

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

SENATE BILL 299

5 By: Senator D. Johnson
6 By: Representative Tucker
7

For An Act To Be Entitled

9 AN ACT CONCERNING THE ADMISSION OF A MENTALLY ILL
10 PERSON TO AN INPATIENT OR OUTPATIENT TREATMENT
11 FACILITY; CONCERNING THE INVOLUNTARY ADMISSIONS
12 PROCEDURE; TO MAKE TECHNICAL CORRECTIONS; AND FOR
13 OTHER PURPOSES.
14

Subtitle

15
16 CONCERNING THE ADMISSION OF A MENTALLY
17 ILL PERSON TO AN INPATIENT OR OUTPATIENT
18 TREATMENT FACILITY; CONCERNING THE
19 INVOLUNTARY ADMISSIONS PROCEDURE; AND TO
20 MAKE TECHNICAL CORRECTIONS.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code § 20-47-202 is amended to read as follows:
27 20-47-202. Definitions.

28 As used in this subchapter:

29 (1) "Administrator" means the chief administrative officer or
30 executive director or his or her designee of any private or public facility
31 or of any community mental health center certified by the Division of
32 Behavioral Health Services;

33 (2) "Admission" means the entry into an inpatient or outpatient
34 program designed to offer treatment a person for a mental illness that is
35 operated by a community mental health center, hospital, or receiving facility
36 or program;



1 (3) "Assisted outpatient treatment" means treatment in a court-
2 ordered outpatient program that allows a person with a mental illness to
3 comply with treatment while living in the person's own community and without
4 being committed at the time;

5 ~~(2) "Behavior history" means a person's statements or actions on~~
6 ~~specific occasions as established by the person's declarations, observations~~
7 ~~of others, or records;~~

8 (4) "Clear and present danger to himself or herself" means that:

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

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

16 (C) The person's recent behavior, statements, or actions
17 on specific occasions as established by the person's declarations,
18 observations of others, or records demonstrate that he or she so lacks the
19 capacity to care for his or her own welfare that there is a reasonable
20 probability of death, serious bodily injury, or serious physical or mental
21 debilitation if admission is not ordered;

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

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

28 (F) The person's noncompliance with treatment has been a
29 factor in the person's having been committed to a psychiatric hospital or
30 having been sentenced to prison or jail at least two (2) times within the
31 last forty-eight (48) months or has been a factor in the individual's having
32 committed one (1) or more acts, attempts, or threats of serious violent
33 behavior within the last forty-eight (48) months;

34 (5) "Clear and present danger to others" means that:

35 (A) The person has inflicted, attempted to inflict, or
36 threatened to inflict serious bodily injury on another person; and

1 programs of the state mental health system to determine whether or not the
2 individual meets the criteria for voluntary or involuntary admission and to
3 determine whether or not appropriate alternatives to institutionalization are
4 available.

5 ~~(B) These screening~~ Initial screening services shall be
6 available to community organizations, agencies, or private practitioners ~~who~~
7 that are involved in making referrals to the state mental health system;

8 (10) "Involuntary admission" means:

9 (A) Court-ordered admission to twenty-four-hour inpatient
10 health care;

11 (B) Immediate confinement under § ~~20-47-210~~ 20-47-208; or

12 (C) Admission to outpatient behavioral ~~health care~~
13 healthcare services furnished by a receiving facility or program or a
14 behavioral ~~health care~~ healthcare clinic certified by the ~~Division of~~
15 Behavioral Health Services division;

16 (11) "Least restrictive appropriate setting" ~~for treatment~~ means
17 the available treatment setting ~~which~~ that provides the person with the
18 highest likelihood of improvement or cure and ~~which~~ that is not more
19 restrictive of the person's physical or social liberties than is necessary
20 for the most effective treatment of the person and for adequate protection
21 against any dangers ~~which~~ that the person poses to himself or herself or
22 others;

23 (12)(A) "Mental illness" means a substantial impairment ~~of~~
24 ~~emotional processes, the ability to exercise conscious control of one's~~
25 ~~actions, or the ability to perceive reality or to reason, when the impairment~~
26 ~~is manifested by instances of extremely abnormal behavior or extremely faulty~~
27 ~~perceptions, disorder, or disease that manifests itself through extremely~~
28 abnormal behavior or extremely faulty perceptions, including without
29 limitation:

30 (i) Disordered emotional processes;

31 (ii) The inability to exercise conscious control of
32 one's actions; or

33 (iii) The inability to perceive reality or to
34 reason.

35 (B) "Mental illness" does not include impairment solely
36 caused by:

- 1 (i) Epilepsy;
- 2 (ii) Mental retardation;
- 3 (iii) Continuous or noncontinuous periods of
- 4 intoxication caused by substances such as alcohol or drugs; or
- 5 (iv) Dependence upon or addiction to any substance
- 6 such as alcohol or drugs;

7 (13) "Physician" means a medical doctor licensed to practice in
 8 Arkansas;

9 (14) "Psychosurgery" means those operations currently referred
 10 to as:

- 11 ~~(A) lobotomy,~~ Lobotomy;
- 12 ~~(B) psychiatric~~ Psychiatric surgery, and;
- 13 ~~(C) behavioral~~ Behavioral surgery and; and
- 14 ~~(D) all~~ All other forms of brain surgery if the surgery is
 15 performed for ~~the purpose~~ one (1) or more of the following purposes:

16 ~~(A)(i)~~ (i) Modification or control of thoughts,
 17 feelings, actions, or behavior rather than the treatment of a known and
 18 diagnosed physical disease of the brain;

19 ~~(B)(ii)~~ (ii) Modification of normal brain function or
 20 normal brain tissue in order to control thoughts, feelings, actions, or
 21 behavior; or

22 ~~(C)(iii)~~ (iii) Treatment of abnormal brain function or
 23 abnormal brain tissue in order to modify thoughts, feelings, actions, or
 24 behavior when the abnormality is not an established cause of those thoughts,
 25 feelings, actions, or behavior;

26 (15) "Receiving facility or program" means an inpatient or
 27 outpatient treatment facility or program ~~which is~~ designated within each
 28 geographic area of the state by the Deputy Director of the Division of
 29 Behavioral Health Services of the Department of Human Services to accept the
 30 responsibility for care, custody, and treatment of persons voluntarily or
 31 involuntarily admitted to the state mental health system;

32 (16)(A) "Resides" means ~~a person's~~ that a person has an ongoing
 33 physical presence in the state ~~together with indications~~ and that the
 34 person's presence in the state is something other than merely transitory.

