

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

HOUSE BILL 1570

5 By: Representative K. Brown  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND "QUINCY'S LAW" CONCERNING PHYSICAL  
9 EXAMS AND OTHER TESTING IN AN INVESTIGATION INVOLVING  
10 ALLEGED ABUSE UNDER THE CHILD MALTREATMENT ACT; AND  
11 FOR OTHER PURPOSES.  
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## Subtitle

14 TO AMEND "QUINCY'S LAW" CONCERNING  
15 PHYSICAL EXAMS AND OTHER TESTING IN AN  
16 INVESTIGATION INVOLVING ALLEGED ABUSE  
17 UNDER THE CHILD MALTREATMENT ACT.  
18  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. Arkansas Code § 12-18-614(b)(1), concerning physical exams  
24 and other testing under the Child Maltreatment Act, is amended to read as  
25 follows:

26 (b)(1) If the report of child maltreatment or suspected child  
27 maltreatment alleges abuse as defined in § 12-18-103, the alleged offender  
28 may:

29 (A)(i) For the purpose of obtaining a second opinion,  
30 request that the alleged victim be examined by a licensed healthcare provider  
31 of the alleged offender's choosing who:

32 (a) Did not perform the initial examination,  
33 test, or procedure described under subsection (a) of this section; and

34 (b) Routinely provides medical care to  
35 pediatric patients.

36 (ii) An examination performed under subdivision



1 (b)(1)(A)(i) of this section ~~shall:~~

2 (a) Shall be paid for by the alleged offender  
 3 or as otherwise covered by insurance or Medicaid; and

4 (b) May be requested by the alleged offender  
 5 regardless of whether the alleged victim has been taken into or placed in the  
 6 custody of the Department of Human Services; and

7 (B)(i) For the purpose of ruling out a possible  
 8 differential diagnosis, request that a licensed healthcare provider who  
 9 routinely provides medical care to pediatric patients examine the alleged  
 10 victim to determine whether or not the alleged victim has ~~one (1) or more of~~  
 11 ~~the following medical conditions~~ a congenital cutaneous variant, bone  
 12 fragility, a coagulation disorder, or another medical condition or genetic  
 13 condition that may appear to be caused by suspected abuse or increase the  
 14 risk of misdiagnosis of abuse as defined in § 12-18-103, including without  
 15 limitation:

- 16 (a) Rickets;
- 17 (b) Ehlers-Danlos syndrome;
- 18 (c) Osteogenesis imperfecta;
- 19 (d) Vitamin D deficiency; or
- 20 (e) ~~Another medical condition that may:~~

21 Vitamin K deficiency.

22 ~~(1) Appear to be caused by suspected~~  
 23 ~~abuse as defined in § 12-18-103; or~~

24 ~~(2) Increase the risk of a misdiagnosis~~  
 25 ~~of abuse as defined in § 12-18-103.~~

26 (ii) An examination performed under subdivision  
 27 (b)(1)(B)(i) of this section shall be paid for by the alleged offender or as  
 28 otherwise covered by insurance or Medicaid.

29 (iii) If the alleged victim undergoes genetic  
 30 testing under subdivision (b)(1)(B)(i) of this section, the genetic testing  
 31 shall include a complete family medical history even if the alleged victim's  
 32 family members have not been diagnosed with a genetic condition.

33  
 34 SECTION 2. DO NOT CODIFY. Rules.

35 (a) When adopting the initial rules required under this act, the  
 36 Department of Human Services shall file the final rules with the Secretary of

1 State for adoption under § 25-15-204(f):

2 (1) On or before January 1, 2024; or

3 (2) If approval under § 10-3-309 has not occurred by January 1,  
4 2024, as soon as practicable after approval under § 10-3-309.

5 (b) The department shall file the proposed rules with the Legislative  
6 Council under § 10-3-309(c) sufficiently in advance of January 1, 2024, so  
7 that the Legislative Council may consider the rules for approval before  
8 January 1, 2024.