

State of Arkansas

CALL ITEM 8

76th General Assembly

Fourth Extraordinary Session, 1988

HOUSE BILL 1005

By: Representatives Day, Landers and Flanagin

"AN ACT TO AMEND ARKANSAS CODE, TITLE 5, CHAPTER 28, AND TITLE 12, CHAPTER 12, SUBCHAPTER 5 TO INCLUDE RESIDENTS OF LONG-TERM CARE FACILITIES IN REPORTING REQUIREMENTS ON ABUSE OF ADULTS AND CHILDREN; AND FOR OTHER PURPOSES."

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

SECTION 1. Section (1) of Arkansas Code 5-28-101 is hereby amended to read as follows:

"(1) 'Endangered adult' means:

(A) an adult eighteen (18) years or older who is found to be in a situation or condition which poses an imminent risk of death or serious bodily harm to such person and who demonstrates the lack of capacity to comprehend the nature and consequence of remaining in that situation or condition; or

(B) a resident eighteen (18) years or older of a long-term care facility which is required to be licensed under Ark. Code 20-10-224 who is found to be in a situation or condition which poses an imminent risk of death or serious bodily harm to such person and who demonstrates the lack of capacity to comprehend the nature and consequences of remaining in that situation or condition."

SECTION 2. Arkansas Code 5-28-203 is hereby amended to read as follows:

"5-28-203. Persons required to report abuse.

(a) (1) Whenever any physician, surgeon, coroner, dentist, osteopath, resident intern, registered nurse, hospital personnel who are engaged in the administration, examination, care, or treatment of persons, social worker, case manager, case worker, mental health professional, peace officer, law enforcement officer, facility administrator, employee in a facility, or employee of the Department of Human Services has reasonable cause to suspect

that an endangered adult has been subjected to conditions or circumstances which would reasonably result in abuse, he shall immediately report or cause a report to be made in accordance with the provisions of this section.

(2) Whenever a person is required to report under this chapter in his capacity as a member of the staff, an employee in a facility, or an employee of the Department of Human Services, he shall immediately notify the person in charge of the institution, facility, or agency, or his designated agent, who shall then become responsible for making a report or cause a report to be made.

(3) In addition to those persons and officials required to report suspected adult abuse, sexual abuse, or neglect, any other person may make a report if the person has reasonable cause to suspect that an adult has been abused or neglected.

(b) A report required under this chapter shall be made to the central registry by the receiving agency for endangered adults not residing in long-term care facilities. A report for endangered adults residing in a long-term care facility shall be made immediately to the sheriff of the county in which the facility is located. The sheriff shall notify the central registry and the Office of Attorney General."

SECTION 3. Arkansas Code 5-28-210(a) is hereby amended to read as follows:

"(a) In cases involving an endangered adult not residing in a long-term care facility, the department shall make a thorough investigation upon receiving either the oral or written report. When the endangered adult is a resident of a long-term care facility, the sheriff or the Office of Attorney General shall make a thorough investigation."

SECTION 4. Arkansas Code 12-12-504 is hereby amended to read as follows:

"12-12-504. Reports of suspected abuse or neglect.

(a) (1) When any physician, surgeon, coroner, dentist, osteopath, resident intern, registered nurse, hospital personnel who may be engaged in admission, examination, care, or treatment of persons, teacher, school official, social service worker, case manager, case worker, day care center worker or any other child or foster care worker, mental health professional, peace

officer, law enforcement official, facility administrator, employee in a facility, or employee of the Department of Human Services has reasonable cause to suspect that a child has been subjected to abuse, sexual abuse, or neglect or observes the child being subjected to conditions or circumstances which would reasonably result in abuse, he shall immediately report or cause a report to be made in accordance with the provisions of this section.

(2) Whenever that person is required to report under this subchapter in his capacity as a member of the staff of a medical or public or private institution, school, facility, or other agency or an employee of the Department of Human Services, he shall immediately notify the person in charge of the institution, school, facility, or other agency or his designated agent, who shall then become responsible for making a report or cause a report to be made.

(3) In addition to those persons and officials required to report suspected child abuse, sexual abuse, or neglect, any other person may make a report if such person has reasonable cause to suspect that a child has been abused or neglected.

(b) A report required under this subchapter shall be made to the department by the receiving agency for a child not residing in a long-term care facility required to be licensed under Ark. Code 20-10-224. A report for a child residing in a long-term care facility shall be made immediately to the sheriff of the county in which the facility is located. The sheriff shall notify the department and the Office of Attorney General."

SECTION 5. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 6. EMERGENCY. It is hereby found and determined by the General Assembly that during recent months, certain inadequacies in the continuum of health care for the older citizens of this State have been brought to the attention of the General Assembly; that this Act is necessary to assure each citizen of this State in need of long-term care that a high quality of care at affordable cost will be provided; that the older citizenry of this State deserve the best possible care; that the immediate passage of this Act is essential to the health, welfare and safety of the citizens of the State of Arkansas and to avoid irreparable harm upon the proper administration of an

essential government program. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