35 (B) "Resides" includes a temporary absence from the state
 36 or temporary physical presence in a city that adjoins the Arkansas state line

1 or is separated only by a navigable river from an Arkansas city that adjoins
2 the Arkansas state line;

3 (17)(A) "Restraint" means ~~any~~ a manual method, a physical or
4 mechanical device, or material, or equipment that immobilizes a person or
5 reduces the ability of a person to move his or her arms, legs, body, or head
6 freely.

7 (B) "Restraint" does not include devices such as
8 orthopedically prescribed devices, surgical dressings or bandages, protective
9 helmets, or other methods that involve the physical holding of a person for
10 the purpose of protecting the person from falling or to permit the person to
11 participate in activities without the risk of physical harm to himself or
12 herself;

13 (18) "State mental health system" means the Arkansas State
14 Hospital and any other facility or program licensed or certified by the
15 ~~Division of Behavioral Health Services~~ division;

16 (19) "State or local authority" means a state or local
17 government authority or agency or a representative of a state or local
18 government authority or agency acting in an official capacity;

19 (20)(A) "Treatment" means ~~those~~ a psychological, educational,
20 social, chemical, medical, somatic, or other ~~techniques~~ technique that is
21 designed to bring about rehabilitation of ~~persons~~ a person with mental
22 illness.

23 (B) Treatment may be provided in inpatient and outpatient
24 settings; and

25 (21) "Treatment plan" means an individualized written document
26 developed by the treatment staff of ~~the~~ a hospital or receiving facility or
27 program ~~which~~ that includes the following:

28 (A) A substantiated diagnosis in the terminology of the
29 American Psychiatric Association's Diagnostic and Statistical Manual of
30 Mental Disorders;

31 (B) Short-term and long-term treatment goals;

32 (C) Treatment programs, facilities, and activities to be
33 utilized to achieve the treatment goals; and

34 (D) Methods for periodic review and revision of the
35 treatment plan.

36

1 SECTION 2. Arkansas Code § 20-47-203 is amended to read as follows:

2 20-47-203. ~~Habeas corpus~~ Voluntary admission – Procedure – Request to
3 leave.

4 ~~Nothing in this subchapter shall in any way restrict the right of any~~
5 ~~person to attempt to secure his or her freedom by a habeas corpus proceeding~~
6 ~~as provided by current Arkansas law.~~

7 (a)(1) A person who believes that he or she has a mental illness may
8 apply for admission to a hospital or a receiving facility or program by
9 requesting that he or she be admitted by the administrator of the hospital or
10 receiving facility or program.

11 (2) An administrator of the hospital or receiving facility or
12 program who believes, after the person's initial examination, that the person
13 needs and would be benefitted by treatment may admit that person to the
14 hospital or receiving facility or program for a period of time that the
15 administrator believes is necessary for the person's recovery and
16 improvement, as long as the person agrees at all times to remain in the
17 hospital or receiving facility or program;

18 (b)(1) A person who has voluntarily admitted himself or herself to the
19 hospital or receiving facility or program may request to leave the hospital
20 or receiving facility or program if he or she makes that request to an
21 employee that is employed in an administrative or treatment capacity.

22 (2) However, that person may be detained in order to start
23 involuntary admissions procedures under § 20-47-208 if the administrator
24 determines that the person meets the criteria for involuntary admission under
25 § 20-47-207.

26 (3)(A) A person who has requested to leave under subdivision
27 (b)(1) of this section but who is subsequently detained under subdivision
28 (b)(2) of this section shall be provided the following:

29 (i) Within one (1) hour of his or her request, a
30 written statement advising him or her of all rights under §§ 20-47-211 and
31 20-47-212; and

32 (ii) An acknowledgment form to be signed by the
33 person to confirm that he or she has been advised on those rights.

34 (B)(i) A refusal to sign the acknowledgment required by
35 subdivision (b)(3)(A) of this section shall be noted on the person's chart
36 and shall be attested to by two (2) eyewitnesses on a separate document.

1 ~~designee of a hospital or to the administrator or his or her designee of a~~
2 ~~receiving facility or program to which admission is requested.~~

3 ~~(B) If the administrator or his or her designee of the hospital~~
4 ~~or the administrator or his or her designee of a receiving facility or~~
5 ~~program shall be satisfied after examination of the applicant that he or she~~
6 ~~is in need of mental health treatment and will be benefitted thereby, he or~~
7 ~~she may receive and care for the applicant in the hospital or receiving~~
8 ~~facility or program for such a period of time as he or she shall deem~~
9 ~~necessary for the recovery and improvement of the person, provided that the~~
10 ~~person agrees at all times to remain in the hospital or receiving facility or~~
11 ~~program;~~

12 ~~(2) If at any time the person who has voluntarily admitted himself or~~
13 ~~herself to the hospital or receiving facility or program makes a request to~~
14 ~~leave, and the administrator or his or her designee determines that the~~
15 ~~person meets the criteria for involuntary admission as defined in § 20-47-~~
16 ~~207, then the person shall be considered to be held by detention and the~~
17 ~~involuntary admission procedures set forth herein shall apply;~~

18 ~~(3)(A) Any person requesting to leave under subdivision (2) of this~~
19 ~~section, within one (1) hour of his or her request to any hospital or~~
20 ~~receiving facility or program employee, in an administrative or treatment~~
21 ~~capacity, shall be provided with a written statement advising him or her of~~
22 ~~all rights delineated in §§ 20-47-211 and 20-47-212. The person shall further~~
23 ~~be provided with an acknowledgment confirming that he or she has been advised~~
24 ~~of the aforesaid rights.~~

25 ~~(B)(i) If the person refused to sign the acknowledgment, this~~
26 ~~refusal shall be noted in the person's chart and shall be attested to by two~~
27 ~~(2) eyewitnesses on a separate document.~~

28 ~~(ii) An original of said attestation shall be furnished to~~
29 ~~the court.~~

30 ~~(C) For the purposes of computing the initial period of~~
31 ~~evaluation and treatment referred to in § 20-47-213, detention begins upon~~
32 ~~the signing of the acknowledgment by the person or, in the event that the~~
33 ~~person refuses to sign the acknowledgment, upon the attestation of the~~
34 ~~refusal by two (2) eyewitnesses; and~~

35 ~~(4)(A) A person voluntarily admitted who absents himself or herself~~
36 ~~from a hospital or receiving facility or program, as defined in this~~

1 ~~subchapter, may be placed on elopement status and a pick-up order issued if,~~
2 ~~in the opinion of the treatment staff, the person meets the criteria for~~
3 ~~involuntary admission as defined in § 20-47-207.~~

4 ~~(B) It shall be the responsibility of the sheriff of the county~~
5 ~~or a law enforcement officer of the city of the first class in which the~~
6 ~~individual is physically present to transport the individual.~~

7 ~~(C) Upon return to the hospital or receiving facility or~~
8 ~~program, the individual shall be held under detention as defined in § 20-47-~~
9 ~~202(6).~~

10 The involuntary admission provisions of this subchapter do not restrict
11 the right of a person to attempt to secure his or her freedom by filing a
12 petition for habeas corpus as provided by law.

