

1 State of Arkansas As Engrossed: H2/8/21 H3/29/21 H4/7/21

2 93rd General Assembly

# A Bill

3 Regular Session, 2021

HOUSE BILL 1405

4

5 By: Representative Brown

6 By: Senator A. Clark

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## For An Act To Be Entitled

9 AN ACT TO CREATE "QUINCY'S LAW"; TO PROVIDE FOR  
10 CONSIDERATION OF A DIFFERENTIAL DIAGNOSIS IN AN  
11 INVESTIGATION INVOLVING ABUSE UNDER THE CHILD  
12 MALTREATMENT ACT; AND FOR OTHER PURPOSES.

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## Subtitle

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TO CREATE "QUINCY'S LAW"; AND TO PROVIDE  
17 FOR CONSIDERATION OF A DIFFERENTIAL  
18 DIAGNOSIS IN AN INVESTIGATION INVOLVING  
19 ABUSE UNDER THE CHILD MALTREATMENT ACT.

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

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24 SECTION 1. DO NOT CODIFY. Title.

25 This act shall be known and may be cited as "Quincy's Law".

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27 SECTION 2. Arkansas Code § 12-18-614 is amended to read as follows:

28 12-18-614. Submission to a physical exam or other testing.

29 (a) An investigation under this chapter may include a physical  
30 examination, a drug test, radiology procedures, photographs, and a  
31 psychological or psychiatric examination of all children subject to the care,  
32 custody, or control of the alleged offender.

33 (b)(1) If the report of child maltreatment or suspected child  
34 maltreatment alleges abuse as defined in § 12-18-103, the alleged offender  
35 may:

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(A)(i) For the purpose of obtaining a second opinion,



1 request that the alleged victim be examined by a licensed healthcare provider  
2 who:

3 (a) Did not perform the initial examination,  
4 test, or procedure described under subsection (a) of this section; and

5 (b) Routinely provides medical care to  
6 pediatric patients.

7 (ii) An examination performed under subdivision  
8 (b)(1)(A)(i) of this section shall be paid for by the alleged offender or as  
9 otherwise covered by insurance or Medicaid; and

10 (B)(i) For the purpose of ruling out a possible  
11 differential diagnosis, request that a licensed healthcare provider who  
12 routinely provides medical care to pediatric patients examine the alleged  
13 victim to determine whether or not the alleged victim has one (1) or more of  
14 the following medical conditions:

15 (a) Rickets;

16 (b) Ehlers-Danlos syndrome;

17 (c) Osteogenesis imperfecta;

18 (d) Vitamin D deficiency; or

19 (e) Another medical condition that may:

20 (1) Appear to be caused by suspected  
21 abuse as defined in § 12-18-103; or

22 (2) Increase the risk of a misdiagnosis  
23 of abuse as defined in § 12-18-103.

24 (ii) An examination performed under subdivision  
25 (b)(1)(B)(i) of this section shall be paid for by the alleged offender or as  
26 otherwise covered by insurance or Medicaid.

27 (2) A licensed healthcare provider examination under subdivision  
28 (b)(1) of this section shall not be requested for the purpose of obtaining a  
29 second opinion on whether or not an alleged victim has been a victim of  
30 sexual abuse.

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33 /s/Brown

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35 APPROVED: 4/28/21