

ARKANSAS REGISTER

FILED Transmittal Sheet

OCT 1 1993



W. J. "BILL" McCUEN
SECRETARY OF STATE

W. J. "Bill" McCuen
Secretary of State
State Capitol Rm. 010
Little Rock, Arkansas 72201-1094

For Office

Use Only:

Effective Date 10/20/93 Code Number 004.00.93--011

Name of Agency Arkansas Department of Correction

Department of Correction

Contact Person Larry Morris, Director

Statutory Authority for Promulgating Rules Act 50 of 1968, First Extraordinary Session,
as amended

Intended Effective Date

Date

☐ Emergency

Legal Notice Published 5/13-19/93

☐ 20 Days After Filing

Final Date for Public Comment June 1, 1993

☒ Other

Filed With Legislative Council 5-7-93

Please use 10/1/93 as the filing Reviewed by Legislative Council 6-3-93
date and effective date

10/20/93 Adopted by State Agency 9-30-93

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 As Amended.

A handwritten signature in dark ink, appearing to read "Larry Morris", written over a horizontal line.


Signature

Director

Title

9-30-93

Date

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			Board of Correction Approval Date: 9-30-93	
			Supersedes:	Dated:
			Attorney General Review Date: 9-30-93	Date Filed Secy. of State: 10-1-93

FILED

SUBJECT: Continuity of Care

OCT 1 1993

W. J. "BILL" McCUEN

SECRETARY OF STATE

BY

I. Authority:

The Board of Correction and Community Punishment is vested with the authority to promulgate this administrative regulation by Act 549 of 1993, Regular Session; Act 50 of 1968, First Extraordinary Session, as amended; and Act 1281 of 1993, Regular Session.

II. PURPOSE:

To provide for continuity of care for releasees with serious physical or mental disorders or disabilities.

III. APPLICABILITY:

To all employees, especially those involved in the treatment and/or release of inmates with physical or mental disorders or disabilities; and all inmates.

IV. POLICY:

It shall be the policy of the Department of Correction to request emergency medical stays for inmates being released with serious physical or mental disorders or disabilities until transfer to an appropriate treatment setting can be accomplished.

V. DEFINITIONS:

- A. Emergency Medical Stay - the retention of a releasee with a serious physical or mental disorder or disability not to exceed 72 hours in duration for provision of an appropriate treatment setting upon release.

VI. PROCEDURES:

Any person incarcerated by the Department of Correction may be permitted to remain within a treatment facility operated or used by the Department of Correction if serious physical or mental disorders or disabilities exist, until release to



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
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an appropriate treatment setting outside of the Department can be accomplished.

A. Request for Emergency Medical Stay

1. A request for emergency medical stay may only be made by a physician or psychologist licensed to practice in Arkansas. Request will be promulgated to the Deputy Director of Treatment Services, Administrator of Medical/Dental Services, or Administrator of Mental Health Services.
 - a. The physician or psychologist must certify the request to be on behalf of a physically or mentally disordered or disabled person who would otherwise be released without an appropriate patient care system, and such a release would risk the well-being of the person or others.
2. The request for emergency medical stay must be approved by the Director of the Department of Correction, or in the absence of the Director, the acting Director.

B. Imposition of Emergency Medical Stay

1. An emergency medical stay may not be imposed contrary to the will of a mentally competent individual.
2. An emergency medical stay may be imposed contrary to the will of an individual certified by a psychiatrist or psychologist to be incompetent, if no close relative of the individual can be contacted to state the will of the family and involuntary commitment of the individual is being actively pursued in Chancery Court, or with the consent of a close relative.



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In all cases, the emergency medical stay shall be dissolved as quickly as possible, and in no case extended beyond 72 hours.

VII. A.C.A. REFERENCES:

AR851