13
14 SECTION 4. Arkansas Code § 20-47-205 is amended to read as follows:

15 20-47-205. Involuntary admission - Jurisdiction of circuit court -
16 Role of prosecuting attorney.

17 (a) ~~The circuit courts of this state shall have~~ court has exclusive
18 jurisdiction ~~of~~ over the involuntary admission procedures ~~initiated pursuant~~
19 ~~to~~ under this subchapter.

20 (b)(1) ~~Within seven (7) days of the person's detention, excluding~~
21 ~~weekends and holidays, the court shall conduct the hearing as defined in §~~
22 ~~20-47-214.~~

23 (2) ~~Except as otherwise provided in subsection (d) of this~~
24 ~~section, the hearing, as defined by §§ 20-47-214 and 20-47-215, shall be~~
25 ~~conducted by the same court, or by a judge designated on exchange, who heard~~
26 ~~the original petition and issued the appropriate order.~~

27 (3) ~~The court shall ensure that the person sought to be~~
28 ~~involuntarily admitted is afforded all his or her rights as prescribed by~~
29 ~~this subchapter.~~

30 (4) ~~The circuit judge, when conducting any hearing set out in~~
31 ~~this subchapter, may conduct the hearing within any county of the judge's~~
32 ~~judicial district.~~

33 (c) ~~The hearings conducted pursuant to §§ 20-47-209, 20-47-214, and~~
34 ~~20-47-215 may be held at inpatient programs of the state mental health system~~
35 ~~or a receiving facility or program where the person is detained.~~

36 (d)(b)(1) A circuit judge of the Sixth Judicial District sitting

1 within the Sixth Judicial District may conduct involuntary commitment
2 hearings ~~prescribed by~~ under §§ 20-47-214 and 20-47-215 and initiated in
3 other judicial districts of this state ~~pursuant to~~ under §§ 20-47-207 and 20-
4 47-209, provided that the person sought to be committed is detained within
5 the boundaries of the Sixth Judicial District at the time of the hearing held
6 ~~pursuant to §§ 20-47-214 or 20-47-215~~ under § 20-47-214 or § 20-47-215.

7 ~~(2) The Sixth Judicial District shall thus assume the mantle of~~
8 ~~other judicial districts and shall have the authority to enter treatment~~
9 ~~orders for other judicial districts in the hearings prescribed by §§ 20-47-~~
10 ~~214 and 20-47-215~~ The initial petition under § 20-47-207 for an involuntary
11 commitment hearing conducted under subdivision (b)(1) of this section shall
12 be filed in the court of original jurisdiction only.

13 ~~(3) In those cases, no~~ the initial petition ~~pursuant to~~ under §
14 20-47-207 shall be filed ~~in the Sixth Judicial District but only~~ in the court
15 of original jurisdiction, not the Sixth Judicial District.

16 ~~(4) Provided, however,~~ However, if the person was transported to
17 a location within the Sixth Judicial District by order of a court outside the
18 Sixth Judicial District, the court of original jurisdiction may conduct the
19 hearings ~~prescribed by~~ under §§ 20-47-214 and 20-47-215.

20 (c)(1)(A) It is the duty of the prosecuting attorney in the county
21 where the initial petition is filed to represent the petitioner, regardless
22 of the petitioner’s financial status, at all hearings held in the circuit
23 court under this subchapter except those hearings held before the circuit
24 judge at the Arkansas State Hospital in Pulaski County, Arkansas.

25 (B) At hearings held before the circuit judge at the
26 Arkansas State Hospital, the Prosecutor Coordinator shall appear for and on
27 behalf of the petitioner and the State of Arkansas before the circuit judge
28 at the Arkansas State Hospital.

29 (C) Representation required by this section is an official
30 duty of the prosecuting attorney or of the Prosecutor Coordinator, and both
31 the prosecuting attorney and the Prosecutor Coordinator, or a private
32 contract attorney as authorized under subdivision (c)(2)(A) of this section
33 are immune from civil liability in the performance of this official duty.

34 (2)(A) A prosecuting attorney may contract with one (1) or more
35 private attorneys to provide the services required by this subchapter.

36 (B) Moreover, a petitioner may retain his or her own

1 counsel for these proceedings, in which case the prosecuting attorney or the
 2 Prosecutor Coordinator shall be relieved of the duty to represent the
 3 petitioner.

4
 5 SECTION 5. Arkansas Code § 20-47-207 is amended to read as follows:

6 20-47-207. Involuntary admission – ~~Original~~ Requirements for petition
 7 – Option for assisted outpatient treatment.

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

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

15 (1) State whether the person is believed to be ~~of danger to~~
 16 ~~himself or herself or others as defined in subsection (c) of this section a~~
 17 clear or present danger to himself or herself or a clear and present danger
 18 to others;

19 (2)(A) Describe with particularity the conduct, clinical signs,
 20 and symptoms upon which the petition is based.

21 (B) The description shall be limited to facts within the
 22 petitioner’s personal knowledge;

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

25 (4) Contain a specific prayer for involuntary admission or, in
 26 the alternative, assisted outpatient admission under § 20-47-210, of the
 27 person to a hospital or to a receiving facility or program for treatment
 28 ~~pursuant to § 20-47-218(e).~~ under § 20-47-209(c)(3)(A), § 20-47-214(b)(2), or
 29 § 20-47-215(c)(6)(B); and

30 (5) Contain, if immediate confinement is requested under § 20-
 31 47-208, facts that establish reasonable cause to believe that the person
 32 sought to be involuntarily admitted is in imminent danger of death or serious
 33 bodily harm or that the lives of others are in imminent danger of death or
 34 serious bodily harm due to the mental state of the person sought to be
 35 involuntarily admitted.

36 (c) ~~Involuntary Admission Criteria.~~

1 (1) A person shall be eligible for involuntary admission or,
 2 in the alternative, assisted outpatient treatment under § 20-47-210, if he or
 3 she ~~is in such~~ has a mental condition as a result of mental illness, ~~disease,~~
 4 ~~or disorder~~ and that he or she poses a clear and present danger to himself or
 5 herself or ~~others~~ a clear and present danger to others.

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

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

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

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

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

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

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

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

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SECTION 6. Arkansas Code § 20-47-208 is amended to read as follows:

~~20-47-208. Role of prosecuting attorney~~ Involuntary admission – Procedures for immediate confinement – First appearance of the petitioner.

