

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: H3/18/19

A Bill

HOUSE BILL 1707

By: Representatives Capp, *Bentley*

By: Senator B. Davis

For An Act To Be Entitled

AN ACT TO AMEND THE ADULT AND LONG-TERM CARE FACILITY
RESIDENT MALTREATMENT ACT; TO DECLARE AN EMERGENCY;
AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE ADULT AND LONG-TERM CARE
FACILITY RESIDENT MALTREATMENT ACT; AND
TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 12-12-1710 is amended to read as follows:
12-12-1710. Investigation by Department of Human Services.

(a) The Department of Human Services shall have jurisdiction to investigate all cases of suspected maltreatment of an endangered person or an impaired person.

(b)(1) The Adult Protective Services Unit of the Department of Human Services shall investigate:

(A) All cases of suspected adult maltreatment if the act or omission occurs in a place other than a long-term care facility; and

(B) All cases of suspected adult maltreatment of an adult endangered person or an adult impaired person if a family member of the adult endangered person or adult impaired person is named as the suspected offender, regardless of whether or not the adult endangered person or adult impaired person is a long-term care facility resident.

(2) The ~~Office of Long-Term Care~~ department shall investigate



all cases of suspected maltreatment of a long-term care facility resident.

(3) If requested by the department, a law enforcement agency possessing jurisdiction shall assist in the investigation of any case of suspected adult maltreatment or long-term care facility resident maltreatment, including accompanying the department's investigator if the department has a reasonable belief that the investigator's safety could be compromised.

SECTION 2. Arkansas Code § 12-12-1711 is amended to read as follows:
12-12-1711. Procedures for investigation by the Department of Human Services.

(a) The Department of Human Services shall conduct a thorough investigation of all suspected adult maltreatment or long-term care facility resident maltreatment in accordance with this subchapter.

(b)(1) The investigation shall be completed and an investigative determination entered within sixty (60) days.

(2) The investigation shall be conducted by an examination and review of the allegations and any other information concerning suspected adult maltreatment or long-term care facility resident maltreatment received by or collected by the department from any source.

~~(2)(3)~~ The investigation and written investigative report shall include:

(A) The nature, extent, and cause of the ~~maltreatment~~
adult maltreatment or long-term care facility resident maltreatment;

(B) The identity of the person responsible;

(C) The names and conditions of other adults in the home, if the incident occurred in a home;

(D) An evaluation of the persons responsible for the care of the maltreated person, if any;

(E) The home environment, the relationship of the maltreated person to the next of kin or other person responsible for his or her care, and all other pertinent data; and

(F)(i) A If the incident occurred in the home, a visit to the maltreated adult's home, if the incident occurred in the home, person's home and an interview with the maltreated ~~adult~~ person.

(ii) An investigator shall interview the maltreated

person alone and out of the hearing of any next of kin or other person responsible for the maltreated person's care.

(iii) If necessary, an interpreter may be present during the interview of the maltreated person.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that currently each finding of abuse or neglect by the Department of Human Services is subject to challenge unless the department sends a person to conduct an investigation in person; that the department's review and adoption of the maltreatment investigation record submitted by a nursing home, a practice in place for decades, was determined to be out of compliance; and that this act is immediately necessary because this act would correct that situation. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/Capp

APPROVED: 4/12/19