

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

Act 1115 of 1999
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
13 OTHER 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:
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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
29 ability to learn and develop throughout his or her childhood and may have
30 lasting, adverse affects on the child's ability to function as an adult. The
31 General Assembly recognizes that implementation of a voluntary nurse home
32 visitor program that provides educational, health, and other resources for
33 young mothers during pregnancy and the first years of their infants' lives
34 has been proven to significantly reduce the amount of drug, including
35 nicotine, and alcohol use and abuse by mothers, the occurrence of criminal
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1 activity committed by mothers and their children under fifteen (15) years of
2 age, and the number of reported incidents of child abuse and neglect. Such a
3 program has also been proven to reduce the number of subsequent births,
4 increase the length of time between subsequent births, and reduce the
5 mother's need for other forms of public assistance. It is the intent of the
6 General Assembly that such a program be established for the State of Arkansas
7 initially targeting a limited number of first-time teenage mothers and
8 potentially 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
16 expend grants, donations, and funds from public and private sources to carry
17 out its 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
20 of 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 morbidity/mortality;

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
5 by the Governor as follows:

6 (1) Two (2) members from the Arkansas Department of Health, to
7 be 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)
21 of whom shall be active in child advocacy within the state, and one (1) of
22 whom 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.
26 The staggered terms shall be assigned by lot. The terms shall commence on
27 January 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
32 for 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
9 is implemented according to the program training requirements, program
10 protocols, program management information systems, and program evaluation
11 requirements established by the Department. The Council shall evaluate the
12 overall implementation of the program and include such evaluation, along with
13 any recommendations concerning the selected entities or changes in the
14 program training requirements, program protocols, program management
15 information systems, or program evaluation requirements in the annual report
16 submitted to 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
22 individual name or other personal identifier or in a form other than a
23 statistical report or other appropriate form which protects the
24 confidentiality of individuals except to any state agency or department which
25 originally supplied the information to the system unless both the originating
26 agency and the system grant release of this information for a specific
27 purpose.

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

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

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36 SECTION 6. Nothing performed pursuant to this Act shall be deemed to

1 constitute the practice of home health care as defined in Arkansas Code 20-
2 10-801 through 20-18-813.

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

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

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

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

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

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

35 /s/ Hale

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APPROVED: 4/5/1999