

ARKANSAS SENATE
89th General Assembly - Regular Session, 2013
Amendment Form

Subtitle of House Bill No. 1746

TO REQUIRE A MENTAL HEALTH SERVICES PROVIDER TO WARN AN INTENDED VICTIM AND A
LAW ENFORCEMENT AGENCY OF A CREDIBLE THREAT BY A PATIENT.

Amendment No. 1 to House Bill No. 1746

Amend House Bill No. 1746 as engrossed, H3/8/13 (version: 03/08/2013 03:12:42 PM):

Page 1, delete line 10 and substitute the following:
"TO WARN A LAW ENFORCEMENT"

AND

Page 1, delete line 17 and substitute the following:
"PROVIDER TO WARN A"

AND

Page 2, line 14, delete "(8)" and substitute "(8)(A)"

AND

Page 2, delete line 15 and substitute the following:
"Arkansas State Board of Nursing who provides mental health services.
(B) "Registered nurse" includes an advanced practice
nurse.

AND

Page 2, delete lines 19 through 21 and substitute the following:
"(a) A mental health services provider, hospital, facility, community
mental health center, or clinic is not subject to liability, suit, or a claim
under § 19-10-204 on grounds that a mental health services provider did not"

AND

Page 2, line 36, delete "(1)(A)" and substitute "(1)"



AND

Page 3, delete lines 1 through 33 and substitute the following:

(A) A law enforcement agency in the county in which the potential victim resides;

(B) A law enforcement agency in the county in which the patient resides; or

(C) The Department of Arkansas State Police; or

(2) Arranges for the patient's immediate voluntary or involuntary hospitalization.

(c)(1) If a patient who is under eighteen (18) years of age threatens to commit suicide or serious or life-threatening bodily harm upon himself or herself, the mental health services provider shall make a reasonable effort to communicate the threat to the patient's custodial parent.

(2) If the mental health services provider is unable to contact the patient's custodial parent within a reasonable time, the mental health services provider shall make a reasonable effort to communicate the threat to the patient's noncustodial parent or legal guardian.

(d) A mental health services provider, hospital, facility, community mental health center, or clinic is not subject to liability, suit, or claim under § 19-10-204 for disclosing a confidential communication made by or relating to a patient if the patient has explicitly threatened to cause serious harm to an individual or to property under circumstance that could easily lead to serious personal injury or death or if the provider has a reasonable belief that the patient poses a credible threat of serious harm to an individual or to property.

(e)(1) If a patient in the custody of a hospital, community mental health center, or other facility threatens to harm an individual or property, the mental health services provider and the staff of the hospital, community mental health center, or other facility shall consider and evaluate the"

AND

Page 3, line 35, delete "(f)(1)" and substitute "(e)(1)"

AND

Page 4, delete line 2 and substitute the following:

"(f) Subsections (a) and (c) of this section apply to a hospital or"

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Bledsoe

MGF/NJR - 04-03-2013 09:05:36

MGF591

Secretary