

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1405

5 By: Representative Brown
6

For An Act To Be Entitled

8 AN ACT TO PROVIDE FOR MEDICAL SPECIALIST EXAMINATIONS
9 AND FORENSIC ASSESSMENTS DURING A CHILD MALTREATMENT
10 INVESTIGATION; AND FOR OTHER PURPOSES.
11

Subtitle

12 TO PROVIDE FOR MEDICAL SPECIALIST
13 EXAMINATIONS AND FORENSIC ASSESSMENTS
14 DURING A CHILD MALTREATMENT
15 INVESTIGATION.
16
17
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 12-18-614 is amended to read as follows:

23 12-18-614. Submission to ~~a physical exam~~, medical specialist exam, or
24 other testing.

25 (a) An investigation under this chapter may include a physical
26 examination, a drug test, radiology procedures, photographs, a medical
27 specialist examination, and a psychological or psychiatric examination of all
28 children who are subject to the care, custody, or control of ~~the~~ an alleged
29 offender.

30 (b)(1) A medical specialist examination shall be performed by a
31 physician who is:

32 (A) Licensed to practice medicine in this state;

33 (B) Board-certified in a field or specialty relevant to
34 diagnosing whether a child is a victim of suspected child maltreatment,
35 including without limitation:

36 (i) Radiology;



- (ii) Genetics;
- (iii) Orthopedics; and
- (iv) Endocrinology; and

(C) Not involved in the report of child maltreatment or suspected child maltreatment concerning the child who will be examined by the physician.

(2) A medical specialist examination of a child may be obtained by the Department of Human Services, the Division of Arkansas State Police, or a physician who has provided healthcare services to the child in order to determine whether the child who is an alleged victim of suspected child maltreatment suffers from one (1) or more of the following medical conditions:

- (A) Rickets;
- (B) Ehlers-Danlos syndrome;
- (C) Osteogenesis imperfecta;
- (D) Vitamin D deficiency; or
- (E) Another medical condition that may:

(i) Appear to be caused by suspected child maltreatment; or

(ii) Increase the risk of a misdiagnosis of child maltreatment.

(c) An appropriate medical specialist examination of a child shall be obtained if:

(1) The department, the division, or a physician who has provided healthcare services to the child determines that the child requires a medical specialist examination; or

(2) The parent, custodian, or legal guardian of the child or the attorney of the parent, custodian, or legal guardian of the child requests a medical specialist examination.

(d)(1) Before obtaining a medical specialist examination of a child, the department, the division, or the physician shall provide written notice of the name, contact information, and credentials of the specialist to the:

- (A) Parent, guardian, or custodian of the child; or
- (B) Attorney of the parent, guardian, or custodian of the

child.

(2)(A) If the parent, guardian, or custodian of the child

1 objects to the medical specialist identified in the notice provided under
 2 subdivision (d)(1) of this section, the parent, guardian, or custodian shall:

3 (i) Provide written notice of his or her objection
 4 to the department or the division, whichever is applicable; and

5 (ii) Propose an alternative medical specialist.

6 (B)(i) The department or the division may object to a
 7 medical specialist proposed by a parent, guardian, or custodian.

8 (ii) If the department or the division objects to
 9 the medical specialist proposed by the parent, guardian, or custodian, the
 10 department or the division shall propose and provide written notice of two
 11 (2) alternative medical specialists to the parent, guardian, or custodian.

12 (3) The department, the division, and the parent, guardian, or
 13 custodian of the child shall collaborate in good faith to select a medical
 14 specialist.

15 (4) This subsection does not prohibit a parent, guardian, or
 16 custodian from obtaining an alternative medical specialist opinion at his or
 17 her own expense.

18
 19 SECTION 2. Arkansas Code Title 12, Chapter 18, Subchapter 6, is
 20 amended to an additional section to read as follows:

21 12-18-624. Forensic assessment by healthcare practitioner –
 22 Definitions.

23 (a) As used in this section:

24 (1) "Forensic assessment" means a medical examination,
 25 psychosocial evaluation, medical case review, specialty evaluation, or any
 26 other forensic evaluation service conducted by one (1) or more physicians in
 27 connection with an investigation of child maltreatment for the primary
 28 purpose of providing the Department of Human Services and the Division of
 29 Arkansas State Police with expert advice, recommendations, or testimony on
 30 whether a child was a victim of suspected child maltreatment; and

31 (2)(A) "Healthcare practitioner" means an individual who is
 32 licensed, certified, or otherwise authorized to administer healthcare
 33 services in the ordinary course of business or professional practice.

34 (B) "Healthcare practitioner" includes without limitation
 35 a physician, medical student, resident physician, child abuse fellow,
 36 advanced practice registered nurse, nurse, and physician assistant.

1 (b)(1) The department and the division may refer a case for forensic
2 assessment to one (1) or more healthcare practitioners.

3 (2) This section does not:

4 (A) Prohibit the department or division from interviewing
5 the healthcare practitioner in the healthcare practitioner's capacity as a
6 principal or collateral source; or

7 (B) Restrict the department's or division's ability to
8 conduct an investigation as provided under this chapter.

9 (c) A healthcare practitioner who reports suspected child maltreatment
10 shall not provide forensic assessment services in connection with an
11 investigation of child maltreatment that results from a report made by the
12 healthcare practitioner.

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36