

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

As Engrossed: H3/18/13

# A Bill

HOUSE BILL 1555

5 By: Representative Hickerson  
6 By: Senator Hickey  
7

## For An Act To Be Entitled

9 AN ACT TO CREATE A MECHANISM FOR TRANSFERRING BACK TO  
10 ARKANSAS ANY ARKANSAS CITIZEN WHO HAS BEEN ADMITTED  
11 TO A PRIVATE HOSPITAL IN ANOTHER STATE FOR THE  
12 TREATMENT OF MENTAL ILLNESS; AND FOR OTHER PURPOSES.  
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## Subtitle

15 TO CREATE A MECHANISM FOR TRANSFERRING  
16 BACK TO ARKANSAS ANY ARKANSAS CITIZEN WHO  
17 HAS BEEN ADMITTED TO A PRIVATE HOSPITAL  
18 IN ANOTHER STATE FOR THE TREATMENT OF  
19 MENTAL ILLNESS.  
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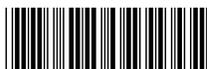
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code § 20-47-202 is amended to add two additional  
26 subdivisions to read as follows:

27 (20)(A) "Resides" means a person's ongoing physical presence in  
28 the state together with indications that the person's presence in the state  
29 is something other than merely transitory; and

30 (B) "Resides" includes a temporary absence from the state  
31 or temporary physical presence in a city that adjoins the Arkansas state line  
32 or is separated only by a navigable river from an Arkansas city that adjoins  
33 the Arkansas state line.

34 (21) "State or local authority" means a state or local  
35 government authority or agency or a representative of a state or local  
36 government authority or agency acting in an official capacity.



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2           SECTION 2. Arkansas Code Title 20, Chapter 47, Subchapter 2, is  
3 amended to add an additional section to read as follows:

4           20-47-230. Return of committed person to state of residence –  
5 Reciprocal agreements.

6           (a) The Department of Human Services may enter into a reciprocal  
7 agreement with the a state that adjoins the Arkansas state line or is  
8 separated only by a navigable river from the Arkansas state line to  
9 facilitate the return of a person committed to mental health facilities in  
10 this state or another state to the states of their residence.

11           (b) The state returning a committed person to another state shall bear  
12 the expenses of returning the person, unless the state agrees to share costs  
13 under a reciprocal agreement made under subsection (a) of this section.

14           (c) If a state or local authority of another state petitions the  
15 department, the department shall enter into a reciprocal agreement with the  
16 state or local authority to facilitate the return of a person committed to a  
17 receiving facility in this state to the state of his or her residence unless  
18 the department determines that the terms of the agreement are not acceptable.

19           (d)(1) A reciprocal agreement entered into by the department under  
20 subsection (a) of this section shall require the department to develop a  
21 process for returning a person committed to a receiving facility to the  
22 person's state of residence.

23           (2) A process developed under subdivision (d)(1) of this section  
24 shall:

25                   (A) Provide suitable care for the person committed to a  
26 mental health facility;

27                   (B) Use available resources efficiently; and

28                   (C) Consider commitment to a proximate mental health  
29 facility to make possible the return of the committed person to his or her  
30 state of residence.

31           (e) The department shall coordinate the reciprocal agreement and the  
32 process developed under subsection (d) of this section with a mental health  
33 facility, mental hospital, health service provider, court, or law enforcement  
34 agency located in Arkansas.

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36           SECTION 3. DO NOT CODIFY. (a) This act applies only to a reciprocal

1 agreement between an Arkansas state agency and an agency of another state  
2 that is entered into on or after the effective date of this act.

3 (b) A reciprocal agreement entered into between an Arkansas state  
4 agency and an agency of another state before the effective date of this act  
5 is governed by the law in effect on the date the reciprocal agreement was  
6 entered into, and the former law is continued in effect for that purpose.

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/s/Hickerson