

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

SENATE BILL 213

5 By: Senator Irvin
6 By: Representative L. Johnson
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW REGARDING SCREENED-OUT,
10 PENDING, AND UNFOUNDED REPORTS OF ADULT MALTREATMENT
11 OR LONG-TERM CARE FACILITY RESIDENT MALTREATMENT; TO
12 EXPAND THE AVAILABILITY OF SCREENED-OUT REPORTS OF
13 ADULT MALTREATMENT OR LONG-TERM CARE FACILITY
14 RESIDENT MALTREATMENT; TO AMEND AMBIGUOUS LANGUAGE
15 REGARDING THE AVAILABILITY OF PENDING AND UNFOUNDED
16 REPORTS OF ADULT MALTREATMENT OR LONG-TERM CARE
17 FACILITY RESIDENT MALTREATMENT; AND FOR OTHER
18 PURPOSES.
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Subtitle

21 TO EXPAND THE AVAILABILITY OF SCREENED-
22 OUT REPORTS OF ADULT MALTREATMENT OR
23 LONG-TERM CARE FACILITY RESIDENT
24 MALTREATMENT.
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28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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30 SECTION 1. Arkansas Code § 12-12-1718(a)-(c), concerning the
31 availability of screened-out reports of adult maltreatment or long-term care
32 facility resident maltreatment, is amended to read as follows:

33 (a)(1) A record of a screened-out report of adult maltreatment or
34 long-term care facility resident maltreatment shall not be disclosed except
35 to:

36 (A) ~~the~~ The office of the Attorney General;



- 1 (B) ~~the~~ A prosecuting attorney, and an;
- 2 (C) An appropriate law enforcement agency;
- 3 (D) A current employer of the person named as the alleged
- 4 offender, if the employer made the initial report; and
- 5 (E) A board or government entity responsible for licensing
- 6 or registering the person named as the alleged offender. and may be used only
- 7 within the

8 (2) The Department of Human Services may only use a screened-out
 9 report of adult maltreatment or long-term care facility resident maltreatment
 10 for the purposes of administration of the program.

11 (b)(1) A pending report, including protected health information, is
 12 confidential and shall be made available only to:

- 13 (A) The department, including the Death Review Committee
- 14 of the Department of Human Services;
- 15 (B) A law enforcement agency;
- 16 (C) A prosecuting attorney;
- 17 (D) The office of the Attorney General;
- 18 (E) A circuit court having jurisdiction pursuant to a
- 19 petition for emergency, temporary, long-term protective custody, or
- 20 protective services;
- 21 (F) A grand jury or court, upon a finding that the
- 22 information in the report is necessary for the determination of an issue
- 23 before the grand jury or court;
- 24 (G) A person or provider identified by the department as
- 25 having services needed by the maltreated person;
- 26 (H) Any applicable licensing or registering authority;
- 27 (I) ~~Any employer, legal entity, or board responsible for~~
- 28 ~~the person named as the offender~~ A current employer of the person named as
- 29 the alleged offender, if the employer made the initial report;
- 30 (J) ~~Any legal entity or board responsible for the~~
- 31 ~~maltreated person~~ A board or government entity responsible for licensing or
- 32 registering the person named as the alleged offender; and
- 33 (K) The Office of Medicaid Inspector General.

34 (2) The subject of the report may only be advised that a report
 35 is pending.

36 (c) Upon satisfaction of due process and if an allegation was

1 determined to be unfounded, the investigative report, including protected
2 health information, is confidential and shall be made available only to:

- 3 (1) The department, including the committee;
- 4 (2) A law enforcement agency;
- 5 (3) A prosecuting attorney;
- 6 (4) The office of the Attorney General;
- 7 (5) Any applicable licensing or registering authority;
- 8 (6) Any person named as a subject of the report or that person's
9 legal guardian;
- 10 (7) A circuit court having jurisdiction pursuant to a petition
11 for emergency, temporary, long-term protective custody, or protective
12 services;
- 13 (8) A grand jury or court, upon a finding that the information
14 in the record is necessary for the determination of an issue before the grand
15 jury or court;
- 16 (9) A person or provider identified by the department as having
17 services needed by the person;
- 18 (10) ~~Any employer, legal entity, or board responsible for the~~
19 ~~person named as the offender~~ A current employer of the person named as the
20 alleged offender, if the employer made the initial report;
- 21 (11) ~~Any legal entity or board responsible for the maltreated~~
22 ~~person~~ A board or government entity responsible for licensing or registering
23 the person named as the alleged offender; and
- 24 (12) The Office of Medicaid Inspector General.

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27 **APPROVED: 3/2/23**
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