



## ARKANSAS

*Specific requirements to report sexual assault? No.*

*Requirement to report non-accidental or intentional injuries? No.*

*Requirement to report injuries caused by criminal conduct? No.*

*Additional statutes that may impact competent adult victims of sexual assault? It is mandatory to report intentionally inflicted knife and gunshot wounds.*

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### STATUTES ADDRESSING PAYMENT FOR EXAMINATIONS

#### **A.C.A. § 12-12-401. Definitions**

As used in this subchapter:

- (1) (A) "Appropriate emergency medical-legal examinations" means health care delivered with emphasis on the collection of evidence for the purpose of prosecution.
  - (B) It shall include, but not be limited to, the appropriate components contained in an evidence collection kit for sexual assault examination distributed by the Forensic Biology Section of the State Crime Laboratory;
- (2) "Licensed health care provider" means a person licensed in a health care field who conducts medical-legal examinations;
- (3) "Medical facility" means any health care provider that is currently licensed by the Department of Health and providing emergency services; and
- (4) "Victim" means any person who has been a victim of any alleged sexual assault or incest as defined by § 5-14-101 et seq. and § 5-26-202.

**HISTORY:** Acts 1983, No. 403, §§ 1-3; A.S.A. 1947, §§ 41-1820 -- 41-1822; Acts 1991, No. 612, § 1; 2001, No. 993, § 1; 2003, No. 1390, § 3.

#### **12-12-402. Procedures governing medical treatment.**

(a) All medical facilities or licensed health care providers conducting medical-legal examinations in Arkansas shall adhere to the procedures set forth in this section in the event that a person presents himself or herself or is presented for treatment as a victim of rape, attempted rape, any other type of sexual assault, or incest.

(b) (1) (A) Any adult victim presented for medical treatment shall make the decision of whether or not the incident will be reported to a law enforcement agency.

(B) No medical facility or licensed health care provider may require an adult victim to report the incident in order to receive medical treatment.

*For more information, please contact the Sexual Assault Prevention and Response Office at 703-696-9422*



- (C) (i) Evidence will be collected only with the permission of the victim.
- (ii) However, permission shall not be required when the victim is unconscious, mentally incapable of consent, or intoxicated.
- (2) (A) Should an adult victim wish to report the incident to a law enforcement agency, the appropriate law enforcement agencies shall be contacted by the medical facility or licensed health care provider or the victim's designee.
- (B) (i) The victim shall be given a medical screening examination by a qualified medical person as provided under the Emergency Medical Treatment and Active Labor Act, 42 U.S.C. § 1395dd, as in effect on January 1, 2001, if the victim arrives at the emergency department of a hospital, and the person shall be examined and treated and any injuries requiring medical attention will be treated in the standard manner.
- (ii) A medical-legal examination shall be conducted and specimens shall be collected for evidence.
- (C) If a law enforcement agency has been contacted and with the permission of the victim, the evidence shall be turned over to the law enforcement officers when they arrive to assume responsibility for investigation of the incident.
- (c) (1) Any victim under eighteen (18) years of age shall be examined and treated, and any injuries requiring medical attention shall be treated in the standard manner.
- (2) A medical-legal examination shall be performed, and specimens shall be collected for evidence.
- (3) The reporting medical facility or licensed health care provider shall follow the procedures set forth in Subchapter 4 of the Child Maltreatment Act, § 12-18-101 et seq., regarding the reporting of injuries to victims under eighteen (18) years of age.
- (4) The evidence shall be turned over to the law enforcement officers when they arrive to assume responsibility for investigation of the incident.
- (d) Reimbursement for the medical-legal examinations shall be available to the medical facility or licensed health care provider pursuant to the procedures set forth in § 12-12-403.
- (e) The victim shall not be transferred to another medical facility unless:
- (1) (A) The victim or a parent or guardian of a victim under eighteen (18) years of age requests the transfer; or
- (B) A physician, or other qualified medical personnel when a physician is not available, has signed a certification that the benefits to the patient's health would outweigh the risks to the patient's health as a result of the transfer; and
- (2) The transferring medical facility or licensed health care provider provides all necessary medical records and ensures that appropriate transportation is available.

**History.** Acts 1985, No. 400, §§ 1, 2; 1985, No. 838, §§ 1, 2; A.S.A. 1947, §§ 41-1828, 41-1829; Acts 1991, No. 612, § 2; 2001, No. 993, § 2; 2009, No. 758, § 23.



**A.C.A. § 12-12-403. Examinations and treatment -- Payment**

(a) All licensed emergency departments shall provide prompt, appropriate emergency medical legal examinations for sexual assault victims.

(b) All victims shall be exempted from the payment of expenses incurred as a result of receiving a medical-legal examination provided the following conditions are met:

(1) The assault must be reported to a law enforcement agency; and

(2) (A) The victim must receive the medical-legal examination within seventy-two (72) hours of the attack.

(B) However, the seventy-two-hour time limitation may be waived if the victim is a minor or if the Crime Victims Reparations Board finds that good cause exists for the failure to provide the exam within the required time.

(c) (1) A medical facility or licensed health care provider that performs a medical-legal examination shall submit a sexual assault reimbursement form, an itemized statement which meets the requirements of *45 C.F.R. 164.512(d)*, as it existed on January 2, 2001, directly to the board for payment.

(2) The medical facility or licensed health care provider shall not submit any remaining balance after reimbursement by the board to the victim.

(3) Acceptance of payment of the expenses of the medical-legal examination by the board shall be considered payment in full and bars any legal action for collection.

**REPORTING STATUTES WHICH MAY IMPACT RAPE VICTIMS**

**12-12-602. Report of treatment required.**

(a) All physicians, surgeons, hospitals, druggists, or other persons or entities that render first aid treatment shall report to the office of the county sheriff of the county all cases of knife or gunshot wounds treated by them or received in the hospital when the wounds appear to have been intentionally inflicted.

(b) If within a city of the first class, a report to the chief of police or a regular member of the police force shall be equivalent to a report to the office of the county sheriff, and a proper report to the chief of police, regular member of the police force, or office of the county sheriff shall be compliance with the requirements of this subchapter.

**History.** Acts 1949, No. 258, § 1; A.S.A. 1947, § 42-501; Acts 2005, No. 1962, § 33. **Amendments.** The 2005 amendment, in (a), deleted “whether public or private, and all” preceding “druggists,” substituted “persons or entities” for “persons,” and “render” for “might be called upon to render,”



## RAPE REPORTING REQUIREMENTS FOR COMPETENT ADULT VICTIMS

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inserted “to the office of the sheriff of the county,” substituted “when the” for “which” and deleted “to the office of the sheriff of the county or to one of his or her regular commissioned deputies” at the end.