

Stricken language would be deleted from and underlined language would be added to present law.
Act 573 of the Regular Session

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: H3/18/13 H3/20/13

A Bill

HOUSE BILL 1555

By: Representative Hickerson

By: Senator Hickey

For An Act To Be Entitled

AN ACT TO CREATE A MECHANISM FOR TRANSFERRING BACK TO ARKANSAS ANY ARKANSAS CITIZEN WHO HAS BEEN *DETAINED IN* A PRIVATE HOSPITAL IN ANOTHER STATE FOR THE TREATMENT OF MENTAL ILLNESS; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE A MECHANISM FOR TRANSFERRING BACK TO ARKANSAS ANY ARKANSAS CITIZEN WHO HAS BEEN *DETAINED IN* A PRIVATE HOSPITAL IN ANOTHER STATE FOR THE TREATMENT OF MENTAL ILLNESS.

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

SECTION 1. Arkansas Code § 20-47-202 is amended to add two additional subdivisions to read as follows:

(20)(A) "Resides" means a person's ongoing physical presence in the state together with indications that the person's presence in the state is something other than merely transitory; and

(B) "Resides" includes a temporary absence from the state or temporary physical presence in a city that adjoins the Arkansas state line or is separated only by a navigable river from an Arkansas city that adjoins the Arkansas state line.

(21) "State or local authority" means a state or local government authority or agency or a representative of a state or local government authority or agency acting in an official capacity.



SECTION 2. Arkansas Code Title 20, Chapter 47, Subchapter 2, is amended to add an additional section to read as follows:

20-47-230. Return of detained or involuntarily admitted person to state of residence – Reciprocal agreements.

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

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

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

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

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

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

(B) Use available resources efficiently; and

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

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

agency located in Arkansas.

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

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

/s/Hickerson

APPROVED: 04/02/2013