

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

As Engrossed: S2/18/15

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
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Subtitle

17 CONCERNING THE ADMISSION OF A MENTALLY
18 ILL PERSON TO AN INPATIENT OR OUTPATIENT
19 TREATMENT FACILITY; CONCERNING THE
20 INVOLUNTARY ADMISSIONS PROCEDURE; AND TO
21 MAKE TECHNICAL CORRECTIONS.
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

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

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

36 *(B) These screening services shall be available to community*



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

3
4 SECTION 2. Arkansas Code § 20-47-202 is amended to add new definitions
5 to read as follows:

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

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

13
14 SECTION 3. Arkansas Code § 20-47-207 is amended to read as follows:
15 20-47-207. Involuntary admission – Original petition.

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

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

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

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

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

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

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

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

1 *and present danger to himself or herself or others.*

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

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

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

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

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

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

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

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

33
34 *SECTION 4. Arkansas Code § 20-47-214(b), concerning a forty-five-day*
35 *involuntary admission, is amended to read as follows:*

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

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

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

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

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

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

15
16 SECTION 5. Arkansas Code § 20-47-214(c), concerning a forty-five-day
17 involuntary admission, is amended to read as follows:

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

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

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

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

34
35 SECTION 6. Arkansas Code § 20-47-215(a)(1), concerning a one-hundred-
36 eighty-day involuntary admission, is amended to read as follows:

