

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
91st General Assembly  
Regular Session, 2017

As Engrossed: H3/22/17  
**A Bill**

HOUSE BILL 2208

By: Representative Lundstrum

### **For An Act To Be Entitled**

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

### **Subtitle**

TO REQUIRE UNLICENSED ASSISTED LIVING FACILITIES OR RESIDENTIAL CARE FACILITIES TO COMPLY WITH THE SAME STATUTES AND REGULATIONS AS THOSE FOR LICENSED LONG-TERM CARE FACILITIES.

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

*SECTION 1. Arkansas Code § 20-10-2007 is amended to read as follows: 20-10-2007. Penalties and enforcement.*

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

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



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

(b) The Department of Human Services:

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

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

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

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

/s/Lundstrum