

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999

As Engrossed: S2/16/99 H3/5/99

## A Bill

SENATE BILL 249

4  
5 By: Senators Ross, Scott, Gwatney, Brown, Everett, Roebuck, K. Smith  
6 By: Representatives Madison, Cook, Broadway, Judy, Hale, Luker, Napper, Wilkins, J. Lewellen

### For An Act To Be Entitled

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10 "AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH TO PERFORM  
11 RANDOM HEALTH INSPECTIONS OF FACILITIES OPERATED BY  
12 THE DIVISION OF YOUTH SERVICES OF THE DEPARTMENT OF  
13 HUMAN SERVICES; TO REQUIRE RANDOM SECURITY AUDITS OF  
14 FACILITIES OPERATED BY THE DIVISION OF YOUTH SERVICES  
15 OF THE DEPARTMENT OF HUMAN SERVICES; AND FOR OTHER  
16 PURPOSES. "

### Subtitle

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19 "TO REQUIRE THE DEPARTMENT OF HEALTH TO  
20 PERFORM RANDOM HEALTH INSPECTIONS OF  
21 FACILITIES OPERATED BY THE DIVISION OF  
22 YOUTH SERVICES; TO REQUIRE RANDOM  
23 SECURITY AUDITS OF FACILITIES OPERATED  
24 BY THE DIVISION OF YOUTH SERVICES. "

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

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28 SECTION 1. (a) In order to assure that juveniles committed to  
29 facilities operated by or under contract with the Division of Youth Services  
30 of the Department of Human Services are not subject to unsafe and unsanitary  
31 living conditions, the Director of the Department of Health or a duly  
32 authorized agent is authorized to enter the controlled premises and conduct  
33 random and unannounced health inspections of the facilities.

34 (b) Inspections shall include, but shall not be limited to, those  
35 inspections provided for in the current Standards for Juvenile Training  
36 Schools published by the American Correction Association in cooperation with

\*VJF114\*

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1 the Commission on Accreditation for Corrections.

2 (c) The inspections, while random, shall be performed at least two (2)  
3 times per calendar year with specific follow-up inspections by the Department  
4 of Health to monitor deficiencies and corrections, as determined by the  
5 Department of Health.

6 (d) On or before the effective date of this act, the Department of  
7 Human Services shall adopt the current Standards for Juvenile Training Schools  
8 published by the American Correction Association in cooperation with the  
9 Commission on Accreditation for Corrections as it relates to health concerns.

10 (e)(1) The Director of the Department of Health shall present a list of  
11 findings of the random health inspections to the House Interim Committee on  
12 Ageing, Children, and Youth, Legislative and Military Affairs Committee and the  
13 Senate Interim Committee on Children and Youth within one (1) month after  
14 completing the random health inspections.

15 (2) In the event the General Assembly is in session, the director  
16 shall provide the report to the House Ageing, Children, and Youth, Legislative  
17 and Military Affairs Committee and the chairperson of the Senate Interim  
18 Committee on Children and Youth. The complete report, including, but not  
19 limited to, statistics, shall be made available to the public.

20 (f)(1) The Director of the Department of Human Services or the Division  
21 of Youth Services shall file the report, along with a response not to exceed  
22 two (2) pages, to the House Interim Committee on Ageing, Children, and Youth,  
23 Legislative and Military Affairs Committee and the Senate Interim Committee on  
24 Children and Youth within thirty (30) days after receiving an inspection  
25 report prepared by the Department of Health.

26 (2) In the event the General Assembly is in session, the director  
27 shall provide the response to the House Ageing, Children, and Youth,  
28 Legislative and Military Affairs Committee and the chairperson of the Senate  
29 Interim Committee on Children and Youth.

30 (3) The response shall include a plan of correction and suggest a  
31 means by which the Department of Human Services or the Division of Youth  
32 Services will correct any deficiencies within thirty (30) days of the filing  
33 of the report or within the time frame determined by the Department of Health  
34 to ensure the health and safety of the juveniles housed at the facility.

35 (g) The Department of Human Services or the Division of Youth Services  
36 shall develop an internal audit and review to evaluate and monitor all

1 Division of Youth Services facilities by January 1, 2000. The Arkansas  
2 Department of Health will cooperate in training or assisting the Department of  
3 Human Services or the Division of Youth Services in developing this process as  
4 it relates to health concerns. Included in its quarterly performance reports,  
5 the Department of Human Services or the Division of Youth Services shall  
6 report on its progress to the House Interim Committee on Aging, Children, and  
7 Youth, Legislative and Military Affairs and the Senate Interim Committee on  
8 Children and Youth. In the event the General Assembly is in session, the  
9 director shall provide the report to the House Aging, Children, and Youth,  
10 Legislative and Military Affairs Committee and the chairperson of the Senate  
11 Interim Committee on Children and Youth.

12 (h) The Director of the Department of Human Services shall be required  
13 to close any facility when deficiencies are deemed by the Department of Health  
14 to be a danger to the health or safety of juveniles housed at such facility.

15 (i) The Department of Human Services shall reimburse all expenses and  
16 costs to the Department of Health necessary to carry out the provisions of  
17 this act.

