

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

As Engrossed: H3/10/99 H3/24/99

A Bill

HOUSE BILL 2169

4
5 By: Representative Rackley
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For An Act To Be Entitled

8
9 "AN ACT TO BE KNOWN AS 'THE PATIENT SUPPORTIVE CARE
10 ACT OF 1999' ; AND FOR OTHER PURPOSES. "

Subtitle

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13 "AN ACT TO BE KNOWN AS 'THE PATIENT
14 SUPPORTIVE CARE ACT OF 1999' . "

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

18 19 SECTION 1. Purpose.

20 The purpose of this act is to establish a standard of supportive care
21 for all patients under the attention and supervision of licensed health care
22 providers rendering care for patients who are domiciled in licensed health
23 care facilities in the State of Arkansas, to ensure the basics of health care
24 support necessary for stability and improvement during recuperation from
25 physical and mental illness, and establishing a standard for determination of
26 criminal neglect in the absence of such care.

27 28 SECTION 2. Definitions.

29 For the purpose of this act:

30 (1) "Supportive care" means the provision of adequate shelter, hygiene,
31 nutrition/hydration to residents of licensed health care facilities by health
32 care providers and licensed health care facilities;

33 (2) "Health care provider" means any licensed health professional under
34 the regulatory supervision of established boards as provided by established
35 Arkansas statutes, such as physicians, nurses, nursing assistants, and any
36 ancillary professionals which are essential to the provision of the elements

1 of supportive care as defined above for any patient domiciled in a licensed
2 Arkansas health care facility; and

3 (3) "Licensed Arkansas health care facility" means hospitals, nursing
4 homes, and any other long-term care facility in which licensed Arkansas health
5 care professionals are practicing daily.

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7 SECTION 3. Standard of supportive care.

8 (a) The standard of supportive care for all patients domiciled in
9 licensed health care facilities in the State of Arkansas shall be adequate
10 shelter, hygiene, cleanliness of person or environment, as well as adequate
11 nutrition/hydration to support metabolic needs, as long as the patient is
12 domiciled in a licensed Arkansas health care facility and while the patient is
13 attended to and supervised by licensed Arkansas health care professionals.

14 Deprivation of any one of these elements is recognized as deleterious to the
15 health stability of any patient while under the attention and supervision of a
16 licensed Arkansas health care professional in a licensed Arkansas health care
17 facility, which may, by the neglect of any of these elements, result in the
18 patient's illness and death.

19 (b) It shall be considered an act of criminal neglect for a health care
20 provider or licensed health care facility to fail to meet the standard of
21 supportive care and such failure may be prosecuted under established statutes
22 of the State of Arkansas and considered a Class C felony.

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24 SECTION 4. This act does not limit in any way a patient's rights under
25 the provisions of the Arkansas Rights of Terminally Ill or Permanently
26 Unconscious Act, beginning at Arkansas Code 20-17-201, nor does it restrict
27 the activities of private families in their homes while caring for members of
28 their immediate family; nor the activities of licensed health care providers
29 acting in cooperation with private families who are caring for members of
30 their immediate family in their homes, as in home hospice care, other than
31 those activities as defined as neglect by the established statutes of the
32 State of Arkansas .

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34 SECTION 5. All provisions of this act of a general and permanent nature
35 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
36 Revision Commission shall incorporate the same in the Code.

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SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 7. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 8. EMERGENCY CLAUSE. It is hereby found and determined by the Eighty-second General Assembly that this act is essential to the protection of the citizens of the State of Arkansas who are patients that are domiciled within licensed Arkansas health care facilities and attended to by licensed Arkansas health care professionals. 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 the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto.

/s/ Rackley