~~(a)(1) It shall be the duty of the prosecuting attorney’s office in the county where the petition is filed to represent the petitioner, regardless of the petitioner’s financial status, at all hearings held in the circuit court pursuant to this subchapter except those hearings held before the circuit judge at the Arkansas State Hospital in Pulaski County, Arkansas.~~

~~(2) The Prosecutor Coordinator shall appear for and on behalf of the petitioner and the State of Arkansas before the circuit judge at the Arkansas State Hospital. The prosecuting attorneys of applicable counties may contract with other attorneys to provide these services.~~

~~(b) Such representation shall be a part of the official duties of the prosecuting attorney or of the Prosecutor Coordinator, and the prosecuting attorney and the Prosecutor Coordinator shall be immune from civil liability in the performance of this official duty.~~

~~(c) Nothing in this section shall prevent the petitioner from retaining his or her own counsel in these proceedings, in which case the prosecuting attorney or the Prosecutor Coordinator shall be relieved of the duty to represent the petitioner.~~

(a)(1)(A) A person may be transported by an interested party or by a law enforcement officer to a hospital or receiving facility and immediately confined and detained if the interested party or law enforcement officer believes that the person is a clear or present danger to himself or herself or others and immediate confinement appears necessary to avoid harm to the person or others.

(B) The interested party or law enforcement officer shall then file a petition for involuntary admission under § 20-47-207 and request immediate confinement.

(2) If the person who is immediately confined under this section is transported to a hospital, a receiving facility or program, or to the office of a physician of the State of Arkansas or of the federal government, either salaried or self-employed, that entity may detain the person for initial evaluation and treatment provided:

(A) The person is immediately advised of his or her rights

1 as provided in § 20-47-211;

2 (B) The person is determined by the treatment staff of the
 3 hospital or receiving facility or program or by the physician to be a clear
 4 and present danger to himself or herself or a clear and present danger to
 5 others;

6 (C) A petition is filed under this section requesting an
 7 immediate confinement hearing under this section; and

8 (D) A hearing is held within the time period required by
 9 subsection (c) of this section.

10 (3) An interested party may also file a petition for involuntary
 11 admission under this section and request immediate confinement even if the
 12 person is not currently confined or detained in a hospital or receiving
 13 facility.

14 (b)(1) After the petition for involuntary admission requesting
 15 immediate confinement is filed, the circuit court having jurisdiction shall
 16 conduct a hearing, which may be ex parte, with the petitioner for the purpose
 17 of determining whether there is reasonable cause to believe that the person
 18 meets the criteria for involuntary admission and whether that person is in
 19 imminent danger of death or serious bodily harm or that others are in danger
 20 of death or serious bodily harm due to the mental condition of the person
 21 sought to be involuntarily admitted.

22 (2) If the circuit court determines after the hearing that
 23 immediate confinement is necessary to prevent death or serious bodily harm to
 24 either the person sought to be involuntarily admitted or to others, the court
 25 shall order the law enforcement agency having jurisdiction at the site where
 26 the individual is physically present to transport the individual to an
 27 appropriate hospital or receiving facility or program if the person is not
 28 already currently detained at an appropriate hospital or receiving facility.

29 (c) A hearing shall be held in the circuit court of the county in
 30 which the person needing immediate confinement resides or is detained as
 31 provided for in § 20-47-209, within seventy-two (72) hours of the person's
 32 detention, excluding weekends and holidays.

33 (d)(1) A person who was immediately detained under this section may be
 34 released sooner than the period specified under this section or under § 20-
 35 47-209(c)(3) if in the judgment of the treatment staff of the hospital,
 36 receiving facility or program, or of the treating physician the person does

1 not require further treatment.

2 (2)(A) If a person is released early under this subsection, the
3 circuit court shall be immediately advised in writing of the release and
4 shall dismiss the action.

5 (B) The notification in writing required under this
6 subsection (d)(2) also shall be filed with the circuit clerk.

7

8 SECTION 7. Arkansas Code § 20-47-209 is amended to read as follows:

9 20-47-209. Initial hearing for a person who is not confined or
10 detained – Hearing after initial detainment – Failure to appear – Exceptions
11 from appearance requirement.

12 (a)(1) If the person named in the original petition is not ~~confined~~
13 detained at the time that the petition is filed, the circuit court may:

14 ~~(1)(A) Enter an ex parte order directing a law enforcement~~
15 ~~officer to serve the person with a copy of the petition together with a~~
16 ~~notice to appear for an initial hearing. The hearing shall be set by the~~
17 ~~court within three (3) days, excluding weekends and holidays, of the filing~~
18 ~~of the original petition. If the person is duly served and fails to appear,~~
19 ~~the court shall issue an order of detention; or~~

20 ~~(2)(B) Dismiss the petition.~~

21 (2)(A) A hearing under subdivision (a)(1)(A) of this section
22 shall be set by the circuit court within seventy-two (72) hours, excluding
23 weekends and holidays, of the filing of the original petition.

24 (B) If the person is duly served and fails to appear, the
25 circuit court shall issue an order of detention.

26 (b) The person named in the original petition is not required to
27 appear and may be removed from the presence of the court upon a finding by
28 the court that ~~the person is:~~

29 ~~(1) By reason of~~ The person is unable to appear due to a
30 physical infirmity ~~unable to appear;~~

31 ~~(2) That the~~ The person's appearance would be detrimental to his
32 or her mental health, well-being, or treatment; or

33 ~~(3) That his or her conduct~~ The person's conduct before the
34 circuit court is so disruptive that the proceedings cannot reasonably
35 continue with him or her present.

36 (c)(1) The petitioner shall appear before the circuit court judge

1 hearing the petition to substantiate the petition.

2 (2) The circuit court shall make a determination based on clear
 3 and convincing evidence that there is probable cause to believe that the
 4 person has a mental illness, disease, or disorder and that one (1) of the
 5 criteria for involuntary admission applies to the person.

6 (3)(A) ~~If such a determination that there is probable cause to~~
 7 believe that the person has a mental illness is made, the person shall be
 8 admitted for evaluation, and a hearing ~~pursuant to~~ under § 20-47-214 shall be
 9 held ~~within the period specified in § 20-47-205,~~ seven (7) days of the
 10 person's detention, excluding weekends and holidays, to determine if the
 11 person should be involuntarily admitted for an additional forty-five (45)
 12 days.

13 (B) Except as otherwise provided in § 20-47-205(b), the
 14 hearing shall be conducted by the same circuit court, or by a circuit court
 15 judge designated on exchange, that heard the original petition and issued the
 16 appropriate order.

