

ARKANSAS SENATE
89th General Assembly - Fiscal Session, 2014
Amendment Form

JBC 2-20-14 (2)

Subtitle of Senate Bill No. 69

AN ACT FOR THE UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCES APPROPRIATION FOR THE
2014-2015 FISCAL YEAR.

Amendment No. 1 to Senate Bill No. 69

Amend Senate Bill No. 69 as originally introduced:

Following SECTION 45, insert a new section:

" SECTION 46. SPECIAL LANGUAGE. Arkansas Code §20-78-106(a), regarding availability of records during an investigation of suspected cases of child abuse or neglect, is amended to read as follows:

20-78-106. Availability of records from children's advocacy centers, hospitals, or clinics during an investigation of suspected cases of child abuse or neglect.

(a) Reports, correspondence, memoranda, case histories, medical records, or other materials compiled or gathered during an investigation of a suspected case of child abuse or neglect by a children's advocacy center, hospital, or clinic shall be confidential and shall not be released or otherwise made available except:

(1) To the attorney representing the abused child in a custody or juvenile case with an order of appointment or an order recognizing entry of appearance;

(2) For any audit or similar activity conducted with the administration of any plan or program by any governmental agency which is authorized by law to conduct the audit or activity;

(3) To law enforcement agencies, a prosecuting attorney, or the Attorney General;

(4) To any licensing or registering authority to the extent necessary to carry out its official responsibilities, but the information shall be maintained as confidential;

(5) To a grand jury or court upon a finding that:

(A) Information in the record is necessary for the determination of a civil, criminal, or administrative issue before the court or grand jury; and

(B) The information cannot be obtained from a person or entity described in subdivision (b)(2) of this section;

(6) To the Department of Human Services;



(7) To a court-appointed special advocate volunteer with a valid court order;

(8) Images of a child's breast, genitals, or anus shall not be released except as provided under subsection (c) of this section;

(9) All records may be released to an attorney in any criminal, civil, or administrative proceeding or to a party in a criminal, civil, or administrative proceeding if the party is not represented by an attorney as permitted under criminal, civil, or administrative discovery rules upon a finding by the court that:

(A) Information in the record is necessary for the determination of a criminal, civil, or administrative issue before a court or grand jury; and

(B) The information cannot be obtained from a person or entity described in subdivision (b)(2) of this section; ~~and~~

(10) Medical records may be released to a person providing medical or psychiatric care or services to the abused child; and

(11) For bona fide instructional purposes at Arkansas Childrens' Hospital and/or the University of Arkansas for Medical Sciences in the care, detection, treatment, and management of suspected child abuse and neglect."

AND

Renumber the subsequent sections.

The Amendment was read the first time, rules suspended and read the second time and _____

By: Joint Budget Committee

By: Senator J. Key

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Secretary