EXHIBIT C

1	INTERIM STUDY PROPOSAL 2025-041	
2		
3	State of Arkansas As Engrossed: H4/2/25	
4	95th General Assembly A Bill	
5	Regular Session, 2025 HOUSE BILL 166	4
6		
7	By: Representative K. Brown	
8		
9	Filed with: House Committee on Judicia	ry
10	pursuant to A.C.A. §10-3-21	7.
11	For An Act To Be Entitled	
12	AN ACT TO AMEND "QUINCY'S LAW" CONCERNING PHYSICAL	
13	EXAMS AND OTHER TESTING IN AN INVESTIGATION INVOLVING	
14	ALLEGED ABUSE UNDER THE CHILD MALTREATMENT ACT; TO	
15	PROVIDE FOR THE RIGHT OF A PARENT, GUARDIAN, OR	
16	CUSTODIAN TO BE PROVIDED WITH THE MEDICAL RECORDS OF	
17	A CHILD WHO HAS BEEN REMOVED FROM THE CUSTODY OF THE	
18	PARENT, PUTATIVE PARENT, GUARDIAN, OR CUSTODIAN OR IS	
19	IN THE CUSTODY OF THE DEPARTMENT OF HUMAN SERVICES;	
20	TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.	
21		
22		
23	Subtitle	
24	TO AMEND "QUINCY'S LAW" CONCERNING	
25	PHYSICAL EXAMS AND OTHER TESTING IN AN	
26	INVESTIGATION INVOLVING ALLEGED ABUSE	
27	UNDER THE CHILD MALTREATMENT ACT; AND TO	
28	DECLARE AN EMERGENCY.	
29		
30	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:	
31		
32	SECTION 1. DO NOT CODIFY. <u>Legislative findings and intent.</u>	
33	(a) The General Assembly finds that:	
34	(1) Child maltreatment investigations have at times led to	2
35	the wrongful or mistaken allegation of child maltreatment against a parent or	<u>r</u>
36	other caretaker when the child's symptoms that may, at first or superficial	

1	glance, appear to be manifestations of abuse or neglect, are actually the
2	result of a medical condition that may or may not be known to the child's
3	family, including genetic conditions that the parent himself or herself may
4	unknowingly have;
5	(2) When such a child maltreatment investigation results
6	in a child being removed from his or her home and placed in foster care, it
7	may result in varying levels of trauma to the child, his or her siblings, his
8	or her parent or parents, and other members of the child's family;
9	(3) A parent or other caretaker of a child who is
10	wrongfully or mistakenly alleged to have caused or contributed to the abuse
11	or neglect of a child who is actually presenting symptoms of a medical
12	condition that are not caused by abuse or neglect to the child may be
13	subjected to not only separation from his or her child, but also threats to
14	his or her liberty in the form of having a petition for dependency-neglect or
15	a petition for termination of parental rights filed against him or her, or
16	even having his or her name placed on the Child Maltreatment Central Registry
17	or a criminal prosecution against him or her when there was not in fact child
18	maltreatment or a criminal offense committed;
19	(4) These detrimental effects can cause loss of time,
20	money, and mental and emotional wellbeing to many persons affected by the
21	wrongful or mistaken allegation of child maltreatment; and
22	(5) Although the intent of the Child Maltreatment Act, §
23	12-18-101 et seq., is to protect children from maltreatment, wrongful or
24	mistaken allegations of child maltreatment for symptoms of a medical
25	condition may actually contribute to the child's suffering not only in the
26	form of trauma, but also in that, if a child's underlying medical condition
27	is overlooked or ignored, the child remains untreated for that medical
28	condition and the parent or caretaker deprived of otherwise discovering and
29	being able to provide for the proper medical care of his or her child.
30	(b) It is the intent of the General Assembly for this act to
31	contribute not only to the protection of a wrongfully or mistakenly accused
32	parent, but also the protection of the child, the family unit, and the
33	overall integrity of the state's child welfare, hospital, and legal systems.
34	
35	SECTION 2. Arkansas Code § 12-18-614 is amended to read as follows:
36	12-18-614. Submission to a physical exam or other testing.

1	(a) An investigation under this chapter may include a physical
2	examination, a drug test, radiology procedures, photographs, and a
3	psychological or psychiatric examination of all children subject to the care,
4	custody, or control of the alleged offender.
5	(b)(1) If the report of child maltreatment or suspected child
6	maltreatment alleges abuse as defined in $\$12-18-103$ $\$12-18-103(3)$, the
7	alleged offender may:
8	(A)(i) For the purpose of obtaining a second opinion,
9	request that the alleged victim be examined by a licensed healthcare provider
10	of the alleged offender's choosing who:
11	(a) Did not perform the initial examination,
12	test, or procedure described under subsection (a) of this section; and
13	(b) Routinely provides medical care to
14	pediatric patients.
15	(ii) An examination performed under subdivision
16	(b)(l)(A)(i) of this section shall:
17	(a) Shall be paid for by the alleged offender
18	or as otherwise covered by insurance or Medicaid; and
19	(b) May be requested by the alleged offender
20	regardless of whether the alleged victim has been taken into or placed in the
21	custody of the Department of Human Services; and
22	(B)(i) For the purpose of ruling out a possible
23	differential diagnosis, request that a licensed healthcare provider who
24	routinely provides medical care to pediatric patients examine the alleged
25	victim to determine $\frac{1}{2}$ whether or not $\frac{1}{2}$ the alleged victim has $\frac{1}{2}$ or more
26	of the following medical conditions a congenital cutaneous variant, bone
27	fragility, a coagulation disorder, capillary fragility associated with a
28	genetic disorder or that may be caused by a defect in the collagen elastin
29	matrix, hyperextensible skin, multiple broken bones in various stages of
30	healing and including without limitation classic metaphyseal lesions, blue or
31	grey sclera, impaired bone mineralization, or another medical condition that
32	may appear to be caused by suspected abuse or increase the risk of
33	misdiagnosis of abuse as defined in § 12-18-103(3), including without
34	<u>limitation</u> :
35	(a) Marfan's syndrome;
36	(h) Hypermobility spectrum disorders:

