

1 INTERIM STUDY PROPOSAL 2017-017

2 State of Arkansas
3 91st General Assembly
4 Regular Session, 2017

As Engrossed: H3/13/17

A Bill

HOUSE BILL 2019

5
6 By: Representative Boyd

7 Filed with: House Committee on Public Health, Welfare, and Labor
8 pursuant to A.C.A. §10-3-217.

9 **For An Act To Be Entitled**

10 AN ACT CONCERNING INVOLUNTARY COMMITMENTS; CONCERNING
11 WHO IS PERMITTED TO MAKE THE DECISION TO
12 INVOLUNTARILY COMMIT ANOTHER PERSON; AND FOR OTHER
13 PURPOSES.

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16 **Subtitle**

17 CONCERNING INVOLUNTARY COMMITMENTS; AND
18 CONCERNING WHO IS PERMITTED TO MAKE THE
19 DECISION TO INVOLUNTARILY COMMIT ANOTHER
20 PERSON.

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

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25 *SECTION 1. Arkansas Code § 20-47-213 is amended to read as follows:*
26 *20-47-213. Evaluation – When performed and by whom – Transportation to*
27 *place of evaluation.*

28 *(a) If the person is transported to a hospital or receiving facility*
29 *or program or to the office of a licensed physician of the State of Arkansas*
30 *or of the federal government, either salaried or self-employed, for purposes*
31 *of initial evaluation and treatment, then the hospital or receiving facility*
32 *or program or physician may detain the person for initial evaluation and*
33 *treatment, provided:*

34 *(1) The person is immediately advised of his or her rights as*
35 *provided in § 20-47-211;*

1 (2) The person is determined by the treatment staff of the
2 hospital or receiving facility or program or by the physician or a licensed
3 mental health professional to be of danger to himself or herself or others as
4 defined in § 20-47-207; and

5 (3) A hearing pursuant to § 20-47-209(a)(1) of this subchapter
6 is held within the specified time period.

7 (b)(1)(A) If a physician is not immediately available for the initial
8 evaluation, the initial evaluation may be performed by an administrator's
9 designee or a licensed mental health professional, working under medical
10 supervision and direction.

11 (B) In such cases, a supervising physician or a licensed
12 mental health professional shall be consulted by telephone before any
13 decision is made concerning the initial evaluation and treatment.

14 (2) Every person admitted to a hospital or a receiving facility
15 or program under this provision shall be seen and evaluated personally by a
16 physician or a licensed mental health professional within twenty-four (24)
17 hours of detention.

18 (c) In all cases, the evaluations required by the court for
19 involuntary admission ~~pursuant to~~ under § 20-47-214 shall be performed only
20 by a physician licensed to practice in the State of Arkansas or a licensed
21 mental health professional.

22 (d) An initial evaluation under this section is admissible in a court
23 of law, subject to the Arkansas Rules of Evidence, even if the physician or
24 licensed mental health professional is not present if it is provided by a
25 verified affidavit of a physician or licensed mental health professional.

26 ~~(d)~~(e) If it is determined at the initial hearing that the person
27 should be evaluated to determine the need for mental health services on an
28 involuntary basis, a law enforcement officer or family of the person, as the
29 court shall direct, shall transport the person to the place of evaluation.

30 ~~(e)~~(f)(1) ~~Nothing in this subchapter shall prevent the person so~~ This
31 subchapter does not prevent a person who is detained from being released
32 sooner than the period specified in § 20-47-205 if, in the judgment of the
33 treatment staff of the hospital or of the receiving facility or of the
34 treating physician, the person does not require further mental health
35 treatment.

1 (2) *The court shall be immediately advised in writing of the*
2 *release and shall dismiss the action.*

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/s/Boyd

8 Referred by the Arkansas House of Representatives

9 Prepared by: VJF

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