17 (C) The circuit court shall ensure that the person sought
 18 to be involuntarily admitted is afforded all his or her rights as prescribed
 19 by this subchapter.

20 (D) The circuit court judge, when conducting any hearing
 21 set out in this subchapter, may conduct the hearing within any county of the
 22 circuit court judge's judicial district and at inpatient programs of the
 23 state mental health system or receiving facility or program where the person
 24 is detained.

25
 26 SECTION 8. Arkansas Code § 20-47-210 is amended to read as
 27 follows:

28 20-47-210. ~~Immediate confinement—Initial evaluation and~~
 29 ~~treatment~~ Involuntary admission - Assisted outpatient treatment authorized.

30 (a) ~~Whenever it appears that a person is of danger to himself or~~
 31 ~~herself or others, as defined in § 20-47-207, and immediate confinement~~
 32 ~~appears necessary to avoid harm to the person or others:~~

33 (1) ~~An interested citizen may take the person to a hospital or~~
 34 ~~to a receiving facility or program. If no other safe means of transporting~~
 35 ~~the individual is available, it shall be the responsibility of the law~~
 36 ~~enforcement agency that exercises jurisdiction at the site where the~~

1 individual is physically located and requiring transportation, or unless
 2 otherwise ordered by the judge. A petition, as provided in § 20-47-207, shall
 3 be filed in the circuit court of the county in which the person resides or is
 4 detained within seventy two (72) hours, excluding weekends and holidays, and
 5 a hearing, as provided in § 20-47-209(a)(1) shall be held; or

6 (2) Any person filing a petition for involuntary admission may
 7 append to the petition a request for immediate confinement which shall state
 8 with particularity facts personally known to the affiant which establish
 9 reasonable cause to believe that the person sought to be involuntarily
 10 admitted is in imminent danger of death or serious bodily harm or that the
 11 lives of others are in imminent danger of death or serious bodily harm due to
 12 the mental state of the person sought to be involuntarily admitted.

13 (b)(1) When a petition for involuntary admission with a request for
 14 immediate confinement appended thereto is filed, the petitioner shall then
 15 appear before a circuit judge of the county where the person sought to be
 16 immediately confined resides or is found.

17 (2) The circuit judge shall then conduct an ex parte hearing for
 18 the purpose of determining whether there is reasonable cause to believe that
 19 the person meets the criteria for involuntary admission and, furthermore,
 20 that the person is in imminent danger of death or serious bodily harm or that
 21 others are in danger of death or serious bodily harm due to the mental
 22 condition of the person sought to be involuntarily admitted.

23 (3) If the circuit judge determines that immediate confinement
 24 is necessary to prevent death or serious bodily harm to either the person
 25 sought to be involuntarily admitted or to others, the judge shall order the
 26 law enforcement agency that exercises jurisdiction at the site where the
 27 individual is physically present to transport the individual to an
 28 appropriate receiving facility. A hearing, as provided for in § 20-47-
 29 209(a)(1), shall be held within seventy two (72) hours of the person's
 30 detention and confinement.

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

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

3 ~~(2) The person is determined by the treatment staff of the~~
4 ~~hospital or receiving facility or program or by the physician to be of danger~~
5 ~~to himself or herself or others as defined in § 20-47-207; and~~

6 ~~(3) A hearing pursuant to § 20-47-209(a)(1) is held within the~~
7 ~~specified time period.~~

8 ~~(d) Nothing herein shall prevent the person so detained from being~~
9 ~~released sooner than the period specified in § 20-47-205 if in the judgment~~
10 ~~of the treatment staff of the hospital, of the receiving facility or program,~~
11 ~~or of the treating physician the person does not require further mental~~
12 ~~health treatment. The court shall be immediately advised in writing of the~~
13 ~~release and shall dismiss the action.~~

14 (a) A court, in its discretion and at any point after either the
15 petitioner’s initial appearance under § 20-47-208 or the person’s initial
16 appearance under § 20-47-208 or § 20-47-209, may order a person who is the
17 subject of an involuntary commitment petition filed under § 20-47-207 to
18 undergo assisted outpatient treatment in lieu of involuntary commitment.

19 (b)(1) If in the hearing the court verifies that the person who is the
20 subject of the petition meets the criteria for assisted outpatient treatment
21 and he or she is not scheduled to begin a course of outpatient mental health
22 treatment that includes case management services or assertive community
23 treatment team services, the court may order the subject of the petition to
24 receive assisted outpatient treatment through his or her local community
25 mental health services program.

26 (2) The order shall include case management services and may
27 include one (1) or more of the following:

28 (A) Medication;

29 (B) Blood or urinalysis tests to determine compliance with
30 or effectiveness of prescribed medications;

31 (C) Individual or group therapy;

32 (D) Day or partial day programs;

33 (E) Educational and vocational training;

34 (F) Supervised living;

35 (G) Assertive community treatment team services;

36 (H) Alcohol or substance abuse treatment, or both;

1 (I) Alcohol or substance abuse testing, or both, for
 2 individuals with a history of alcohol or substance abuse and for whom that
 3 testing is necessary to prevent a deterioration of their condition. A court
 4 order for alcohol or substance abuse testing shall be subject to review every
 5 six (6) months; or

6 (J) Any other services prescribed to treat the
 7 individual’s mental illness and to either assist the individual in living and
 8 functioning in the community or to help prevent a relapse or deterioration
 9 that may reasonably be predicted to result in suicide or the need for
 10 hospitalization.

11 (c) A person who is ordered to assisted outpatient treatment under
 12 this section is still subject to the filing of subsequent petitions
 13 requesting additional time under § 20-47-214 and § 20-47-215 if the treatment
 14 staff at the assisted outpatient treatment center or program believes and
 15 attests that that the person still meets the requirements for involuntary
 16 admission under this section.

17
 18 SECTION 9. Arkansas Code § 20-47-211 is amended to read as follows:

19 20-47-211. Copies of pleading and ~~Notification~~ notification of rights
 20 provided to subject of petition for involuntary admission – Fundamental
 21 rights of the mentally ill.

22 ~~(a) Along with the copy of the petition and the copy of the order~~
 23 ~~directing appearance for an initial evaluation or an order of detention, the~~
 24 A person sought to be involuntarily admitted who is subject to an involuntary
 25 admission procedure under this subchapter shall be served with a copy of:

26 (1) The petition;

27 (2) The order directing appearance for an initial evaluation or
 28 an order of detention; and

29 (3) ~~the~~ The following statement of rights:

30 ~~(1)(A)~~ That he or she has the right to effective
 31 assistance of counsel, including the right to a court-appointed attorney;

32 ~~(2)(B)~~ That he or she and his or her attorney have a right
 33 to be present at all significant stages of the proceedings and at all
 34 hearings except that no attorney shall be entitled to be present upon
 35 examination of the person by the physician or any member of the treatment
 36 staff pursuant to an evaluation, whether initially or subsequently;

1 ~~(3)~~(C) That he or she has the right to present evidence in
2 his or her own behalf;

3 ~~(4)~~(D) That he or she has the right to cross-examine
4 witnesses who testify against him or her;

5 ~~(5)~~(E) That he or she has a right to remain silent; and

6 ~~(6)~~(F) That he or she has a right to view and copy all
7 petitions, reports, and documents contained in the court file.

