

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

As Engrossed: H4/2/25

A Bill

HOUSE BILL 1664

5 By: Representative K. Brown
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For An Act To Be Entitled

9 AN ACT TO AMEND "QUINCY'S LAW" CONCERNING PHYSICAL
10 EXAMS AND OTHER TESTING IN AN INVESTIGATION INVOLVING
11 ALLEGED ABUSE UNDER THE CHILD MALTREATMENT ACT; TO
12 PROVIDE FOR THE RIGHT OF A PARENT, GUARDIAN, OR
13 CUSTODIAN TO BE PROVIDED WITH THE MEDICAL RECORDS OF
14 A CHILD WHO HAS BEEN REMOVED FROM THE CUSTODY OF THE
15 PARENT, PUTATIVE PARENT, GUARDIAN, OR CUSTODIAN OR IS
16 IN THE CUSTODY OF THE DEPARTMENT OF HUMAN SERVICES;
17 TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.
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Subtitle

21 TO AMEND "QUINCY'S LAW" CONCERNING
22 PHYSICAL EXAMS AND OTHER TESTING IN AN
23 INVESTIGATION INVOLVING ALLEGED ABUSE
24 UNDER THE CHILD MALTREATMENT ACT; AND TO
25 DECLARE AN EMERGENCY.
26

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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29 SECTION 1. DO NOT CODIFY. Legislative findings and intent.

30 (a) The General Assembly finds that:

31 (1) Child maltreatment investigations have at times led to
32 the wrongful or mistaken allegation of child maltreatment against a parent or
33 other caretaker when the child's symptoms that may, at first or superficial
34 glance, appear to be manifestations of abuse or neglect, are actually the
35 result of a medical condition that may or may not be known to the child's
36 family, including genetic conditions that the parent himself or herself may



1 unknowingly have;

2 (2) When such a child maltreatment investigation results
3 in a child being removed from his or her home and placed in foster care, it
4 may result in varying levels of trauma to the child, his or her siblings, his
5 or her parent or parents, and other members of the child's family;

6 (3) A parent or other caretaker of a child who is
7 wrongfully or mistakenly alleged to have caused or contributed to the abuse
8 or neglect of a child who is actually presenting symptoms of a medical
9 condition that are not caused by abuse or neglect to the child may be
10 subjected to not only separation from his or her child, but also threats to
11 his or her liberty in the form of having a petition for dependency-neglect or
12 a petition for termination of parental rights filed against him or her, or
13 even having his or her name placed on the Child Maltreatment Central Registry
14 or a criminal prosecution against him or her when there was not in fact child
15 maltreatment or a criminal offense committed;

16 (4) These detrimental effects can cause loss of time,
17 money, and mental and emotional wellbeing to many persons affected by the
18 wrongful or mistaken allegation of child maltreatment; and

19 (5) Although the intent of the Child Maltreatment Act, §
20 12-18-101 et seq., is to protect children from maltreatment, wrongful or
21 mistaken allegations of child maltreatment for symptoms of a medical
22 condition may actually contribute to the child's suffering not only in the
23 form of trauma, but also in that, if a child's underlying medical condition
24 is overlooked or ignored, the child remains untreated for that medical
25 condition and the parent or caretaker deprived of otherwise discovering and
26 being able to provide for the proper medical care of his or her child.

27 (b) It is the intent of the General Assembly for this act to
28 contribute not only to the protection of a wrongfully or mistakenly accused
29 parent, but also the protection of the child, the family unit, and the
30 overall integrity of the state's child welfare, hospital, and legal systems.

31
32 SECTION 2. Arkansas Code § 12-18-614 is amended to read as follows:

33 12-18-614. Submission to a physical exam or other testing.

34 (a) An investigation under this chapter may include a physical
35 examination, a drug test, radiology procedures, photographs, and a
36 psychological or psychiatric examination of all children subject to the care,

1 custody, or control of the alleged offender.

2 (b)(1) If the report of child maltreatment or suspected child
3 maltreatment alleges abuse as defined in ~~§12-18-103~~ § 12-18-103(3), the
4 alleged offender may:

5 (A)(i) For the purpose of obtaining a second opinion,
6 request that the alleged victim be examined by a licensed healthcare provider
7 of the alleged offender's choosing who:

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

10 (b) Routinely provides medical care to
11 pediatric patients.

12 (ii) An examination performed under subdivision
13 (b)(1)(A)(i) of this section ~~shall~~:

14 (a) Shall be paid for by the alleged offender
15 or as otherwise covered by insurance ~~or Medicaid~~; and

16 (b) May be requested by the alleged offender
17 regardless of whether the alleged victim has been taken into or placed in the
18 custody of the Department of Human Services; and

19 (B)(i) For the purpose of ruling out a possible
20 differential diagnosis, request that a licensed healthcare provider who
21 routinely provides medical care to pediatric patients examine the alleged
22 victim to determine ~~whether or not~~ if the alleged victim has ~~one (1) or more~~
23 ~~of the following medical conditions~~ a congenital cutaneous variant, bone
24 fragility, a coagulation disorder, capillary fragility associated with a
25 genetic disorder or that may be caused by a defect in the collagen elastin
26 matrix, hyperextensible skin, multiple broken bones in various stages of
27 healing and including without limitation classic metaphyseal lesions, blue or
28 grey sclera, impaired bone mineralization, or another medical condition that
29 may appear to be caused by suspected abuse or increase the risk of
30 misdiagnosis of abuse as defined in § 12-18-103(3), including without
31 limitation:

