

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas As Engrossed: H3/18/13 H3/20/13

2 89th General Assembly

A Bill

3 Regular Session, 2013

HOUSE BILL 1555

4

5 By: Representative Hickerson

6 By: Senator Hickey

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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 *DETAINED*
11 *IN* A PRIVATE HOSPITAL IN ANOTHER STATE FOR THE
12 TREATMENT OF MENTAL ILLNESS; AND FOR OTHER PURPOSES.

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Subtitle

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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 detained or involuntarily admitted person to
5 state of residence – Reciprocal agreements.

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

12 (b) The state returning a detained or involuntarily admitted person to
13 another state shall bear the expenses of returning the person, unless the
14 state agrees to share costs under a reciprocal agreement made under
15 subsection (a) of this section.

16 (c) If a state or local authority of another state petitions the
17 department, the department shall enter into a reciprocal agreement with the
18 state or local authority to facilitate the return of a person who is detained
19 in or involuntarily admitted to a receiving facility in this state to the
20 state of his or her residence unless the department determines that the terms
21 of the agreement are not acceptable.

22 (d)(1) A reciprocal agreement entered into by the department under
23 subsection (a) of this section shall require the department to develop a
24 process for returning a person who is detained in or involuntarily admitted
25 to a receiving facility to the person's state of residence.

26 (2) A process developed under subdivision (d)(1) of this section
27 shall:

28 (A) Provide suitable care for the person who is detained
29 in or involuntarily admitted to a mental health facility;

30 (B) Use available resources efficiently; and

31 (C) Consider commitment to a proximate mental health
32 facility to make possible the return of the detained or involuntarily
33 admitted person to his or her state of residence.

34 (e) The department shall coordinate the reciprocal agreement and the
35 process developed under subsection (d) of this section with a mental health
36 facility, mental hospital, health service provider, court, or law enforcement

1 agency located in Arkansas.

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3 SECTION 3. DO NOT CODIFY. (a) This act applies only to a reciprocal
4 agreement between an Arkansas state agency and an agency of another state
5 that is entered into on or after the effective date of this act.

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

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12 /s/Hickerson
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