8 (b) In addition to the rights of a person under subsection (a) of this
9 section, a person receiving treatment for a mental illness shall have the
10 following fundamental rights:

11 (1) He or she shall not be deprived of any legal right to which
12 all citizens are entitled except as provided for by law;

13 (2) He or she shall not be deemed incompetent to manage his or
14 her affairs, to contract, to hold a professional, occupational, or motor
15 vehicle driver’s licenses, to marry or to obtain a divorce, to vote, to make
16 a will, or to exercise any other civil right solely by reason of that
17 person’s admission to the mental health services system;

18 (3) A person receiving mental health services shall not be
19 subjected to abuse or neglect;

20 (4) A person receiving mental health services shall not be
21 discriminated against in any manner because of race, color, sex, religion,
22 national origin, age, handicap, or degree of disability; and

23 (5) A person receiving mental health services shall be treated
24 with dignity and respect.

25
26 SECTION 10. Arkansas Code § 20-47-213 is amended to read as follows:

27 20-47-213. Involuntary admission – Evaluation of the subject of the
28 petition –~~When performed and by whom~~ – Transportation to place of
29 evaluation.

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

36 (1) The person is immediately advised of his or her rights as

1 provided in § 20-47-211;

2 (2) The person is determined by the treatment staff of the
 3 hospital or receiving facility or program or by the physician to be of danger
 4 to himself or herself or others ~~as defined in § 20-47-207~~; and

5 (3) A hearing ~~pursuant to § 20-47-209(a)(1) of this subchapter~~
 6 under § 20-47-209(a)(2)(A) is held within the specified time period.

7 (b)(1)(A) If a physician is not immediately available for the initial
 8 evaluation, the initial evaluation may be performed by an administrator’s
 9 designee, working under medical supervision and direction.

10 (B) In ~~such cases~~ this case, a supervising physician shall
 11 be consulted by telephone before any decision is made concerning the initial
 12 evaluation and treatment.

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

16 (c) In all cases, the evaluations required by the court for
 17 involuntary admission ~~pursuant to~~ for forty-five (45) days under § 20-47-214
 18 shall be performed only by a physician licensed to practice in the State of
 19 Arkansas.

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

24 (e)(1) ~~Nothing in this~~ The provisions of this subchapter shall not
 25 prevent ~~the~~ a person ~~so~~ detained from being released sooner than the period
 26 specified in ~~§ 20-47-205~~ § 20-47-209(c)(3)(A) if, in the judgment of the
 27 treatment staff of the hospital or of the receiving facility or program or of
 28 the treating physician, the person does not require further mental health
 29 treatment.

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

32
 33 SECTION 11. Arkansas Code § 20-47-214 is amended to read as follows:

34 20-47-214. Involuntary admission – Forty-five day Hearing resulting
 35 from initial admission – Additional forty-five day involuntary admission
 36 authorized – Hearing Procedure.

1 (a)(1) A person who was subject to an initial involuntary admission
 2 under ~~Within the period specified in § 20-47-205, § 20-47-209(c)(3)(A) is~~
 3 entitled to a hearing that shall be held-

4 ~~(2) The hearing must be conducted in public, and open to the~~
 5 news media.

6 ~~(3)(2) All testimony must shall~~ be taken under oath and
 7 preserved, all

8 ~~(4) All witnesses shall be subject to a penalty for perjury, and~~
 9 each witness who ~~shall testify~~ testifies shall be instructed by the hearing
 10 officer as to the penalty for perjury prior to testifying.

11 ~~(b)(1) Should any person be found guilty of giving~~ (3) A person who
 12 is found to give false testimony that results in a another person's wrongful
 13 involuntary admission, ~~he or she~~ shall be liable for civil damages and
 14 subject to incarceration for not less than thirty (30) days.

15 ~~(2)(b)(1) The court shall make a determination at that time the~~
 16 hearing whether or not there is clear and convincing evidence ~~has been~~
 17 ~~presented~~ that the person sought to be involuntarily admitted is of a danger
 18 to himself or herself or to others ~~as defined in § 20-47-207.~~

19 ~~(3)(2)(A) If this burden of proof has been met, the court shall~~
 20 issue an order authorizing the hospital or receiving facility or program to
 21 detain the person for treatment for a maximum of forty-five (45) days.

22 (B) The order shall place the person in the custody of the
 23 administrator for care and treatment within a receiving facility or program
 24 that is located within the person's geographic area of residence or to an
 25 appropriate hospital.

26 (c) ~~This section shall be construed to allow the person sought to be~~
 27 ~~involuntarily admitted to~~ A person involuntarily admitted under this section
 28 may request that his or her treatment be under an alternative least
 29 restrictive appropriate setting.

30 (d) If a hearing ~~pursuant to~~ under this section is not held within the
 31 time period specified in § 20-47-205 required by § 20-47-209(c)(3)(A), the
 32 person shall be released.

33 ~~Upon filing of an order of commitment issued under subdivision~~
 34 ~~(b)(3) of this section with a circuit clerk, the~~ The circuit clerk shall
 35 submit a copy of the order of commitment filed under subsection (b) of this
 36 section to the Arkansas Crime Information Center.

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SECTION 12. Arkansas Code § 20-47-215 is amended to read as follows:

20-47-215. Involuntary admission – Additional periods of involuntary admission – Petitions – Hearing period of one hundred eighty days authorized – Procedure.

(a)(1) ~~Generally.~~

~~(1) Additional one hundred eighty day involuntary admission orders may be requested~~ A person may be involuntarily admitted for an additional one hundred eighty (180) days after the person has been previously involuntarily admitted under this subchapter if, in the opinion of the treatment staff, ~~a person involuntarily admitted~~ the person continues to meet the criteria for involuntary admission.

~~(2) Additional one hundred eighty day involuntary admission periods may be requested by the treatment staff~~ A person who is involuntarily admitted for a period of one hundred eighty (180) days under subdivision (a)(1) of this section may be involuntarily admitted for additional periods of one hundred eighty (180) days if it is the opinion of the treatment staff that the person needs continued treatment and supervision without which ~~the person poses a likelihood of danger to himself or herself or to others as defined in § 20-47-207~~ he or she is a clear and present danger to himself or herself or to others if discharged.