1	(a) (c) Rickets;
2	(b)(d) Ehlers-Danlos syndrome;
3	(e)(e) Osteogenesis imperfecta;
4	(d)(f) Vitamin D deficiency; or
5	(e)(g) Another medical condition that may:
6	<u>Vitamin K deficiency</u>
7	(1) Appear to be caused by suspected
8	abuse as defined in § 12-18-103; or
9	(2) Increase the risk of a misdiagnosis
10	of abuse as defined in § 12-18-103.
11	(ii) An examination performed under subdivision
12	(b)(1)(B)(i) of this section shall be paid for by the alleged offender or as
13	otherwise covered by insurance or Medicaid .
14	(iii) If the alleged victim undergoes genetic
15	testing under subdivision $(b)(1)(B)(i)$ of this section, the genetic testing
16	shall include a complete family medical history even if the alleged victim's
17	family members have not been diagnosed with a genetic condition, which shall
18	include the licensed healthcare provider who routinely provides medical care
19	to pediatric patients ascertaining if there is a family medical history of:
20	<u>(a) Joint hypermobility;</u>
21	<u>(b) Sprains;</u>
22	(c) Bruising;
23	(d) Connective tissue disorder or the physical
24	manifestations of a connective tissue disorder; or
25	(e) Fractures, including without limitation
26	the cause of each fracture and the age of the family member at the time of
27	the fracture.
28	(2) A licensed healthcare provider examination under subdivision
29	(b)(l) of this section shall not be requested for the purpose of obtaining a
30	second opinion $\frac{\partial}{\partial u}$ to determine whether or not $\frac{\partial}{\partial u}$ an alleged victim has been a
31	victim of <u>:</u> sexual
32	(A) Sexual abuse; or
33	(B) Physical abuse when the alleged victim is:
34	(i) In a critical medical condition; or
35	(ii) Receiving life-sustaining medical treatment.
36	

1	SECTION 3. Arkansas Code Title 12, Chapter 18, Subchapter 6, is
2	amended to add an additional section to read as follows:
3	12-18-624. Right of parent, guardian, or custodian to medical records
4	of child - Definitions.
5	(a)(1) A court with jurisdiction may order a healthcare institution or
6	practitioner to provide an alleged child victim's medical records to an
7	alleged offender if the alleged offender:
8	(A) Has been accused of physical abuse; and
9	(B) Is a parent, putative parent, guardian, or custodian
10	of the alleged victim.
11	(2) A court with jurisdiction may enter a protective order
12	restricting the dissemination of the medical records or from making any use
13	of the medical records other than for purposes of a specific case before the
14	court.
15	(3) Medical records shall include hospital or clinic records,
16	physicians' records, or other healthcare records, including without
17	<u>limitation:</u>
18	(A) An admissions form, discharge summary, history and
19	physical exam records, progress notes, physicians' orders, reports of
20	operations, recovery room records, lab reports, consultation reports,
21	medication administration records, nurses' notes, and other reports
22	catalogued and maintained by the medical records department of a hospital,
23	doctor's office, medical clinic, or any other medical facility; and
24	(B) A paper entry, electronic entry, or image that is:
25	(i) Captured in relation to a diagnosis, treatment,
26	or other service provided to a child; or
27	(ii) Relied upon by a healthcare provider to
28	diagnose or provide treatment or other services to a child.
29	(4) A healthcare institution or provider shall redact the
30	alleged child victim's address, phone number, email address, and other
31	information regarding the alleged child victim's foster placement before
32	providing medical records under this section.
33	(5) A healthcare institution or provider that fails to provide
34	medical records under this section pursuant to a valid court order may be
35	held in contempt of court under § 16-10-108.

36

1	SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
2	General Assembly of the State of Arkansas that "Quincy's Law", Acts 2021, No.
3	976, is a crucial protection for persons who are the subject of an
4	investigation under the Child Maltreatment Act, § 12-18-101 et seq.; that
5	since the enactment of Quincy's Law in 2021, an additional need for further
6	protections under Quincy's Law has been demonstrated, most notably to provide
7	further clarity in child maltreatment investigations involving differential
8	diagnoses that may present as possible child abuse without additional testing
9	that the provisions in this act make available; that this act is needed not
10	only to protect wrongfully accused parents, but also to assist a parent who
11	may not be aware of his or her child's condition and be given the opportunity
12	to provide his or her child necessary medical treatment; that this act is
13	also urgent to protect families from undergoing unnecessary trauma related to
14	family separation and wrongful or mistaken allegations of child maltreatment
15	that are actually manifestations of medical conditions; and that numerous
16	child maltreatment investigations are taking place at any given time, and
17	thus there is an urgent need for the provisions in this act to become
18	effective. Therefore, an emergency is declared to exist, and this act being
19	immediately necessary for the preservation of the public peace, health, and
20	safety shall become effective on:
21	(1) The date of its approval by the Governor;
22	(2) If the bill is neither approved nor vetoed by the Governor,
23	the expiration of the period of time during which the Governor may veto the
24	<u>bill; or</u>
25	(3) If the bill is vetoed by the Governor and the veto is overridden,
26	the date the last house overrides the veto.
27	
28	/s/K. Brown
29	
30	
31	Referred requested by the Arkansas House of Representatives
32	Prepared by: LJH/AMS
33	
34	