18 (j) Those facilities operated under contract with the Division of Youth  
19 Services of the Department of Human Services which are required to be  
20 inspected by another provision of state or federal law shall not be subject to  
21 the provisions of this Act.

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23 SECTION 2. (a)(1) In order to assure that citizens of the State of  
24 Arkansas, the juveniles committed to facilities operated by or under contract  
25 with the Division of Youth Services of the Department of Human Services, and  
26 the employees of the facilities are protected from injury and harm, the  
27 Director of the Department of Correction or a duly authorized agent is  
28 authorized to enter the controlled premises and conduct random and unannounced  
29 security inspections of the facilities.

30 (2) The inspection shall include, but is not limited to a review  
31 of:

32 (A) The security measures in place to prevent escapes by  
33 the juveniles;

34 (B) The security measures in place to prevent unauthorized  
35 persons from entering the facilities; and

36 (C) The use of force by employees of the facilities.

1       (b) Inspections shall include, but shall not be limited to, those  
2 standards as provided for in the current Standards for Juvenile Training  
3 Schools published by the American Correction Association in cooperation with  
4 the Commission on Accreditation for Corrections.

5       (c) The inspections, while random, shall be performed at least one (1)  
6 time per calendar year with specific follow-up inspections by the Department  
7 of Correction to monitor deficiencies and corrections as determined by the  
8 Department of Correction.

9       (d) On or before the effective date of this act, the Department of  
10 Human Services shall adopt the current Standards for Juvenile Training Schools  
11 published by the American Correction Association in cooperation with the  
12 Commission on Accreditation for Corrections as it relates to safety concerns.

13       (e)(1) The Director of the Department of Correction shall present a  
14 list of findings of the random security inspections to the House Interim  
15 Committee on Aging, Children, and Youth, Legislative and Military Affairs  
16 Committee and the Senate Interim Committee on Children and Youth within one  
17 (1) month after conducting the random security inspections.

18       (2) In the event the General Assembly is in session, the director  
19 shall provide the report to the House Aging, Children, and Youth, Legislative  
20 and Military Affairs Committee and the chairperson of the Senate Interim  
21 Committee on Children and Youth.

22       (3) The complete report including, but not limited to,  
23 statistics, shall be made available to the public.

24       (f)(1) The Director of the Department of Human Services or the Division  
25 of Youth Services shall file the report, along with a response not to exceed  
26 two (2) pages, to the House Interim Committee on Aging, Children, and Youth,  
27 Legislative and Military Affairs and the Senate Interim Committee on Children  
28 and Youth within thirty (30) days of receiving an inspection report prepared  
29 by the Department of Correction.

30       (2) In the event the General Assembly is in session, the director  
31 shall provide the response to the House Aging, Children, and Youth,  
32 Legislative and Military Affairs Committee and the chairperson of the Senate  
33 Interim Committee on Children and Youth.

34       (3) The response shall include a plan of correction and suggest a  
35 means by which the Department of Human Services or the Division of Youth  
36 Services will correct any deficiencies within thirty (30) days of the filing

1 of the report or within the time frame determined by the Department of  
2 Correction to ensure the health and safety of the juveniles housed at the  
3 facility.

4 (g) The Department of Human Services or the Division of Youth Services  
5 shall develop an internal audit and review to evaluate and monitor all  
6 Division of Youth Services facilities by January 1, 2000. The Arkansas  
7 Department of Correction will cooperate in training or assisting the  
8 Department of Human Services or the Division of Youth Services in developing  
9 this process as it relates to security concerns. In its quarterly performance  
10 reports, the Department of Human Services or the Division of Youth Services  
11 shall report on its progress to the House Interim Committee on Aging,  
12 Children, and Youth, Legislative and Military Affairs and the Senate Interim  
13 Committee on Children and Youth. In the event the General Assembly is in  
14 session, the director shall provide the report to the House Aging, Children,  
15 and Youth, Legislative and Military Affairs Committee and the chairperson of  
16 the Senate Interim Committee on Children and Youth.

17 (h) The Director of the Department of Human Services shall be required  
18 to close any facility when deficiencies are deemed by the Department of  
19 Correction to be a danger to the health or safety of juveniles housed at such  
20 facility.

21 (i) The Department of Human Services shall reimburse all expenses and  
22 costs to the Department of Correction necessary to carry out the provisions of  
23 this act.

24 (j) Those facilities operated under contract with the Division of Youth  
25 Services of the Department of Human Services which are required to be  
26 inspected by another provision of state or federal law shall not be subject to  
27 the provisions of this Act.

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29 SECTION 3. All provisions of this Act of a general and permanent nature  
30 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
31 Revision Commission shall incorporate the same in the Code.

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33 SECTION 4. If any provision of this Act or the application thereof to  
34 any person or circumstance is held invalid, such invalidity shall not affect  
35 other provisions or applications of the Act which can be given effect without  
36 the invalid provision or application, and to this end the provisions of this

1 Act are declared to be severable.

2 SECTION 5. All laws and parts of laws in conflict with this Act are  
3 hereby repealed.

4 /s/ Ross, et al

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