

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

**Act 1012 of the Regular Session**

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007  
4

*As Engrossed: H3/21/07 S3/26/07*

**A Bill**

HOUSE BILL 2721

5 By: Representative Medley  
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7

**For An Act To Be Entitled**

9 AN ACT TO DIRECT THE DIVISION OF BEHAVIORAL  
10 HEALTH OF THE DEPARTMENT OF HEALTH AND HUMAN  
11 SERVICES TO CREATE STANDARD PROTOCOLS, SUBMISSION  
12 AND EVALUATION OF REPORTS, AND MONITORING OF  
13 COMPLIANCE; AND FOR OTHER PURPOSES.  
14

**Subtitle**

15 DIRECT THE DIVISION OF BEHAVIORAL HEALTH  
16 OF THE DEPARTMENT OF HEALTH AND HUMAN  
17 SERVICES TO CREATE STANDARD PROTOCOLS,  
18 SUBMISSION AND EVALUATION OF REPORTS,  
19 AND MONITORING OF COMPLIANCE.  
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22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
24

25 *SECTION 1. Arkansas Code Title 20, Chapter 47 is amended to add an*  
26 *additional subchapter to read as follows:*

27 *20-47-601. Definitions.*

28 *As used in this subchapter:*

29 *(1) "Community mental health centers" means those private non-*  
30 *profit organizations certified by the Division of Behavioral Health Services*  
31 *of the Department of Health and Human Services under § 20-47-202 as community*  
32 *mental health centers and contracted to perform designated public mental*  
33 *health services in the respective catchment areas of the state;*

34 *(2) "Inmate with mental illness" means a jail inmate who, after*  
35 *being assessed by a person qualified by licensure to conduct an assessment,*



1 meets the criteria for serious mental illness or is in danger of harm to self  
2 or to others;

3 (3) "Jail inmate" means a natural person who is in the custody  
4 of law enforcement authorities within the confines of a county jail;

5 (4) "Persons with mental illness" means a person who appears to  
6 be a danger to himself or herself or to others or to need mental health  
7 evaluation for treatment and may include an individual detained by a law  
8 enforcement officer;

9 (5) "Protocol" means standardized outlines of the steps to be  
10 taken by law enforcement officers, jails, community mental health centers or  
11 regional secure psychiatric facilities to handle the situation of each person  
12 with mental illness arrested by a law enforcement officer.

13  
14 20-47-602. Protocols and accountability.

15 (a) Each county jail shall prepare and may use during the intake  
16 process a standard checklist, including behavioral indicators of mental  
17 health problems.

18 (b) If a checklist is used, the checklist shall be a permanent part of  
19 the jail inmate's record and shall record all mental health efforts that  
20 should be taken in relation to the jail inmate.

21 (c) Each county jail shall adapt the standard protocols to assist law  
22 enforcement personnel and mental health personnel as follows:

23 (1) A protocol that sets forth the steps that should be taken  
24 initially for all arrested persons to determine their mental health status,  
25 including physical indications that may affect mental health status;

26 (2)(A) A protocol to be used for those persons who, based on the  
27 results of the protocol drafted under subdivision (c)(1) of this section, may  
28 be in need of psychiatric or co-occurring condition treatment;

29 (B) Under the protocol drafted under subdivision (c)(2)(A)  
30 of this section, only licensed mental health professionals shall be  
31 responsible for comprehensive screening and assessment subsequent to a  
32 finding that the arrested person is in need of psychiatric or co-occurring  
33 condition treatment.

34 (C) Ordinarily the mental health professionals under  
35 subdivision (c)(2)(B) of this section should be supplied by the Community  
36 Mental Health Center for the catchment area in which the jail is located.

1           (3)(A) A protocol for case management for jail inmates with a  
2 mental illness who are referred to a community mental health center.

3           (B) The protocol drafted under subdivision (3)(A) of this  
4 section shall outline the responsibilities of each party and the steps to be  
5 followed in providing treatment to the referred inmate.

6           (C) The protocol drafted under subdivision (3)(A) of this  
7 section shall include a crisis plan for periods beyond the normal work day or  
8 work week.

9           (d)(1) A standard model for the checklist to be prepared under this  
10 section and a standard model for the protocols to be drafted under this  
11 section shall be prepared by a committee to be convened by the Division of  
12 Behavioral Health Services of the Department of Health and Human Services  
13 within six (6) months after the effective date of this subchapter.

14           (2) The committee convened under subdivision (d)(1) of this  
15 section shall consist of a representative designated by each of the following  
16 agencies or departments:

17                   (A) Arkansas Association of Chiefs of Police;

18                   (B) Arkansas Association of County Judges;

19                   (C) Arkansas Judicial Council;

20                   (D) Arkansas Municipal League;

21                   (E) Arkansas Sheriffs' Association;

22                   (F) Community mental health centers;

23                   (G) Criminal Justice Institute of the Arkansas University

24 System;

25                   (H) Department of Community Correction;

26                   (I) Disability Rights Center;

27                   (J) Division of Behavioral Health;

28                   (K) Office of the Prosecutor Coordinator;

29                   (L) Department of Psychiatry of the University of Arkansas  
30 for Medical Sciences; and

31                   (M) Arkansas Public Defender Commission.

32           (3) The committee shall submit the completed standard protocols  
33 and the standard checklist required under subdivision (d)(1) of this section  
34 to the Division of Behavioral Health and to the Arkansas Judicial Council for  
35 approval.

36           (4) The Division of Behavioral Health shall provide copies of

1 the standard protocols and the standard checklist to sheriffs, chiefs of  
2 police and county judges shall post the standard protocols and the standard  
3 checklist on a public website.

4 (e) The committee convened under subdivision (d)(1) of this section  
5 shall recommend:

6 (1) Establishment of the needs for acute mental health beds  
7 throughout the state; and

8 (2) Provision of appropriate funding where needed for  
9 construction, operations, renovation, and equipment for meeting the state's  
10 needs for acute mental health beds to the extent such funds are appropriated  
11 for the purpose.

12 (f) The Division of Behavioral Health shall develop a standardized  
13 report related to all aspects of the implementation of this subchapter.

14 (g) Each community mental health center shall complete and submit  
15 quarterly to the Division of Behavioral Health the report developed under  
16 subsection (e) of this section.

17 (h) The Division of Behavioral Health shall publish annually within  
18 sixty (60) days after the end of the state's fiscal year a compilation of the  
19 quarterly reports to be made available to the public and, if necessary, to  
20 serve as the basis for action to end.

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22 20-47-604. Conditional effectiveness.

23 Unless sufficient appropriations are provided for the purposes of this  
24 subchapter, the parties have no new obligations under this subchapter.

25  
26 /s/ Medley

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28 APPROVED: 4/3/2007