

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: S3/27/01

A Bill

SENATE BILL 380

5 By: Senator Critcher
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For An Act To Be Entitled

9 AN ACT TO PERMIT THE ATTORNEY GENERAL TO
10 INSTITUTE *A CIVIL ACTION AGAINST A LONG-TERM CARE*
11 *FACILITY WITH A PENALTY OF UP TO FIFTY THOUSAND*
12 *DOLLARS (\$50,000) FOR A SINGLE ADULT ABUSE*
13 *VIOLATION RESULTING IN A DEATH; AND FOR OTHER*
14 *PURPOSES.*

Subtitle

15
16 TO PERMIT THE ATTORNEY GENERAL TO
17 *INSTITUTE A CIVIL ACTION AGAINST A LONG-*
18 *TERM CARE FACILITY WITH A PENALTY OF UP TO*
19 *\$50,000 FOR A SINGLE ADULT ABUSE VIOLATION*
20 *RESULTING IN A DEATH.*
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code 5-28-106(a) is amended to read as follows:

27 (a)(1) The State of Arkansas and the Attorney General may institute a
28 civil action against any long-term care facility caregiver necessary to
29 *enforce any provision of this chapter.*

30 (2) Notwithstanding any criminal penalties assessed under this
31 chapter, any caregiver against whom any civil judgment is entered as the
32 result of a civil action brought ~~or threatened to be brought~~ by the State of
33 Arkansas through the Attorney General on a complaint alleging that caregiver
34 to have abused, neglected, or exploited an endangered or impaired adult in a
35 long-term care facility required to be licensed under § 20-10-224 shall be
36 ~~required~~ subject to pay a civil penalty ~~of not less than one thousand dollars~~

1 ~~(\$1,000) nor more than ten thousand dollars (\$10,000) for each violation~~
2 ~~judicially found to have occurred.:~~

3 (A) Not to exceed ten thousand dollars (\$10,000) for each
4 violation judicially found to have occurred; or

5 (B) Not to exceed fifty thousand dollars (\$50,000) for the
6 death of an adult in a long-term care facility which results from a single
7 violation.

8 (3)(A) The State of Arkansas and the Attorney General shall not
9 be precluded from recovering civil penalties under subdivision (a)(2)(A) of
10 this section for the death of an adult which results from multiple violations.

11 (B) However, the State of Arkansas and the Attorney General
12 shall be prohibited from recovering civil penalties under both subdivisions
13 (a)(2)(A) and (a)(2)(B) of this section.

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15 SECTION 2. Arkansas Code 5-28-106(c) is amended to read as follows:

16 (c) Any penalty shall be paid into the Treasury of the State of
17 Arkansas and credited to the ~~General Revenue Fund Account of the State~~
18 ~~Apportionment Fund~~ Arkansas Medicaid Program Trust.

19 /s/ Critcher
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