32 (a) Marfan's syndrome;

33 (b) Hypermobility spectrum disorders;

34 ~~(a)(c)~~ Rickets;

35 ~~(b)(d)~~ Ehlers-Danlos syndrome;

36 ~~(e)(e)~~ Osteogenesis imperfecta;

1 ~~(d)(f)~~ Vitamin D deficiency; or
 2 ~~(e)(g)~~ ~~Another medical condition that may:~~
 3 Vitamin K deficiency
 4 ~~(1)~~ ~~Appear to be caused by suspected~~
 5 ~~abuse as defined in § 12-18-103; or~~
 6 ~~(2)~~ ~~Increase the risk of a misdiagnosis~~
 7 ~~of abuse as defined in § 12-18-103.~~

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

11 (iii) If the alleged victim undergoes genetic
 12 testing under subdivision (b)(1)(B)(i) of this section, the genetic testing
 13 shall include a complete family medical history even if the alleged victim's
 14 family members have not been diagnosed with a genetic condition, which shall
 15 include the licensed healthcare provider who routinely provides medical care
 16 to pediatric patients ascertaining if there is a family medical history of:

- 17 (a) Joint hypermobility;
- 18 (b) Sprains;
- 19 (c) Bruising;
- 20 (d) Connective tissue disorder or the physical
 21 manifestations of a connective tissue disorder; or
- 22 (e) Fractures, including without limitation
 23 the cause of each fracture and the age of the family member at the time of
 24 the fracture.

25 (2) A licensed healthcare provider examination under subdivision
 26 (b)(1) of this section shall not be requested for the purpose of obtaining a
 27 second opinion ~~or to determine whether or not~~ if an alleged victim has been a
 28 victim of: ~~sexual~~

- 29 (A) Sexual abuse; or
- 30 (B) Physical abuse when the alleged victim is:
 31 (i) In a critical medical condition; or
 32 (ii) Receiving life-sustaining medical treatment.

34 SECTION 3. Arkansas Code Title 12, Chapter 18, Subchapter 6, is
 35 amended to add an additional section to read as follows:
 36 12-18-624. Right of parent, guardian, or custodian to medical records

1 of child – Definitions.

2 (a)(1) A court with jurisdiction may order a healthcare institution or
3 practitioner to provide an alleged child victim’s medical records to an
4 alleged offender if the alleged offender:

5 (A) Has been accused of physical abuse; and

6 (B) Is a parent, putative parent, guardian, or custodian
7 of the alleged victim.

8 (2) A court with jurisdiction may enter a protective order
9 restricting the dissemination of the medical records or from making any use
10 of the medical records other than for purposes of a specific case before the
11 court.

12 (3) Medical records shall include hospital or clinic records,
13 physicians’ records, or other healthcare records, including without
14 limitation:

15 (A) An admissions form, discharge summary, history and
16 physical exam records, progress notes, physicians’ orders, reports of
17 operations, recovery room records, lab reports, consultation reports,
18 medication administration records, nurses’ notes, and other reports
19 catalogued and maintained by the medical records department of a hospital,
20 doctor’s office, medical clinic, or any other medical facility; and

21 (B) A paper entry, electronic entry, or image that is:

22 (i) Captured in relation to a diagnosis, treatment,
23 or other service provided to a child; or

24 (ii) Relied upon by a healthcare provider to
25 diagnose or provide treatment or other services to a child.

26 (4) A healthcare institution or provider shall redact the
27 alleged child victim’s address, phone number, email address, and other
28 information regarding the alleged child victim’s foster placement before
29 providing medical records under this section.

30 (5) A healthcare institution or provider that fails to provide
31 medical records under this section pursuant to a valid court order may be
32 held in contempt of court under § 16-10-108.

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34 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
35 General Assembly of the State of Arkansas that "Quincy’s Law", Acts 2021, No.
36 976, is a crucial protection for persons who are the subject of an

1 investigation under the Child Maltreatment Act, § 12-18-101 et seq.; that
2 since the enactment of Quincy's Law in 2021, an additional need for further
3 protections under Quincy's Law has been demonstrated, most notably to provide
4 further clarity in child maltreatment investigations involving differential
5 diagnoses that may present as possible child abuse without additional testing
6 that the provisions in this act make available; that this act is needed not
7 only to protect wrongfully accused parents, but also to assist a parent who
8 may not be aware of his or her child's condition and be given the opportunity
9 to provide his or her child necessary medical treatment; that this act is
10 also urgent to protect families from undergoing unnecessary trauma related to
11 family separation and wrongful or mistaken allegations of child maltreatment
12 that are actually manifestations of medical conditions; and that numerous
13 child maltreatment investigations are taking place at any given time, and
14 thus there is an urgent need for the provisions in this act to become
15 effective. Therefore, an emergency is declared to exist, and this act being
16 immediately necessary for the preservation of the public peace, health, and
17 safety shall become effective on:

18 (1) The date of its approval by the Governor;

19 (2) If the bill is neither approved nor vetoed by the Governor,
20 the expiration of the period of time during which the Governor may veto the
21 bill; or

22 (3) If the bill is vetoed by the Governor and the veto is
23 overridden, the date the last house overrides the veto.

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25 /s/K. Brown
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