

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/22/17

A Bill

HOUSE BILL 2208

5 By: Representative Lundstrum
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For An Act To Be Entitled

8 AN ACT TO ENSURE VULNERABLE ARKANSANS ARE PROTECTED
9 FROM UNLICENSED ASSISTED LIVING FACILITIES OR
10 RESIDENTIAL CARE FACILITIES; TO REQUIRE UNLICENSED
11 FACILITIES TO COMPLY WITH THE SAME STATUTES AND
12 REGULATIONS AS THOSE FOR LICENSED LONG-TERM CARE
13 FACILITIES; AND FOR OTHER PURPOSES.
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Subtitle

16 TO REQUIRE UNLICENSED ASSISTED LIVING
17 FACILITIES OR RESIDENTIAL CARE FACILITIES
18 TO COMPLY WITH THE SAME STATUTES AND
19 REGULATIONS AS THOSE FOR LICENSED LONG-
20 TERM CARE FACILITIES.
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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 § 20-10-2007 is amended to read as follows:*
27 *20-10-2007. Penalties and enforcement.*

28 *(a)(1) Each person establishing, conducting, managing, constructing,*
29 *or operating an assisted living facility or residential care facility without*
30 *a license in violation of this subchapter or using the terms “assisted*
31 *living”, “residential care”, or similar term to promote the facility’s*
32 *services without first having obtained a license is subject to penalties*
33 *under this chapter for operating an unlicensed long-term care facility.*

34 *(2) A building, structure, agency, institution, or other place*
35 *for the reception, accommodation, board, care, or treatment of unrelated*
36 *individuals who are unable to sufficiently or properly care for themselves*



1 due to age, illness, blindness, disease, or physical or mental infirmity and
2 where a charge is made the reception, accommodation, board, care, or
3 treatment shall comply with the rules for licensed residential care
4 facilities promulgated by the Office of Long-Term Care.

5 (b) The Department of Human Services:

6 (1) Shall ~~shall~~ have the same powers to enforce this subchapter
7 as are authorized in § 20-10-215; and

8 (2) May apply for and shall be granted an injunction in the name
9 of the state to prohibit an unlicensed facility from operating in
10 noncompliance with the rules for licensed residential care facilities
11 promulgated by the Office of Long-Term Care.

12 (c)(1) *The department may enter and inspect suspected unlicensed*
13 *assisted living or residential care facilities, including any combination of*
14 *separate entities working in concert within the meaning of § 20-10-215*
15 *without first having secured a warrant.*

16 (2) *If a facility denies or refuses the department entry or*
17 *denies, refuses, or interferes with inspection by the department, the*
18 *department may apply for and shall be granted an injunction in the name of*
19 *the state to prohibit the facility from operating until the department is*
20 *permitted to enter and inspect the facility.*

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22 /s/Lundstrum
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