

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/13/17

A Bill

HOUSE BILL 2019

5 By: Representative Boyd
6

For An Act To Be Entitled

8 AN ACT CONCERNING INVOLUNTARY COMMITMENTS; CONCERNING
9 WHO IS PERMITTED TO MAKE THE DECISION TO
10 INVOLUNTARILY COMMIT ANOTHER PERSON; AND FOR OTHER
11 PURPOSES.
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Subtitle

14 CONCERNING INVOLUNTARY COMMITMENTS; AND
15 CONCERNING WHO IS PERMITTED TO MAKE THE
16 DECISION TO INVOLUNTARILY COMMIT ANOTHER
17 PERSON.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 *SECTION 1. Arkansas Code § 20-47-213 is amended to read as follows:*

24 *20-47-213. Evaluation – When performed and by whom – Transportation to*
25 *place of evaluation.*

26 *(a) If the person is transported to a hospital or receiving facility*
27 *or program or to the office of a licensed physician of the State of Arkansas*
28 *or of the federal government, either salaried or self-employed, for purposes*
29 *of initial evaluation and treatment, then the hospital or receiving facility*
30 *or program or physician may detain the person for initial evaluation and*
31 *treatment, provided:*

32 *(1) The person is immediately advised of his or her rights as*
33 *provided in § 20-47-211;*

34 *(2) The person is determined by the treatment staff of the*
35 *hospital or receiving facility or program or by the physician or a licensed*
36 *mental health professional to be of danger to himself or herself or others as*



1 defined in § 20-47-207; and

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

4 (b)(1)(A) If a physician is not immediately available for the initial
5 evaluation, the initial evaluation may be performed by an administrator's
6 designee or a licensed mental health professional, working under medical
7 supervision and direction.

8 (B) In such cases, a supervising physician or a licensed
9 mental health professional shall be consulted by telephone before any
10 decision is made concerning the initial evaluation and treatment.

11 (2) Every person admitted to a hospital or a receiving facility
12 or program under this provision shall be seen and evaluated personally by a
13 physician or a licensed mental health professional within twenty-four (24)
14 hours of detention.

15 (c) In all cases, the evaluations required by the court for
16 involuntary admission ~~pursuant to~~ under § 20-47-214 shall be performed only
17 by a physician licensed to practice in the State of Arkansas or a licensed
18 mental health professional.

19 (d) An initial evaluation under this section is admissible in a court
20 of law, subject to the Arkansas Rules of Evidence, even if the physician or
21 licensed mental health professional is not present if it is provided by a
22 verified affidavit of a physician or licensed mental health professional.

23 ~~(d)(e)~~ If it is determined at the initial hearing that the person
24 should be evaluated to determine the need for mental health services on an
25 involuntary basis, a law enforcement officer or family of the person, as the
26 court shall direct, shall transport the person to the place of evaluation.

27 ~~(e)(f)(1) Nothing in this subchapter shall prevent the person so~~ This
28 subchapter does not prevent a person who is detained from being released
29 sooner than the period specified in § 20-47-205 if, in the judgment of the
30 treatment staff of the hospital or of the receiving facility or of the
31 treating physician, the person does not require further mental health
32 treatment.

33 (2) The court shall be immediately advised in writing of the
34 release and shall dismiss the action.

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/s/Boyd

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