

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  
4

*As Engrossed: H2/24/99 S3/17/99*

# A Bill

HOUSE BILL 1613

5 By: Representatives Hale, B. Johnson, Faris, Ferrell, J. Lewellen, Ammons, Dees, Gullett, Jones, Bond,  
6 Angel, Wilkins, C. Johnson, Wood, King, Trammell  
7 By: Senator Kennedy  
8  
9

## For An Act To Be Entitled

11 "AN ACT TO CREATE THE ARKANSAS PRENATAL AND EARLY  
12 CHILDHOOD NURSE HOME VISITATION PROGRAM; AND FOR OTHER  
13 PURPOSES. "  
14

## Subtitle

15 "AN ACT TO CREATE THE PRENATAL AND EARLY  
16 CHILDHOOD NURSE HOME VISITATION PROGRAM. "  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

### SECTION 1. Legislative declaration.

22 The General Assembly hereby finds that, in order to adequately care for  
23 their newborns and young children, new mothers may often benefit from  
24 receiving professional assistance and information. Without such assistance  
25 and information, a young mother may develop habits or practices that are  
26 detrimental to her health and well-being and the health and well-being of her  
27 child. The General Assembly further finds that inadequate prenatal care and  
28 inadequate care in infancy and early childhood often inhibit a child's ability  
29 to learn and develop throughout his or her childhood and may have lasting,  
30 adverse affects on the child's ability to function as an adult. The General  
31 Assembly recognizes that implementation of a voluntary nurse home visitor  
32 program that provides educational, health, and other resources for young  
33 mothers during pregnancy and the first years of their infants' lives has been  
34 proven to significantly reduce the amount of drug, including nicotine, and  
35 alcohol use and abuse by mothers, the occurrence of criminal activity  
36

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1 committed by mothers and their children under fifteen (15) years of age, and  
2 the number of reported incidents of child abuse and neglect. Such a program  
3 has also been proven to reduce the number of subsequent births, increase the  
4 length of time between subsequent births, and reduce the mother's need for  
5 other forms of public assistance. It is the intent of the General Assembly  
6 that such a program be established for the State of Arkansas initially  
7 targeting a limited number of first-time teenage mothers and potentially  
8 expanding over time.

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10 SECTION 2. (a) The Arkansas Prenatal and Early Childhood Nurse Home  
11 Visitation Program is established and shall be administered by the Department  
12 of Health.

13 (b) The Department of Health shall implement the Prenatal and Early  
14 Childhood Nurse Home Visitation model developed by Dr. David Olds.

15 (c) The Department of Health shall have the power to receive and expend  
16 grants, donations, and funds from public and private sources to carry out its  
17 responsibilities under this Act.

18 (d) The Department of Health shall collect data which will allow a  
19 valid and reliable evaluation of the short-term and long-term effectiveness of  
20 this intervention in improving maternal and child outcomes. The Department  
21 shall collect data which at a minimum, will provide information on the effect  
22 of prenatal and infancy home visits by nurses on all of the following:

23 (1) Pre-term delivery, low-birth weight, and infant  
24 morbi di ty/mortal i ty;

25 (2) Immunizations;

26 (3) Mental development and behavioral problems;

27 (4) Subsequent pregnancy;

28 (5) Educational achievement;

29 (6) Labor force participation; and

30 (7) Use of public assistance programs.

31 (e) The Department shall coordinate with other state agencies to track  
32 childhood injuries, childhood maltreatment and criminal activity.

33 (f) The Department of Health shall cooperate with other state agencies  
34 and the developer of the Prenatal and Early Childhood Nurse Home Visitation  
35 Program to create a more comprehensive evaluation of the overall impact and  
36 effectiveness of the program in Arkansas.

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2           SECTION 3. (a) There is created the Arkansas Prenatal and Early  
3 Childhood Nurse Home Visitation Program Advisory Council.

4           (b) The Council shall consist of eleven (11) members to be appointed by  
5 the Governor as follows:

6                 (1) Two (2) members from the Arkansas Department of Health, to be  
7 nominated by the Director of the Department of Health;

8                 (2) Two (2) members from the UAMS College of Medicine, to be  
9 nominated by the Dean of the College of Medicine;

10                (3) One (1) member from the UAMS College of Nursing, to be  
11 nominated by the Dean of the College of Nursing;

12                (4) One (1) member from the Arkansas Nurses Association;

13                (5) One (1) member from the UALR School of Social Work, to be  
14 nominated by the Director of the School of Social Work;

15                (6) One (1) member from the Division of Early Childhood  
16 Development in the Arkansas Department of Human Services;

17                (7) One (1) member from the State Child Abuse and Neglect  
18 Prevention Board to be nominated by the Director of the State Child Abuse and  
19 Neglect Prevention Board; and

20                (8) Two (2) members from the public at large, at least one (1) of  
21 whom shall be active in child advocacy within the state, and one (1) of whom  
22 shall be an African American.

