

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: S2/18/15
A Bill

SENATE BILL 299

By: Senator D. Johnson
By: Representative Tucker

For An Act To Be Entitled

AN ACT CONCERNING THE ADMISSION OF A MENTALLY ILL PERSON TO AN INPATIENT OR OUTPATIENT TREATMENT FACILITY; CONCERNING THE INVOLUNTARY ADMISSIONS PROCEDURE; TO MAKE TECHNICAL CORRECTIONS; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE ADMISSION OF A MENTALLY ILL PERSON TO AN INPATIENT OR OUTPATIENT TREATMENT FACILITY; CONCERNING THE INVOLUNTARY ADMISSIONS PROCEDURE; AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. Arkansas Code § 20-47-202(9), concerning the definition of "initial screening", is amended to read as follows:

(9)(A) "Initial screening" means initial screening services conducted by a mental health professional provided by a receiving facility or program for individuals residing in the area served by the receiving facility or program who are being considered for referral to an inpatient or outpatient programs ~~programs~~ program of the state mental health system to determine whether or not the individual meets the criteria for voluntary or involuntary admission and to determine whether or not appropriate alternatives to institutionalization are available.

(B) These screening services shall be available to community



organizations, agencies, or private practitioners who are involved in making referrals to the state mental health system;

SECTION 2. Arkansas Code § 20-47-202 is amended to add new definitions to read as follows:

(22) "Admission" means the entry into an inpatient or outpatient program designed to offer treatment to a person with a mental illness and operated by a community mental health center, hospital, or receiving facility or program; and

(23) "Assisted outpatient treatment" means a court-ordered outpatient treatment program that allows an individual with a mental illness to comply with treatment while living in the person's own community.

SECTION 3. Arkansas Code § 20-47-207 is amended to read as follows:

20-47-207. Involuntary admission – Original petition.

(a) ~~Written Petition – Venue.~~ Any A person having reason to believe that a person meets the criteria for involuntary admission or assisted outpatient treatment as defined in subsection (c) of this section may file a verified petition with the circuit clerk of the county in which the person alleged to have mental illness resides or is detained.

(b) ~~Contents of Petition.~~ The petition for involuntary admission shall:

(1) State whether the person is believed to be of danger to himself or herself or others as defined in subsection (c) of this section;

(2) Describe the conduct, clinical signs, and symptoms upon which the petition is based. The description shall be limited to facts within the petitioner's personal knowledge;

(3) Contain the names and addresses of any witnesses having knowledge relevant to the allegations contained in the petition; and

(4) Contain a specific prayer for involuntary admission of the person to a hospital or to a receiving facility or program for treatment pursuant to § 20-47-218(c).

~~(c) Involuntary Admission Criteria.~~

~~(1)(c)(1)~~ (1)(c)(1) A person shall be eligible for involuntary admission or assisted outpatient treatment if he or she is in such a mental condition as a result of mental illness, disease, or disorder that he or she poses a clear

and present danger to himself or herself or others.

(2) As used in this subsection, “a clear and present danger to himself or herself” is established by demonstrating that:

(A) The person has inflicted serious bodily injury on himself or herself or has attempted suicide or serious self-injury, and there is a reasonable probability that the conduct will be repeated if admission is not ordered;

(B) The person has threatened to inflict serious bodily injury on himself or herself, and there is a reasonable probability that the conduct will occur if admission is not ordered; ~~or~~

(C) The person’s recent behavior or behavior history demonstrates that he or she so lacks the capacity to care for his or her own welfare that there is a reasonable probability of death, serious bodily injury, or serious physical or mental debilitation if admission is not ordered; or

(D)(i) The person’s understanding of the need for treatment is impaired to the point that he or she is unlikely to participate in treatment voluntarily;

(ii) The person needs mental health treatment on a continuing basis to prevent a relapse or harmful deterioration of his or her condition; and

(iii) The person’s noncompliance with treatment has been a factor in the individual’s placement in a psychiatric hospital, prison, or jail at least two (2) times within the last forty-eight (48) months or has been a factor in the individual’s committing one (1) or more acts, attempts, or threats of serious violent behavior within the last forty-eight (48) months.

(3) As used in this subsection, “a clear and present danger to others” is established by demonstrating that the person has inflicted, attempted to inflict, or threatened to inflict serious bodily harm on another, and there is a reasonable probability that the conduct will occur if admission is not ordered.

SECTION 4. Arkansas Code § 20-47-214(b), concerning a forty-five-day involuntary admission, is amended to read as follows:

(b)(1) Should any person be found guilty of giving false testimony

that results in a person's wrongful involuntary admission, he or she shall be liable for civil damages and subject to incarceration for not less than thirty (30) days.

(2) The court shall make a determination at that time whether clear and convincing evidence has been presented that the person sought to be involuntarily admitted is of danger to himself or herself or to others as defined in § 20-47-207.

(3) If this burden of proof has been met, the court shall issue an order authorizing the hospital or receiving facility or program to detain the person for treatment for a maximum of:

(A) ~~forty-five (45)~~ Forty-five (45) days for an involuntary inpatient admission; or

(B) Six (6) months for an assisted outpatient treatment order under subdivision (c)(2) of this section.

SECTION 5. Arkansas Code § 20-47-214(c), concerning a forty-five-day involuntary admission, is amended to read as follows:

(c)(1) This section shall be construed to allow the person sought to be involuntarily admitted to request treatment under an alternative least restrictive appropriate setting, including assisted outpatient treatment.

(2)(A) The court may order the person to undergo assisted outpatient treatment instead of or in conjunction with an involuntary inpatient admission after a hearing under this section.

(B) If the court verifies that the person who is the subject of the petition meets the criteria for involuntary admission under subsection (b)(2) of this section and if it believes the person can be served through assisted outpatient treatment, the court may order the person to receive assisted outpatient treatment through his or her local community mental health center.

(C) If the court orders assisted outpatient treatment, it shall order the person who is the subject of the petition to comply with his or her treatment plan and all services as prescribed by the treatment team of the local community mental health center.

SECTION 6. Arkansas Code § 20-47-215(a)(1), concerning a one-hundred-eighty-day involuntary admission, is amended to read as follows:

(1) Additional one-hundred-eighty-day involuntary admission orders may be requested if, in the opinion of the treatment staff, a person involuntarily admitted continues to meet the criteria for involuntary admission for either inpatient involuntary admission or assisted outpatient treatment, or a combination of both, where applicable.

SECTION 7. Arkansas Code § 20-47-218(b)(4), concerning treatment during a period of involuntary admission, is amended to read as follows:

(4) Short-acting and long-acting medication may be used during the forty-five-day admission period, the six-month period of assisted outpatient treatment, and the one-hundred-eighty-day involuntary admission period.

/s/D. Johnson