

As Engrossed: 1/24/95 2/13/95 3/24/95

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**

A Bill

ACT 809 OF 1995
HOUSE BILL 1233

4 **By: Representatives Jones and Pollan**

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For An Act To Be Entitled

8 "AN ACT TO ESTABLISH GUIDELINES FOR THE PLACEMENT OF
9 EMOTIONALLY DISTURBED YOUTH IN OUT-OF STATE TREATMENT
10 FACILITIES; AND FOR OTHER PURPOSES."

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Subtitle

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

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19 SECTION 1. Arkansas Code § 20-46-106 is amended to read as follows:

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"20-46-106. Emotionally disturbed youth treated out-of-state.

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(a) It is the intent of the Legislature that treatment for emotionally disturbed youth (EDY) within the State of Arkansas will result in higher quality care provided for less cost when compared with similar services delivered out-of-state. Prior to making an out-of-state placement, the Department of Human Services shall make and document the determinations established in subsection (b). If an out-of-state placement is made without documenting such determinations, payment for services shall not be authorized. The Department of Human Services shall provide a report monthly to the *Joint Committee on Children & Youth* reflecting the number of youth receiving services out-of-state, including plans for their return to Arkansas. The monthly reports shall also include the determinations made prior to each out-of-state placement pursuant to subsection (b).

(b) Before an emotionally disturbed youth is placed in an out-of-state treatment facility, the Department of Human Services shall make and document the following determinations:

(1) Whether the emotionally disturbed youth has been

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1 appropriately and accurately diagnosed;

2 (2) Whether an appropriate treatment facility exists within the
3 State;

4 (3) Whether there is an appropriate treatment facility in a
5 border state;

6 (4) Whether the facility being considered has the most
7 appropriate program;

8 (5) Whether the program requires payment of board, and if so,
9 what is the amount;

10 (6) Whether the total cost for treatment in the out-of-state
11 facility exceeds the cost for treatment in-state;

12 (7) Where do youth residing at the facility attend school and is
13 the school accredited;

14 (8) What mechanisms are in place to address problems that are not
15 within the purview of the program;

16 (9) What type of professional staff is available at the facility;

17 (10) What other considerations exist, in addition to the youth's
18 emotional problems, such as other medical conditions, travel expenses, wishes
19 of the youth, best interests of the youth, affect of out-of-state placement on
20 the youth, and proximity to the emotionally disturbed youth's family; and

21 (11) What alternatives exist to out-of-state placement and what
22 are the benefits and detriments of each alternative."

23 (c) *The determinations made under subsection (b) shall be included in*
24 *the youth's case file and shall be reviewed and considered by the juvenile*
25 *judge.*

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27 SECTION 2. All provisions of this act of a general and permanent nature
28 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
29 Revision Commission shall incorporate the same in the Code.

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31 SECTION 3. If any provision of this act or the application thereof to
32 any person or circumstance is held invalid, such invalidity shall not affect
33 other provisions or applications of the act which can be given effect without
34 the invalid provision or application, and to this end the provisions of this
35 act are declared to be severable.

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SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.

/s/Rep. Jones, et al

APPROVED: 3-28-95

As Engrossed: 1/24/95 2/13/95 3/24/95

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