

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

As Engrossed: H2/8/21

# A Bill

HOUSE BILL 1405

5 By: Representative Brown  
6 By: Senator A. Clark  
7

## For An Act To Be Entitled

9 AN ACT TO PROVIDE FOR MEDICAL SPECIALIST EXAMINATIONS  
10 AND FORENSIC ASSESSMENTS DURING A CHILD MALTREATMENT  
11 INVESTIGATION; AND FOR OTHER PURPOSES.  
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13

### Subtitle

15 TO PROVIDE FOR MEDICAL SPECIALIST  
16 EXAMINATIONS AND FORENSIC ASSESSMENTS  
17 DURING A CHILD MALTREATMENT  
18 INVESTIGATION.  
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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 § 12-18-614 is amended to read as follows:

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

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

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

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

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



1                   (i) Radiology;  
2                   (ii) Genetics;  
3                   (iii) Orthopedics; and  
4                   (iv) Endocrinology; and  
5                   (C) Not involved in the report of child maltreatment or  
6 suspected child maltreatment concerning the child who will be examined by the  
7 physician.

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

14                   (A) Rickets;  
15                   (B) Ehlers-Danlos syndrome;  
16                   (C) Osteogenesis imperfecta;  
17                   (D) Vitamin D deficiency; or  
18                   (E) Another medical condition that may:  
19                   (i) Appear to be caused by suspected child  
20 maltreatment; or  
21                   (ii) Increase the risk of a misdiagnosis of child  
22 maltreatment.

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

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

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

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

34                   (A) Parent, guardian, or custodian of the child; or  
35                   (B) Attorney of the parent, guardian, or custodian of the  
36 child.

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

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

6                   (ii) Propose an alternative medical specialist.

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

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

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

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

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

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

24           (a) As used in this section:

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

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

35                   (B) "Healthcare practitioner" includes without limitation  
36 a physician, medical student, resident physician, child abuse fellow,

1 advanced practice registered nurse, nurse, and physician assistant.

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

4 (2) This section does not:

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

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

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

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