

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

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

SENATE BILL 213

By: Senator Irvin
By: Representative L. Johnson

For An Act To Be Entitled

AN ACT TO AMEND THE LAW REGARDING SCREENED-OUT, PENDING, AND UNFOUNDED REPORTS OF ADULT MALTREATMENT OR LONG-TERM CARE FACILITY RESIDENT MALTREATMENT; TO EXPAND THE AVAILABILITY OF SCREENED-OUT REPORTS OF ADULT MALTREATMENT OR LONG-TERM CARE FACILITY RESIDENT MALTREATMENT; TO AMEND AMBIGUOUS LANGUAGE REGARDING THE AVAILABILITY OF PENDING AND UNFOUNDED REPORTS OF ADULT MALTREATMENT OR LONG-TERM CARE FACILITY RESIDENT MALTREATMENT; AND FOR OTHER PURPOSES.

Subtitle

TO EXPAND THE AVAILABILITY OF SCREENED-OUT REPORTS OF ADULT MALTREATMENT OR LONG-TERM CARE FACILITY RESIDENT MALTREATMENT.

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

SECTION 1. Arkansas Code § 12-12-1718(a)-(c), concerning the availability of screened-out reports of adult maltreatment or long-term care facility resident maltreatment, is amended to read as follows:

(a)(1) A record of a screened-out report of adult maltreatment or long-term care facility resident maltreatment shall not be disclosed except to:

(A) ~~the~~ The office of the Attorney General;



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- ~~(B) the A prosecuting attorney, and an;~~
- ~~(C) An appropriate law enforcement agency;~~
- ~~(D) A current employer of the person named as the alleged offender, if the employer made the initial report; and~~
- ~~(E) A board or government entity responsible for licensing or registering the person named as the alleged offender, and may be used only within the~~

(2) The Department of Human Services may only use a screened-out report of adult maltreatment or long-term care facility resident maltreatment for the purposes of administration of the program.

(b)(1) A pending report, including protected health information, is confidential and shall be made available only to:

- (A) The department, including the Death Review Committee of the Department of Human Services;
- (B) A law enforcement agency;
- (C) A prosecuting attorney;
- (D) The office of the Attorney General;
- (E) A circuit court having jurisdiction pursuant to a petition for emergency, temporary, long-term protective custody, or protective services;
- (F) A grand jury or court, upon a finding that the information in the report is necessary for the determination of an issue before the grand jury or court;
- (G) A person or provider identified by the department as having services needed by the maltreated person;
- (H) Any applicable licensing or registering authority;
- ~~(I) Any employer, legal entity, or board responsible for the person named as the offender~~ A current employer of the person named as the alleged offender, if the employer made the initial report;
- ~~(J) Any legal entity or board responsible for the maltreated person~~ A board or government entity responsible for licensing or registering the person named as the alleged offender; and
- (K) The Office of Medicaid Inspector General.

(2) The subject of the report may only be advised that a report is pending.

(c) Upon satisfaction of due process and if an allegation was

determined to be unfounded, the investigative report, including protected health information, is confidential and shall be made available only to:

- (1) The department, including the committee;
- (2) A law enforcement agency;
- (3) A prosecuting attorney;
- (4) The office of the Attorney General;
- (5) Any applicable licensing or registering authority;
- (6) Any person named as a subject of the report or that person's legal guardian;
- (7) A circuit court having jurisdiction pursuant to a petition for emergency, temporary, long-term protective custody, or protective services;
- (8) A grand jury or court, upon a finding that the information in the record is necessary for the determination of an issue before the grand jury or court;
- (9) A person or provider identified by the department as having services needed by the person;
- (10) ~~Any employer, legal entity, or board responsible for the person named as the offender~~ A current employer of the person named as the alleged offender, if the employer made the initial report;
- (11) ~~Any legal entity or board responsible for the maltreated person~~ A board or government entity responsible for licensing or registering the person named as the alleged offender; and
- (12) The Office of Medicaid Inspector General.