~~(3) The treatment staff may request additional involuntary admission orders as they are deemed necessary.~~

(b)(1) ~~Procedure.~~

~~(1)(A) A request for periods of additional involuntary admission under this section shall be made by a petition verified by a~~ A member of the treatment staff shall make a request for an involuntary admission period of one hundred eighty (180) days by filing a verified petition in the circuit court having jurisdiction, setting-

~~(B) The petition shall set forth the facts and circumstances forming~~ that form the basis for the request.

~~(2) Upon the filing of~~ After a petition for additional involuntary admission is filed under subdivision (b)(1) of this section, all rights enumerated in §§ 20-47-211 and 20-47-212 ~~shall be~~ are applicable.

(c) ~~Hearing.~~

~~(1)(A) A hearing on the~~ a petition seeking ~~additional~~ an

1 additional period of involuntary admission pursuant to under subdivision
 2 (b)(1) of this section must shall be held before ~~the expiration of~~ the period
 3 of involuntary admission for which the person is currently being held
 4 expires.

5 (2)(A) Except as otherwise provided in § 20-47-205(b), the
 6 hearing shall be conducted by the same court, or by a judge designated on
 7 exchange, that heard the original petition and issued the appropriate order.

8 (B) The circuit judge, when conducting any hearing set out
 9 in this subchapter, may conduct the hearing within any county of the judge's
 10 judicial district and at inpatient programs of the state mental health system
 11 or a receiving facility or program where the person is detained.

12 ~~(B)(3)~~ (3) The hearing shall be open to the public and the news
 13 media, unless the person sought to be additionally involuntarily admitted
 14 ~~shall request~~ requests in writing that the hearing be closed.

15 ~~(C)(4)~~ (4) All written requests filed on behalf of the person sought
 16 to be additionally involuntarily admitted under subdivision (b)(1) of this
 17 section must be witnessed by the attorney who is representing the person.

18 ~~(2)(5)~~ (5) All testimony shall be recorded under oath and preserved.

19 ~~(3)(6)(A)~~ (6)(A) ~~The need for additional involuntary admission shall be~~
 20 ~~proved~~ The court shall not order an additional period of involuntary
 21 admission under this section unless the need for the involuntary admission is
 22 shown by clear and convincing evidence.

23 (B) The order shall place the person in the custody of the
 24 administrator for care and treatment within a receiving facility or program
 25 that is located within the person's geographic area of residence or to an
 26 appropriate hospital.

27 ~~(d)(7) New Original Petition. Nothing in this~~ This section
 28 shall not prevent a new original petition under § 20-47-207 from being filed
 29 subsequent to the release of a person involuntarily admitted ~~pursuant to~~
 30 under this subchapter.

31 ~~(e)(8) Upon filing of an order of commitment issued under this~~
 32 ~~section with a circuit clerk, the~~ The circuit clerk shall submit a copy of
 33 the order of commitment filed under subsection (b)(1) of this section to the
 34 Arkansas Crime Information Center.

35
 36 SECTION 13. Arkansas Code § 20-47-216 is amended to read as follows:

20-47-216. Continuances requested by a party.

(a) Continuances requested by either party for ~~any~~ a hearing provided for in this subchapter shall be granted only for good cause shown.

(b) As used in this section, "Good "good cause" includes:

(1) ~~obtaining~~ Obtaining a separate and independent evaluation or expert testimony on behalf of the person sought to be involuntarily admitted; or

(2) ~~allowing~~ Allowing hospitalization of the person for medical treatment not associated with the person's mental illness, disease, or disorder.

SECTION 14. Arkansas Code § 20-47-218 is amended to read as follows:

20-47-218. ~~Treatment~~ Mental health treatment of a person involuntarily admitted.

(a) At all steps of ~~the~~ an involuntary admission proceeding under this subchapter, the mental health treatments and conditions of treatment for ~~the~~ a person named in ~~the~~ a petition for involuntary admission shall not:

(1) ~~be no~~ Be more harsh, hazardous, or intrusive than necessary to achieve a successful treatment or objective for the person; and ~~shall~~

(2) ~~involve no~~ Involve restrictions on physical movement or supervised, resident, outpatient, or inpatient care except as reasonably necessary for the administration of treatment for the protection of the person or others from physical injury.

(b) Specific limitations on treatment during detention shall include the following:

(1) Detention under this subchapter may only be in a hospital or receiving facility or program ~~as defined in § 20-47-202;~~

(2)(A) ~~During the initial period of evaluation and treatment,~~ Psychotherapy and oral or intermuscular medication may be used during the initial period of evaluation and treatment if the effects of the medication on the behavior of the individual do not exceed seventy-two (72) hours.

(B) Medication such as fluphenazine decanoate, commonly known as long-acting medication, or electroconvulsive therapy or psychosurgery shall not be used during this period;

(3)(A) Psychosurgery shall not be used during any involuntary

1 admission period if the person is involuntarily admitted to a receiving
 2 facility or program.

3 (B) Electroconvulsive therapy may be used against a
 4 patient's wishes only if the circuit court is presented with clear and
 5 convincing proof that such treatment is necessary; and

6 (4) Short-acting and long-acting medication may be used during
 7 both the forty-five-day admission period under § 20-47-214 and the one-
 8 hundred-eighty-day involuntary admission period under § 20-47-215.

9 ~~(c) If the court at a forty five day admission period or a one-~~
 10 ~~hundred eighty day involuntary admission hearing finds by clear and~~
 11 ~~convincing evidence that the person is in need of treatment, it shall issue~~
 12 ~~an order involuntarily admitting the person to the custody of the~~
 13 ~~administrator or his or her designee for care and treatment within a~~
 14 ~~receiving facility or program which is located within the person's geographic~~
 15 ~~area of residence or to an appropriate hospital as defined in § 20-47-202.~~

16 ~~(d)-(1)(c)(1)~~ A treatment plan will be submitted to the court for
 17 approval at hearings held under §§ 20-47-214 and 20-47-215.

18 (2) The treatment plan ~~will~~ shall be submitted by the person's
 19 treatment staff of the hospital or the receiving facility or program to which
 20 the person has been involuntarily admitted.

21 (3) The approved treatment plan shall be incorporated by
 22 reference as a part of the court's order of involuntary admission.

23 ~~(e)(d)~~ Notification shall be provided to the court by the person's
 24 treatment staff upon a change in the person's treatment plan if the change
 25 results in the person's being treated in a more restrictive setting or
 26 manner.

27

28 SECTION 15. Arkansas Code § 20-47-219 is amended to read as follows:

29 20-47-219. Involuntary admission - Return of persons absent from
 30 treatment - Noncompliance with treatment plan - Effect on order.

