPLOITATION OF ADULTS.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code 5-28-106(a)(1) is amended to read as follows:

22 (a)(1) The State of Arkansas and the Attorney General may institute a  
23 civil action against any long-term care facility caregiver, not required to  
24 be licensed under § 20-10-224, necessary to enforce any provision of this  
25 chapter.  
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27 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
28 General Assembly that under present law long-term care facilities licensed  
29 pursuant to Arkansas Code 20-10-224 are currently subject to pervasive  
30 regulation by the Department of Human Services pursuant to Arkansas Code 20-  
31 10-200, et seq., and regulations promulgated pursuant to that authority,  
32 including penalties for conditions that do, or could, cause death or serious  
33 physical injury, or that threaten the health, safety, and welfare of licensed  
34 facility residents. For this reason, there is no need to impose upon these  
35 licensed facilities a vehicle for civil penalties in addition to Arkansas  
36 Code 20-10-200, et seq., or subject these licensed facilities to the civil

1 penalty authority of the attorney general concurrent with the Department of  
2 Human Services. The current legislation unnecessarily subjects licensed  
3 facilities to three separate statutory mechanisms for civil penalties,  
4 creating an untenable atmosphere in which to conduct the business of long-  
5 term care in conformance with the body of legislation codified within Title  
6 20 of the Arkansas Code. Therefore, an emergency is declared to exist and  
7 this act being immediately necessary for the preservation of the public  
8 peace, health and safety shall become effective on the date of its approval  
9 by the Governor. If the bill is neither approved nor vetoed by the Governor,  
10 it shall become effective on the expiration of the period of time during  
11 which the Governor may veto the bill. If the bill is vetoed by the Governor  
12 and the veto is overridden, it shall become effective on the date the last  
13 house overrides the veto.

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