

Stricken language would be deleted from and underlined language would be added to present law.  
Act 579 of the Regular Session

State of Arkansas  
91st General Assembly  
Regular Session, 2017

As Engrossed: H2/22/17  
**A Bill**

HOUSE BILL 1432

By: Representative Wing

### For An Act To Be Entitled

AN ACT CONCERNING THE TRANSPORTATION OF MALTREATED ADULTS; TO DEFINE "IMPAIRMENT" UNDER THE ADULT MALTREATMENT CUSTODY ACT AND THE ADULT AND LONG-TERM CARE FACILITY RESIDENT MALTREATMENT ACT; AND FOR OTHER PURPOSES.

### Subtitle

CONCERNING THE TRANSPORTATION OF MALTREATED ADULTS; AND TO DEFINE "IMPAIRMENT" UNDER THE ADULT MALTREATMENT CUSTODY ACT AND THE ADULT AND LONG-TERM CARE FACILITY RESIDENT MALTREATMENT ACT.

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

SECTION 1. Arkansas Code § 9-20-103, concerning the definitions of terms used under the Adult Maltreatment Custody Act, is amended to add an additional subdivision to read as follows:

(25) "Impairment" means a disability that grossly and chronically diminishes a person's physical or mental ability to live independently or provide self-care as determined through observation, diagnosis, evaluation, or assessment.

SECTION 2. Arkansas Code § 9-20-114(e), concerning the transportation of a maltreated adult after emergency custody is exercised, is amended to read as follows:

(e)(1) *If emergency custody is exercised under this section, the*



person exercising the custody or an authorized employee of the department may consent to having the maltreated adult transported by a law enforcement officer or by ~~ambulance~~ an emergency medical services provider if medically appropriate, even if the adult objects.

(2) No court order shall be required for transport by law enforcement or ambulance transport an emergency medical services provider.

(3) ~~If an ambulance driver or company or a law enforcement officer acts in good faith under this section, the immunity provisions of § 5-28-207 [repealed] shall apply~~ A law enforcement officer, an emergency medical services provider, and the employees of an emergency medical services provider are immune from criminal and civil liability for injury, death, or loss that allegedly arises from good faith action taken in accordance with this subsection.

(4) ~~The good faith of the ambulance driver or company or law enforcement officer shall be presumed~~ There is a presumption of good faith on the part of a law enforcement officer, an emergency medical services provider, and the employees of an emergency medical services provider that act in accordance with subdivisions (e)(1) and (2) of this section.

SECTION 3. Arkansas Code § 9-20-116(a), concerning probable cause hearings held after the issuance of an emergency order, is amended to add an additional subdivision to read as follows:

(3)(A) An authorized employee of the Department of Human Services may consent, over the objection of the maltreated adult, to a law enforcement officer or an emergency medical services provider transporting the maltreated adult to the probable cause hearing required under subdivision (a)(1) of this section if medically appropriate.

(B) A court order is not required before a law enforcement officer or an emergency medical services provider may transport a maltreated adult in accordance with subdivision (a)(3)(A) of this section.

(C) An emergency medical services provider, the employees of an emergency medical services provider, and a law enforcement officer are immune from criminal and civil liability for injury, death, or loss allegedly arising from good faith action taken in accordance with subdivisions (a)(3)(A) and (B) of this section.

(D) There is a presumption of good faith on the part of an

emergency medical services provider, the employees of an emergency medical services provider, and a law enforcement officer that act in accordance with subdivisions (a)(3)(A) and (B) of this section.

SECTION 4. Arkansas Code § 9-20-117(b), concerning long-term custody and court-ordered protective service hearings, is amended to read as follows:

(b)(1) The court may hold a hearing for long-term custody or protective services anywhere in the judicial district.

(2)(A) An authorized employee of the Department of Human Services may consent, over the objection of the maltreated adult, to a law enforcement officer or an emergency medical services provider transporting the maltreated adult to a hearing required under subsection (a) of this section if medically appropriate.

(B) A court order is not required before a law enforcement officer or an emergency medical services provider may transport a maltreated adult in accordance with subdivision (b)(2)(A) of this section.

(C) An emergency medical services provider, the employees of a medical services provider, and a law enforcement officer are immune from criminal and civil liability for injury, death, or loss allegedly arising from good faith action taken in accordance with subdivisions (b)(2)(A) and (B) of this section.

(D) There is a presumption of good faith on the part of an emergency medical services provider, the employees of an emergency medical services provider, and a law enforcement officer that act in accordance with subdivisions (b)(2)(A) and (B) of this section.

SECTION 5. Arkansas Code § 12-12-1703, concerning the definitions of terms used under the Adult and Long-Term Care Facility Resident Maltreatment Act, is amended to add an additional subdivision to read as follows:

(22) "Impairment" means a disability that grossly and chronically diminishes a person's physical or mental ability to live independently or provide self-care as determined through observation, diagnosis, evaluation, or assessment.

***APPROVED: 03/22/2017***