

Hall of the House of Representatives
94th General Assembly - Regular Session, 2023
Amendment Form

Subtitle of House Bill No. 1570

TO AMEND "QUINCY'S LAW" CONCERNING PHYSICAL EXAMS AND OTHER TESTING IN AN INVESTIGATION INVOLVING ALLEGED ABUSE UNDER THE CHILD MALTREATMENT ACT.

Amendment No. 1 to House Bill 1570

Amend House Bill No. 1570 as originally introduced:

Page 1, delete lines 10 through 11, and substitute the following:

"ALLEGED ABUSE UNDER THE CHILD MALTREATMENT ACT; TO PROVIDE FOR THE RIGHT OF A PARENT, GUARDIAN, OR CUSTODIAN TO BE PROVIDED WITH THE MEDICAL RECORDS OF A CHILD WHO HAS BEEN REMOVED FROM THE CUSTODY OF THE PARENT, PUTATIVE PARENT, GUARDIAN, OR CUSTODIAN OR IS IN THE CUSTODY OF THE DEPARTMENT OF HUMAN SERVICES; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety, and substitute the following:

"TO AMEND "QUINCY'S LAW" CONCERNING TESTING IN CERTAIN INVESTIGATIONS UNDER THE CHILD MALTREATMENT ACT; TO AMEND THE LAW REGARDING THE RIGHT TO MEDICAL RECORDS UNDER THE CHILD MALTREATMENT ACT; AND TO DECLARE AN EMERGENCY."

AND

Page 2, delete line 32 through 36, and substitute the following:

"family members have not been diagnosed with a genetic condition."

SECTION 2. Arkansas Code Title 12, Chapter 18, Subchapter 6, is amended to add an additional section to read as follows:

12-18-624. Right of parent, guardian, or custodian to medical records of child – Definitions.

(a)(1) A court with jurisdiction may order a healthcare institution or practitioner to provide an alleged child victim's medical records to an alleged offender if the alleged offender:



(A) Has been accused of physical abuse; and
(B) Is a parent, putative parent, guardian, or custodian of the alleged child victim.

(2) For purposes of subsection (a)(1) of this section, physical abuse includes alleged physical manifestations of sexual abuse.

(3) A court with jurisdiction may enter a protective order restricting the dissemination of the medical records or from making any use of the medical records other than for purposes of a specific case before the court.

(4) Medical records shall include hospital or clinic records, physicians' records, or other healthcare records, including without limitation:

(A) An admissions form, discharge summary, history and physical, progress notes, physicians' orders, reports of operations, recovery room records, lab reports, consultation reports, medication administration records, nurses' notes, and other reports catalogued and maintained by the medical records department of a hospital, doctor's office, medical clinic, or any other medical facility; and

(B) A paper entry, electronic entry, or image that is:
(i) Captured in relation to a diagnosis, treatment, or other service provided to a child; or
(ii) Relied upon by a healthcare provider to diagnose or provide treatment or other services to a child.

(5) A healthcare institution or provider shall redact the alleged child victim's address, phone number, email address, and other information regarding the alleged child victim's foster placement before providing medical records under this section.

(6) A healthcare institution or provider that fails to provide medical records under this section pursuant to a valid court order may be held in contempt of court under § 16-10-108.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that "Quincy's Law", Acts 2021, No. 976, is a crucial protection for persons who are the subject of an investigation under the Child Maltreatment Act, § 12-18-101 et seq.; that since the enactment of Quincy's Law in 2021, an additional need for further protections under Quincy's Law has been demonstrated, most notably to provide further clarity in child maltreatment investigations involving differential diagnoses that may present as possible child abuse without additional testing that the provisions in this act make available; and that numerous child maltreatment investigations are taking place at any given time, and thus there is an urgent need for the provisions in this act to become effective. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

AND

Page 3, delete lines 1 through 8

The Amendment was read _____

By: Representative K. Brown

LHR/LHR - 03-15-2023 13:30:09

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Chief Clerk