

~~Arkansas Department of Human Services~~

~~Division of Behavioral Health~~ Division of Aging, Adult, and Behavioral Health Services  
of the Department of Human Services

**Rule establishing reasonable charges for costs of treatment**

**Authority:** The following rule is adopted and promulgated pursuant to the authority expressly conferred by the laws of the State of Arkansas, ~~Ark. Code Ann. § 5-2-305(j)~~ Ark. Code Ann. § 5-2-331.

**Purpose:** This rule establishes reasonable charges for costs of treatment that a person or entity that provides treatment may impose pursuant to Ark. Code Ann. §§ 5-2-301 et seq. The following rules supplement, but do not supplant, other laws and rules.

- I. A person or entity subject to this rule shall be in compliance within 30 days of its effective date.
- II. Charges for costs of treatment may not exceed the actual cost of the treatment.
- III. Collection of any charges imposed under this rule shall be waived or postponed based upon:
  - a. Clinical considerations; ~~or~~
  - b. The patient's inability to pay; or
  - c. A court determination that the patient is wholly or partly indigent and qualifies for the appointment of an attorney under Ark. Code Ann. § 16-87-213.
- IV. ~~Charges imposed under this rule shall be waived for defendants who:~~
  - a. ~~Plead guilty or nolo contendere or~~
  - b. ~~Are found guilty at trial.~~
- V. ~~Charges for costs of treatment shall be based upon and not exceed the charges contained in the Charge Description Master maintained by the Arkansas State Hospital.~~

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Stricken language would be deleted from and underlined language would be added to present law.  
Act 567 of the Regular Session

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

As Engrossed: H3/13/19  
**A Bill**

HOUSE BILL 1548

5 By: Representative Gonzales  
6 By: Senator B. Ballinger  
7

**For An Act To Be Entitled**

8  
9 AN ACT CONCERNING THE COST OF A MENTAL HEALTH  
10 EXAMINATION OF A CRIMINAL DEFENDANT; AND FOR OTHER  
11 PURPOSES.  
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**Subtitle**

14  
15 CONCERNING THE COST OF A MENTAL HEALTH  
16 EXAMINATION OF A CRIMINAL DEFENDANT.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code Title 5, Chapter 2, Subchapter 3, is amended to add  
22 an additional section to read as follows:

23 5-2-331. Cost of mental health services, examination, and treatment of  
24 defendant.

25 (a) A person or entity that provides treatment or other mental health  
26 services under this subchapter may impose a charge for the cost of the  
27 treatment or other mental health services rendered.

28 (b) A charge for the cost of treatment or other mental health services  
29 under this section may not exceed the actual cost of the treatment or other  
30 mental health services provided.

31 (c)(1) The Division of Aging, Adult, and Behavioral Health Services of  
32 the Department of Human Services shall promulgate rules establishing  
33 reasonable charges for the cost of treatment or other mental health services  
34 under this section.

35 (2) Rules establishing reasonable charges for the cost of  
36 treatment or other mental health services under this section shall provide



1 for waiving or postponing the collection of the charges based on:

2 (A) Clinical considerations;

3 (B) The defendant's inability to pay; or

4 (C) A court determination that the defendant is wholly or  
5 partly indigent and qualifies for the appointment of an attorney under § 16-  
6 87-213.

7  
8 /s/Gonzales

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11 APPROVED: 3/27/19  
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