

Hall of the House of Representatives
83rd General Assembly - Regular Session, 2001
Amendment Form

Subtitle of House Bill No. 1587

"TO CLARIFY PROCEDURES FOR CONDUCTING MEDICAL-LEGAL EXAMINATIONS
OF SEXUAL ASSAULT VICTIMS."

Amendment No. 1 to House Bill No. 1587.

Amend House Bill No. 1587 as originally introduced:

Page 1, line 27, delete "(2)" and substitute "(2)(A)"

AND

Page 1, line 30, delete "(A)" and substitute "~~(A)~~(B)"

AND

Page 1, line 34, delete "deemed appropriate" and substitute "~~deemed~~
appropriate distributed"

AND

Page 1, delete line 36 and substitute:

~~"(B) "Appropriate emergency medical-legal examinations" shall~~
~~not include the treatment of emotional trauma or ambulance services; and"~~

AND

Page 2, delete line 1

AND

Page 2, delete line 4 and substitute:

"services; and

(4) "Licensed health care provider" means a person licensed in a
health care field who conducts medical-legal examinations."

AND

Page 2, line 9, delete "practitioners" and substitute "providers"

AND

Page 2, line 17, delete "practitioner" and substitute "provider"

AND

Page 2, line 27, delete "practitioner" and substitute "provider"

AND

Page 2, delete line 29 and substitute:

"(B) The victim shall be given a medical screening examination by a qualified medical person as provided under the Emergency Medical Treatment and Active Labor Act, as in effect on January 1, 2001, if the victim arrives at the emergency department of a hospital and the person shall be examined and treated as a regular"

AND

Page 2, delete line 33 and substitute:

"(C) ~~The~~ If a law enforcement agency has been contacted and with the permission of the victim, the evidence shall be turned over to the law"

AND

Page 3, delete line 4 and substitute:

~~"examined and treated as a regular emergency room patient, and any injuries"~~

AND

Page 3, delete line 8 and substitute:

"(3) The reporting medical facility or licensed health care provider shall follow"

AND

Page 3, line 15, delete "practitioner" and substitute "provider"

AND

Page 3, delete line 19 and substitute:

"(1)(A) The victim or the parents or guardian of a victim under the age of eighteen (18) requests to be transferred; or"

AND

Page 3, line 25, delete "practitioner" and substitute "provider"

AND

Page 4, delete line 6 and substitute:

"seventy-two (72) hour time limitation may be waived, if the victim is a minor or if the Arkansas Crime"

AND

Page 4, delete lines 8 and 9 and substitute:

"provide the exam within the required time if, in the opinion of the examining physician, evidence of sexual activity could be found."

AND

Page 4, line 10, delete "practitioner" and substitute "provider"

AND

Page 4, line 12, delete "form" and substitute "form, an itemized statement which meets the requirements of 45 C.F.R. 164.512(d), as it existed on January 2, 2001,"

AND

Page 4, delete line 14 and substitute:

"(2) The medical facility or licensed health care provider shall not submit any"

AND

Page 4, line 22, delete "practitioners" and substitute "practitioners providers"

AND

Page 4, line 24, delete "practitioner" and substitute "provider"

AND

Page 4, line 33, delete "practitioners" and substitute "providers"

AND

Page 4, delete lines 35 and 36 and substitute:

"SECTION 6. Arkansas Code 20-9-303 is repealed.

~~20-9-303. Medical treatment of sexual assault victims.~~

~~(a) Any health care provider that is currently licensed by the Department of Health and is providing emergency services shall adhere to the following procedures in the event that a person presents himself or is presented at the medical facility for treatment as a victim of rape, attempted rape, or any other type of sexual assault, or incest:~~

~~(1) Adult Victims. (A) Any adult victim presented for medical treatment shall make the decision of whether or not the incident will be reported to a law enforcement agency.~~

~~(i) No medical facility may require an adult victim~~

~~to report the incident in order to receive medical treatment.~~

~~(ii) The victim shall be examined and treated as a regular emergency room patient. Any injuries requiring medical attention will be treated in the standard manner.~~

~~(iii) Evidence will be collected only with the permission of the victim. However, the permission shall not be required in instances where the victim is unconscious, mentally incapable of consent, or intoxicated.~~

~~(B) Should an adult victim wish to report the incident to a law enforcement agency, the appropriate law enforcement agencies shall be contacted by the medical facility.~~

~~(i) The victim shall be examined and treated as a regular emergency room patient; any injuries requiring medical attention will be treated in the standard manner; a medical/legal examination, as defined in § 12-12-401, shall be conducted, and specimens shall be collected for evidence.~~

~~(ii) The evidence shall be turned over to the law enforcement officers when they arrive to assume responsibility for investigation of the incident.~~

~~(2) Minor Victims. (A) The reporting medical facility should follow the procedures set forth in §§ 12-12-502 and 12-12-507 regarding the reporting of injuries to victims under eighteen (18) years of age.~~

~~(B) Any victim under eighteen (18) years of age shall be examined and treated as a regular emergency room patient; any injuries requiring medical attention will be treated in the standard manner.~~

~~(i) A medical/legal examination, as defined in § 12-12-401, shall be performed, and specimens shall be collected for evidence.~~

~~(ii) The evidence shall be turned over to the law enforcement officers when they arrive to assume responsibility for investigation of the incident.~~

~~(b) Reimbursement for the medical/legal examinations, as defined in § 12-12-401, shall be available to the medical facilities.~~

~~(c) The victim shall not be transferred to another medical facility unless:~~

~~(1) The victim requests to be transferred; or~~

~~(2) A physician, or other qualified medical personnel when a physician is not available, has signed a certification that the benefits to the patient's health would outweigh the risks to the patient's health as a result of the transfer; and~~

~~(3) The transferring hospital provides all necessary medical records and insures that appropriate transportation is available.~~

~~(d) Noncompliance with this section is grounds for licensure revocation or suspension under §§ 12-12-405 and 20-9-215."~~

AND

Page 5, delete lines 1 through 36

AND

Page 6, delete lines 1 through 21

The Amendment was read _____
By: Representative Dees
MG/VJF _____
VJF910 **Chief Clerk**