

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: S3/12/15

A Bill

SENATE BILL 912

5 By: Senator Hester
6

For An Act To Be Entitled

8 AN ACT TO PROHIBIT ADVERTISEMENT OF THE RESULTS OF A
9 SURVEY, INSPECTION, OR INVESTIGATION OF A LONG-TERM
10 CARE FACILITY; AND FOR OTHER PURPOSES.
11

Subtitle

12
13
14 TO PROHIBIT ADVERTISEMENT OF THE RESULTS
15 OF A SURVEY, INSPECTION, OR INVESTIGATION
16 OF A LONG-TERM CARE FACILITY.
17

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code Title 20, Chapter 10, Subchapter 1, is
22 amended to add an additional section to read as follows:

23 20-10-112. Results of a survey, inspection, or investigation
24 prohibited in advertisements.

25 (a) Except as otherwise provided in this section, the results of a
26 survey, inspection, or investigation of a long-term care facility conducted
27 by any state or federal department or agency, including any statement of
28 deficiencies, all findings and deficiencies cited in a statement of
29 deficiencies, all proposed and implemented plans of correction, and all
30 statements of interviews with individuals in connection with any inspection
31 or investigation, shall not be used in an advertisement, unless the
32 advertisement includes all of the following:

33 (1) The date the survey, inspection, or investigation was
34 conducted;

35 (2) A statement that a facility is required to submit a plan of
36 correction in response to a statement of deficiencies, if applicable;



1 (3) If a finding or deficiency cited in the statement of
2 deficiencies has been corrected, a statement that the finding or deficiency
3 has been corrected and the date that the finding or deficiency was corrected;
4 and

5 (4) A statement that the advertisement is not authorized or
6 endorsed by the Office of Long-Term Care of the Division of Medical Services
7 of the Department of Human Services, or any other government agency.

8 (b) This section does not prohibit the results of a survey,
9 inspection, or investigation conducted under this section from being used in
10 an administrative proceeding or a criminal investigation or prosecution.

11 (c) The information required in subsection (a) of this section shall:

12 (1) Be in the same font and size as the other language on or in
13 the advertisement; and

14 (2) Appear as prominent as other language used in the
15 advertisement.

16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

/s/Hester