

INTERIM STUDY PROPOSAL 2017-017

1  
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.

**For An Act To Be Entitled**

9  
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.

**Subtitle**

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

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

/s/Boyd

Referred by the Arkansas House of Representatives

Prepared by: VJF

