

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

SENATE BILL 403

4
5 By: Senator Dowd
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7

For An Act To Be Entitled

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9 "AN ACT TO AMEND ARKANSAS CODE §§ 20-47-202(k),
10 20-47-210(a), AND 20-47-213 TO ALLOW PHYSICIANS LICENSED
11 BY THE STATE OF ARKANSAS OR PHYSICIANS LICENSED BY ANOTHER
12 STATE WHO ARE EMPLOYED BY A FEDERAL MEDICAL FACILITY
13 LOCATED IN THE STATE OF ARKANSAS TO CONDUCT INITIAL
14 EVALUATION AND TREATMENT OF PERSONS SOUGHT TO BE
15 INVOLUNTARILY CONFINED DUE TO THEIR MENTAL STATE; AND FOR
16 OTHER PURPOSES."

Subtitle

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19 "TO ALLOW CERTAIN PHYSICIANS TO CONDUCT
20 INITIAL EVALUATION AND TREATMENT OF
21 PERSONS SOUGHT TO BE INVOLUNTARILY
22 CONFINED DUE TO THEIR MENTAL STATE"
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code Annotated § 20-47-202 (k) is amended to read
27 as follows:

28 "(k) Physician refers to a medical doctor licensed to practice in
29 Arkansas or to a medical doctor licensed to practice in another state who is
30 an employee of a federal medical facility located in the State of Arkansas."
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32 SECTION 2. Arkansas Code Annotated § 20-47-210 (a) is amended to read
33 as follows:

34 "(a) Whenever it appears that a person is of danger to himself or
35 others, as defined in § 20-47-207, and immediate confinement appears necessary
36 to avoid harm to such person or others:

1 (1) An interested citizen may take said person to a hospital, ~~or~~
 2 to a receiving facility or program, to the office of a physician licensed by
 3 the State of Arkansas, or to a physician licensed by another state who is an
 4 employee of a federal medical facility located in the State of Arkansas. If
 5 no other safe means of transporting such individual is available, it shall be
 6 the responsibility of the law enforcement agency that exercises jurisdiction
 7 at the site where the individual is physically located and requiring
 8 transportation, or unless otherwise ordered by the judge. A petition, as
 9 provided in § 20-47-207, shall be filed in the probate court of the county in
 10 which the person resides or is detained within seventy-two (72) hours,
 11 excluding weekends and holidays, and a hearing, as provided in
 12 § 20-47-209(a)(1) shall be held; or

13 (2) Any person filing a petition for involuntary admission may
 14 append to such petition a request for immediate confinement which shall state
 15 with particularity facts personally known to the affiant which establish
 16 reasonable cause to believe that the person sought to be involuntarily
 17 admitted is in imminent danger of death or serious bodily harm, or that the
 18 lives of others are in imminent danger of death or serious bodily harm due to
 19 the mental state of the person sought to be involuntarily admitted."
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21 SECTION 3. Arkansas Code Annotated § 20-47-213 is amended to read as
 22 follows:

23 "(a) If the person is transported to a hospital or receiving facility
 24 or program, or to the office of a ~~licensed~~ physician licensed by ~~of~~ the State
 25 of Arkansas, or to a physician licensed by another state who is an employee of
 26 a the federal medical facility government, either salaried or self-employed,
 27 for purposes of initial evaluation and treatment, then the hospital or
 28 receiving facility or program, or physician may detain such person for initial
 29 evaluation and treatment, provided:

30 (1) The person is immediately advised of his rights as provided
 31 in § 20-47-211; and

32 (2) The person is determined by the treatment staff of the
 33 hospital or receiving facility or program, or by the physician, to be of
 34 danger to himself or others as defined in § 20-47-207; and

35 (3) A hearing pursuant to § 20-47-209(a)(1) of this subchapter is
 36 held within the specified time period.

1 (b)(1) If a physician is not immediately available for the initial
2 evaluation, the initial evaluation may be performed by an administrator's
3 designee, working under medical supervision and direction. In such cases, a
4 supervising physician shall be consulted by telephone before any decision is
5 made concerning the initial evaluation and treatment.

6 (2) Every person admitted to a hospital or a receiving facility
7 or program under this provision shall be seen and evaluated personally by a
8 physician within twenty-four (24) hours of detention.

9 (c) In all cases the evaluations required by the court for involuntary
10 admission pursuant to § 20-47-214 shall be performed only by a physician
11 licensed by ~~to practice in~~ the State of Arkansas or a physician licensed by
12 another state who is an employee of a federal medical facility located in the
13 state of Arkansas.

14 (d) If it is determined at the initial hearing that the person should
15 be evaluated to determine the need for mental health services on an
16 involuntary basis, a law enforcement officer or family of such person, as the
17 court shall direct, shall transport the person to the place of evaluation.

18 (e) Nothing herein shall prevent the person so detained from being
19 released sooner than the period specified in § 20-47-205 if, in the judgment
20 of the treatment staff of the hospital or of the receiving facility or of the
21 treating physician, the person does not require further mental health
22 treatment. The court shall be immediately advised in writing of such release
23 and shall dismiss the action."
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25 SECTION 4. All provisions of this act of a general and permanent nature
26 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
27 Revision Commission shall incorporate the same in the Code.
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29 SECTION 5. If any provision of this act or the application thereof to
30 any person or circumstance is held invalid, such invalidity shall not affect
31 other provisions or applications of the act which can be given effect without
32 the invalid provision or application, and to this end the provisions of this
33 act are declared to be severable.
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35 SECTION 6. All laws and parts of laws in conflict with this act are
36 hereby repealed.