23           (c) The Program Director shall serve as an ex officio member of the  
24 Board.

25           (d) Members shall be appointed for three (3) year staggered terms. The  
26 staggered terms shall be assigned by lot. The terms shall commence on January  
27 15 of each year.

28           (e) In the event of a vacancy of one of the members appointed by the  
29 Governor for any reason other than expiration of a regular term, the vacancy  
30 shall be filled for the unexpired portion of the term by appointment of the  
31 Governor and that person shall possess the same qualifications as required for  
32 initial appointment.

33           (f) Members of the Council shall not be entitled to compensation for  
34 their services but may receive expense reimbursement in accordance with  
35 Arkansas Code 25-16-902 to be paid by the Department.

36           (g) The Council shall hold its first meeting during January, 2000 at a

1 place and time designated by the Governor.

2 (h) At the initial organizational meeting of the Council, the members  
3 shall elect from among their number a chairperson and vice-chairperson.

4 Annually thereafter, a meeting shall be held to elect the chairperson and  
5 vice-chairperson.

6 (i) Quarterly meetings of the Council shall be held. Special meetings  
7 may be called by the chair or as provided by the rules of the Council.

8 (j) The Council shall monitor the program to ensure that the program is  
9 implemented according to the program training requirements, program protocols,  
10 program management information systems, and program evaluation requirements  
11 established by the Department. The Council shall evaluate the overall  
12 implementation of the program and include such evaluation, along with any  
13 recommendations concerning the selected entities or changes in the program  
14 training requirements, program protocols, program management information  
15 systems, or program evaluation requirements in the annual report submitted to  
16 the Department.

17 (k) The program staff shall submit a written status report annually to  
18 the Advisory Council.

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20 SECTION 4. The program is expressly exempted from the Freedom of  
21 Information Act and is prohibited from supplying any information by individual  
22 name or other personal identifier or in a form other than a statistical report  
23 or other appropriate form which protects the confidentiality of individuals  
24 except to any state agency or department which originally supplied the  
25 information to the system unless both the originating agency and the system  
26 grant release of this information for a specific purpose.

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28 SECTION 5. (1) All institutions, receiving state or federal support,  
29 with patient records containing information pertaining to participating first-  
30 time mothers shall be required to share information in those records with the  
31 program.

32 (2) All participating first-time mothers shall sign an informed  
33 consent and medical records release document.

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35 SECTION 6. Nothing performed pursuant to this Act shall be deemed to  
36 constitute the practice of home health care as defined in Arkansas Code 20-10-

1 801 through 20-18-813.

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3 SECTION 7. (a) Any physician, clinic, person, or organization may  
4 provide information and referrals to the program.

5 (b) No liability of any kind or character for damages or other relief  
6 shall arise or be enforced against any person or organization by reason of  
7 having provided the information or by reason of having released or published  
8 the findings of the program in order to reduce child abuse or neglect, or to  
9 advance medical research or medical education.

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11 SECTION 8. The Director of the Department of Health is authorized to  
12 utilize available general revenue savings and allowable federal funds in  
13 support of the activities described in this act in the event that sufficient  
14 funds are not allocated for the Prenatal and Early Childhood Nurse Home  
15 Visitation Program herein. The Director of the Department of Health is  
16 authorized to transfer appropriation and funds, as necessary, only for the  
17 purposes provided for in this Act. Upon approval of the Chief Fiscal Officer  
18 of the State and review by the Legislative Council, such transfers shall be  
19 made upon the books of the Department of Finance and Administration, Auditor  
20 of State and Treasurer of State.

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22 SECTION 9. All provisions of this Act of a general and permanent nature  
23 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
24 Revision Commission shall incorporate the same in the Code.

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26 SECTION 10. If any provision of this Act or the application thereof to  
27 any person or circumstance is held invalid, such invalidity shall not affect  
28 other provisions or applications of the Act which can be given effect without  
29 the invalid provision or application, and to this end the provisions of this  
30 Act are declared to be severable.

31  
32 SECTION 11. All laws and parts of laws in conflict with this Act are  
33 hereby repealed.

34 /s/ Hale