

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

As Engrossed: H2/22/17

# A Bill

HOUSE BILL 1432

5 By: Representative Wing  
6

## For An Act To Be Entitled

8 AN ACT CONCERNING THE TRANSPORTATION OF MALTREATED  
9 ADULTS; TO DEFINE "IMPAIRMENT" UNDER THE ADULT  
10 MALTREATMENT CUSTODY ACT AND THE ADULT AND LONG-TERM  
11 CARE FACILITY RESIDENT MALTREATMENT ACT; AND FOR  
12 OTHER PURPOSES.  
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## Subtitle

15 CONCERNING THE TRANSPORTATION OF  
16 MALTREATED ADULTS; AND TO DEFINE  
17 "IMPAIRMENT" UNDER THE ADULT MALTREATMENT  
18 CUSTODY ACT AND THE ADULT AND LONG-TERM  
19 CARE FACILITY RESIDENT MALTREATMENT ACT.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code § 9-20-103, concerning the definitions of  
26 terms used under the Adult Maltreatment Custody Act, is amended to add an  
27 additional subdivision to read as follows:

28 (25) "Impairment" means a disability that grossly and  
29 chronically diminishes a person's physical or mental ability to live  
30 independently or provide self-care as determined through observation,  
31 diagnosis, evaluation, or assessment.  
32

33 SECTION 2. Arkansas Code § 9-20-114(e), concerning the transportation  
34 of a maltreated adult after emergency custody is exercised, is amended to  
35 read as follows:

36 (e)(1) If emergency custody is exercised under this section, the



1 person exercising the custody or an authorized employee of the department may  
2 consent to having the maltreated adult transported by a law enforcement  
3 officer or by ~~ambulance~~ an emergency medical services provider if medically  
4 appropriate, even if the adult objects.

5 (2) No court order shall be required for transport by law  
6 enforcement or ~~ambulance transport~~ an emergency medical services provider.

7 (3) ~~If an ambulance driver or company or a law enforcement~~  
8 ~~officer acts in good faith under this section, the immunity provisions of §~~  
9 ~~5-28-207 [repealed] shall apply~~ A law enforcement officer, an emergency  
10 medical services provider, and the employees of an emergency medical services  
11 provider are immune from criminal and civil liability for injury, death, or  
12 loss that allegedly arises from good faith action taken in accordance with  
13 this subsection.

14 (4) ~~The good faith of the ambulance driver or company or law~~  
15 ~~enforcement officer shall be presumed~~ There is a presumption of good faith on  
16 the part of a law enforcement officer, an emergency medical services  
17 provider, and the employees of an emergency medical services provider that  
18 act in accordance with subdivisions (e)(1) and (2) of this section.

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20 SECTION 3. Arkansas Code § 9-20-116(a), concerning probable cause  
21 hearings held after the issuance of an emergency order, is amended to add an  
22 additional subdivision to read as follows:

23 (3)(A) An authorized employee of the Department of Human  
24 Services may consent, over the objection of the maltreated adult, to a law  
25 enforcement officer or an emergency medical services provider transporting  
26 the maltreated adult to the probable cause hearing required under subdivision  
27 (a)(1) of this section if medically appropriate.

28 (B) A court order is not required before a law enforcement  
29 officer or an emergency medical services provider may transport a maltreated  
30 adult in accordance with subdivision (a)(3)(A) of this section.

31 (C) An emergency medical services provider, the employees  
32 of an emergency medical services provider, and a law enforcement officer are  
33 immune from criminal and civil liability for injury, death, or loss allegedly  
34 arising from good faith action taken in accordance with subdivisions  
35 (a)(3)(A) and (B) of this section.

36 (D) There is a presumption of good faith on the part of an

1 emergency medical services provider, the employees of an emergency medical  
2 services provider, and a law enforcement officer that act in accordance with  
3 subdivisions (a)(3)(A) and (B) of this section.

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5 SECTION 4. Arkansas Code § 9-20-117(b), concerning long-term custody  
6 and court-ordered protective service hearings, is amended to read as follows:

7 (b)(1) The court may hold a hearing for long-term custody or  
8 protective services anywhere in the judicial district.

9 (2)(A) An authorized employee of the Department of Human  
10 Services may consent, over the objection of the maltreated adult, to a law  
11 enforcement officer or an emergency medical services provider transporting  
12 the maltreated adult to a hearing required under subsection (a) of this  
13 section if medically appropriate.

14 (B) A court order is not required before a law enforcement  
15 officer or an emergency medical services provider may transport a maltreated  
16 adult in accordance with subdivision (b)(2)(A) of this section.

17 (C) An emergency medical services provider, the employees  
18 of a medical services provider, and a law enforcement officer are immune from  
19 criminal and civil liability for injury, death, or loss allegedly arising  
20 from good faith action taken in accordance with subdivisions (b)(2)(A) and  
21 (B) of this section.

22 (D) There is a presumption of good faith on the part of an  
23 emergency medical services provider, the employees of an emergency medical  
24 services provider, and a law enforcement officer that act in accordance with  
25 subdivisions (b)(2)(A) and (B) of this section.

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27 SECTION 5. Arkansas Code § 12-12-1703, concerning the definitions of  
28 terms used under the Adult and Long-Term Care Facility Resident Maltreatment  
29 Act, is amended to add an additional subdivision to read as follows:

30 (22) "Impairment" means a disability that grossly and  
31 chronically diminishes a person's physical or mental ability to live  
32 independently or provide self-care as determined through observation,  
33 diagnosis, evaluation, or assessment.

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***APPROVED: 03/22/2017***