

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

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: H3/13/17

A Bill

HOUSE BILL 2019

By: Representative Boyd

For An Act To Be Entitled

AN ACT CONCERNING INVOLUNTARY COMMITMENTS; CONCERNING WHO IS PERMITTED TO MAKE THE DECISION TO INVOLUNTARILY COMMIT ANOTHER PERSON; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING INVOLUNTARY COMMITMENTS; AND CONCERNING WHO IS PERMITTED TO MAKE THE DECISION TO INVOLUNTARILY COMMIT ANOTHER PERSON.

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

SECTION 1. Arkansas Code § 20-47-213 is amended to read as follows:

20-47-213. Evaluation – When performed and by whom – Transportation to place of evaluation.

(a) If the person is transported to a hospital or receiving facility or program or to the office of a licensed physician of the State of Arkansas or of the federal government, either salaried or self-employed, for purposes of initial evaluation and treatment, then the hospital or receiving facility or program or physician may detain the person for initial evaluation and treatment, provided:

(1) The person is immediately advised of his or her rights as provided in § 20-47-211;

(2) The person is determined by the treatment staff of the hospital or receiving facility or program or by the physician or a licensed mental health professional to be of danger to himself or herself or others as



defined in § 20-47-207; and

(3) A hearing pursuant to § 20-47-209(a)(1) of this subchapter is held within the specified time period.

(b)(1)(A) If a physician is not immediately available for the initial evaluation, the initial evaluation may be performed by an administrator's designee or a licensed mental health professional, working under medical supervision and direction.

(B) In such cases, a supervising physician or a licensed mental health professional shall be consulted by telephone before any decision is made concerning the initial evaluation and treatment.

(2) Every person admitted to a hospital or a receiving facility or program under this provision shall be seen and evaluated personally by a physician or a licensed mental health professional within twenty-four (24) hours of detention.

(c) In all cases, the evaluations required by the court for involuntary admission ~~pursuant to~~ under § 20-47-214 shall be performed only by a physician licensed to practice in the State of Arkansas or a licensed mental health professional.

(d) An initial evaluation under this section is admissible in a court of law, subject to the Arkansas Rules of Evidence, even if the physician or licensed mental health professional is not present if it is provided by a verified affidavit of a physician or licensed mental health professional.

~~(d)~~(e) If it is determined at the initial hearing that the person should be evaluated to determine the need for mental health services on an involuntary basis, a law enforcement officer or family of the person, as the court shall direct, shall transport the person to the place of evaluation.

~~(e)~~(f)(1) ~~Nothing in this subchapter shall prevent the person so~~ This subchapter does not prevent a person who is detained from being released sooner than the period specified in § 20-47-205 if, in the judgment of the treatment staff of the hospital or of the receiving facility or of the treating physician, the person does not require further mental health treatment.

(2) The court shall be immediately advised in writing of the release and shall dismiss the action.

/s/Boyd