

1 State of Arkansas As Engrossed: H3/18/13 H3/20/13

2 89th General Assembly

A Bill

3 Regular Session, 2013

HOUSE BILL 1555

4

5 By: Representative Hickerson

6 By: Senator Hickey

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For An Act To Be Entitled

9 AN ACT TO CREATE A MECHANISM FOR TRANSFERRING BACK TO
10 ARKANSAS ANY ARKANSAS CITIZEN WHO HAS BEEN *DETAINED*
11 *IN* A PRIVATE HOSPITAL IN ANOTHER STATE FOR THE
12 TREATMENT OF MENTAL ILLNESS; AND FOR OTHER PURPOSES.

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Subtitle

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

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25 *SECTION 1. Arkansas Code § 20-47-202 is amended to add two additional*
26 *subdivisions to read as follows:*

27 *(20)(A) "Resides" means a person's ongoing physical presence in*
28 *the state together with indications that the person's presence in the state*
29 *is something other than merely transitory; and*

30 *(B) "Resides" includes a temporary absence from the state*
31 *or temporary physical presence in a city that adjoins the Arkansas state line*
32 *or is separated only by a navigable river from an Arkansas city that adjoins*
33 *the Arkansas state line.*

34 *(21) "State or local authority" means a state or local*
35 *government authority or agency or a representative of a state or local*
36 *government authority or agency acting in an official capacity.*



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2 *SECTION 2. Arkansas Code Title 20, Chapter 47, Subchapter 2, is*
3 *amended to add an additional section to read as follows:*

4 *20-47-230. Return of detained or involuntarily admitted person to*
5 *state of residence – Reciprocal agreements.*

6 *(a) The Department of Human Services may enter into a reciprocal*
7 *agreement with a state that adjoins the Arkansas state line or is separated*
8 *only by a navigable river from the Arkansas state line to facilitate the*
9 *return of a person who is detained in or involuntarily admitted to mental*
10 *health facilities in this state or another state to the states of their*
11 *residence.*

12 *(b) The state returning a detained or involuntarily admitted person to*
13 *another state shall bear the expenses of returning the person, unless the*
14 *state agrees to share costs under a reciprocal agreement made under*
15 *subsection (a) of this section.*

16 *(c) If a state or local authority of another state petitions the*
17 *department, the department shall enter into a reciprocal agreement with the*
18 *state or local authority to facilitate the return of a person who is detained*
19 *in or involuntarily admitted to a receiving facility in this state to the*
20 *state of his or her residence unless the department determines that the terms*
21 *of the agreement are not acceptable.*

22 *(d)(1) A reciprocal agreement entered into by the department under*
23 *subsection (a) of this section shall require the department to develop a*
24 *process for returning a person who is detained in or involuntarily admitted*
25 *to a receiving facility to the person's state of residence.*

26 *(2) A process developed under subdivision (d)(1) of this section*
27 *shall:*

28 *(A) Provide suitable care for the person who is detained*
29 *in or involuntarily admitted to a mental health facility;*

30 *(B) Use available resources efficiently; and*

31 *(C) Consider commitment to a proximate mental health*
32 *facility to make possible the return of the detained or involuntarily*
33 *admitted person to his or her state of residence.*

34 *(e) The department shall coordinate the reciprocal agreement and the*
35 *process developed under subsection (d) of this section with a mental health*
36 *facility, mental hospital, health service provider, court, or law enforcement*

1 agency located in Arkansas.

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3 SECTION 3. DO NOT CODIFY. (a) This act applies only to a reciprocal
4 agreement between an Arkansas state agency and an agency of another state
5 that is entered into on or after the effective date of this act.

6 (b) A reciprocal agreement entered into between an Arkansas state
7 agency and an agency of another state before the effective date of this act
8 is governed by the law in effect on the date the reciprocal agreement was
9 entered into, and the former law is continued in effect for that purpose.

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12 /s/Hickerson

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15 APPROVED: 04/02/2013