

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

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: H2/8/21 H3/29/21 H4/7/21

A Bill

HOUSE BILL 1405

By: Representative Brown

By: Senator A. Clark

For An Act To Be Entitled

AN ACT TO CREATE "QUINCY'S LAW"; TO PROVIDE FOR CONSIDERATION OF A DIFFERENTIAL DIAGNOSIS IN AN INVESTIGATION INVOLVING ABUSE UNDER THE CHILD MALTREATMENT ACT; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE "QUINCY'S LAW"; AND TO PROVIDE FOR CONSIDERATION OF A DIFFERENTIAL DIAGNOSIS IN AN INVESTIGATION INVOLVING ABUSE UNDER THE CHILD MALTREATMENT ACT.

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

SECTION 1. DO NOT CODIFY. Title.

This act shall be known and may be cited as "Quincy's Law".

SECTION 2. Arkansas Code § 12-18-614 is amended to read as follows:

12-18-614. Submission to a physical exam or other testing.

(a) An investigation under this chapter may include a physical examination, a drug test, radiology procedures, photographs, and a psychological or psychiatric examination of all children subject to the care, custody, or control of the alleged offender.

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

(A)(i) For the purpose of obtaining a second opinion,



request that the alleged victim be examined by a licensed healthcare provider who:

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

(b) Routinely provides medical care to pediatric patients.

(ii) An examination performed under subdivision (b)(1)(A)(i) of this section shall be paid for by the alleged offender or as otherwise covered by insurance or Medicaid; and

(B)(i) For the purpose of ruling out a possible differential diagnosis, request that a licensed healthcare provider who routinely provides medical care to pediatric patients examine the alleged victim to determine whether or not the alleged victim has one (1) or more of the following medical conditions:

(a) Rickets;

(b) Ehlers-Danlos syndrome;

(c) Osteogenesis imperfecta;

(d) Vitamin D deficiency; or

(e) Another medical condition that may:

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

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

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

(2) A licensed healthcare provider examination under subdivision (b)(1) of this section shall not be requested for the purpose of obtaining a second opinion on whether or not an alleged victim has been a victim of sexual abuse.

/s/Brown