31 (a) If ~~any~~ a person involuntarily admitted to a receiving facility or
 32 program or hospital for care ~~pursuant to~~ under this subchapter absents
 33 himself or herself from a receiving facility or program or hospital without
 34 leave or fails to comply with the court-approved treatment plan, the person
 35 ~~will~~ shall be returned, upon the request of the person's treatment staff, to
 36 the receiving facility or program or hospital by the sheriff of the county or

1 law enforcement officer of the city of the first class in which the
2 individual is physically present or the hospital or receiving facility or
3 program security personnel without further proceedings.

4 (b) Notification shall be provided to the court by the person's
5 treatment staff if a person absents himself or herself without leave or fails
6 to comply with the court-approved treatment plan.

7 (c)(1) A person's noncompliance with the court-approved treatment plan
8 or absenting himself or herself from a receiving facility or program or
9 hospital without leave shall not vacate an order.

10 (2) ~~the~~ The order shall remain in effect until abated or changed
11 by the issuing court or until the expiration of one (1) year.

12
13 SECTION 16. Arkansas Code § 20-47-220, concerning the fundamental
14 rights of a person who is mentally ill and recodified elsewhere in this act,
15 is repealed.

16 ~~20-47-220. Fundamental rights.~~

17 ~~(a) No person receiving treatment for mental illness shall be deprived~~
18 ~~of any legal right to which all citizens are entitled except as provided for~~
19 ~~by law.~~

20 ~~(b) No person shall be deemed incompetent to manage his or her~~
21 ~~affairs, to contract, to hold professional, occupational, or motor vehicle~~
22 ~~driver's licenses, to marry or to obtain a divorce, to vote, to make a will,~~
23 ~~or to exercise any other civil right solely by reason of that person's~~
24 ~~admission to the mental health services system.~~

25 ~~(c) No person receiving mental health services shall be subjected to~~
26 ~~abuse or neglect.~~

27 ~~(d) No person receiving mental health services shall be discriminated~~
28 ~~against in any manner because of race, color, sex, religion, national origin,~~
29 ~~age, handicap, or degree of disability.~~

30 ~~(e) Persons receiving mental health services shall be treated with~~
31 ~~dignity and respect.~~

32
33 SECTION 17. Arkansas Code § 20-47-221 is amended to read as follows:
34 20-47-221. Patient or client advocate.

35 (a)(1) The Director of the Division of Behavioral Health Services of
36 the Department of Human Services shall designate a patient or client advocate

1 for the three (3) state mental health facilities located in Little Rock and
2 Benton.

3 (2) The designated patient or client advocate in these
4 facilities shall report directly to the deputy director.

5 (b) The administrator ~~of~~ for each receiving facility or program shall
6 designate a patient or client advocate for that receiving facility or program
7 who shall report directly to the administrator.

8 (c) The patient or client advocate's job duties in this capacity shall
9 consist primarily of:

10 (1) Ensuring that each patient or client is aware of his or her
11 rights;

12 (2) Investigating complaints of patients or clients;

13 (3) Assisting in training staff of the receiving facility or
14 program regarding patient's rights; and

15 (4) Acting as an advocate on behalf of a patient or client who
16 is unable to register a complaint because of his or her mental or physical
17 condition.

18

19 SECTION 18. Arkansas Code § 20-47-222 is amended to read as follows:
20 20-47-222. Transfer and admission of residents who become ill in
21 another state.

22 The Director of the Division of Behavioral Health Services of the
23 Department of Human Services or his or her designee shall have authority to
24 authorize the transfer and admission to a receiving facility or program of
25 ~~any~~ a person who is a legal resident of the state and who may become mentally
26 ill while a transient in another state, ~~pursuant to~~ under the Interstate
27 Compact on Mental Health, § 20-50-101 et seq.

28

29 SECTION 19. Arkansas Code § 20-47-223 is amended to read as follows:
30 20-47-223. Admission not adjudication of incapacity.

31 ~~No~~ A person admitted voluntarily or involuntarily to a receiving
32 facility or program or hospital under this subchapter shall not be considered
33 incapacitated ~~per se~~ solely by virtue of admission.

34

35 SECTION 20. Arkansas Code § 20-47-224 is amended to read as follows:
36 20-47-224. Conversion from involuntary to voluntary status.

1 (a) ~~At any time during the involuntary admission period,~~ a A person
 2 may be converted to a voluntary admission status at any time during ~~the~~ an
 3 involuntary admission period under this subchapter if the person's treating
 4 physician or treatment staff psychiatrist files a written statement of
 5 consent with the court.

6 (b) The court shall dismiss the action immediately upon the filing of
 7 the statement.

8
 9 SECTION 21. Arkansas Code § 20-47-226 is amended to read as follows:
 10 20-47-226. Forms.

11 (a) The Director of the Administrative Office of the Courts and the
 12 Prosecutor Coordinator shall jointly prescribe all other forms reasonably
 13 necessary to carry out this subchapter, provided that the Director of the
 14 Division of Behavioral Health Services of the Department of Human Services or
 15 designee may prescribe forms pertaining to preadmission history to accompany
 16 the person when presented for admission, to be waived in dire emergencies.

17 (b) The Director of the Division of Behavioral Health Services of the
 18 Department of Human Services or designee shall assist the Director of the
 19 Administrative Office of the Courts in prescribing forms for the required
 20 medical certificates.

21 (c) Substantial adherence to the prescribed forms will suffice in any
 22 instance.

23
 24 SECTION 22. Arkansas Code § 20-47-227 is amended to read as follows:
 25 20-47-227. Exclusion from liability.

26 ~~No~~ An officer, physician, or other person shall not be held civilly
 27 liable for his or her actions ~~pursuant to~~ under this subchapter in the
 28 absence of proof of bad faith, malice, or gross negligence.

29
 30 SECTION 23. Arkansas Code § 20-47-228 is amended to read as follows:
 31 20-47-228. Assurance of compliance.

32 (a) ~~To assure compliance under this subchapter, the~~ The Division of
 33 Behavioral Health Services of the Department of Human Services, through its
 34 authorized agents, may visit or investigate any state mental health system
 35 program or facility to which persons are voluntarily or involuntarily
 36 admitted under this subchapter to assure compliance with this subchapter.

1 (b) The division shall by July 1 of each year:

2 (1) ~~designate~~ Designate receiving facilities and programs within
3 prescribed geographic areas of the state for purposes of voluntary admissions
4 or involuntary commitments under this subchapter; and

5 (2) ~~establish~~ Establish ongoing mechanisms for review and
6 refinement of the state mental health system.

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