

Act 107 of the 1989 Regular Session.

Act 107

SB108

By: Senator Nelson

"AN ACT TO AUTHORIZE THE COLLECTION AND DISSEMINATION OF HEALTH DATA BY THE HEALTH SERVICES AGENCY; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. (a) The Health Services Agency created in Arkansas Code 20-8-104 shall act as a statewide health data clearing house for the acquisition and dissemination of data from health care providers, state Medicaid program, third party payors, state agencies and other appropriate sources in furtherance of this act.

(b) All state agencies having information with regard to health matters shall make available to the Health Services Agency such health data as is necessary for the commission to carry out its responsibilities.

(c) All hospitals, nursing homes, outpatient surgery centers, and home health agencies licensed by the state shall submit annually a report of utilization statistics as may be required by the Health Services Agency.

(d) The Commissioner of Insurance shall require all third party payors, including but not limited to, licensed insurers, medical and hospital service corporations, health maintenance organizations, and self-funded employee health plans, to provide the commission with claims data for health matters.

(e) State agencies which survey hospitals, home health agencies, outpatient surgery centers, or nursing homes for licensure or certification shall annually report to the Health Services Agency on the surveys of the various facilities. The annual report shall list facilities by name with patient care citations and numbers of serious patient injuries per year by facility.

SECTION 2. The Director of the Health Services Agency shall prescribe such rules and regulations as may be necessary to carry out the purpose of this Act.

SECTION 3. The Director of the Health Services Agency shall be empowered to release data collected pursuant to this Act, subject to the following limitations:

(a) Data released shall not include any information which could be used to identify any individual patient; and

(b) Data released shall not include any information which could be used to associate any of the data with any specific third-party payor.

SECTION 4. (a) The Director of the Arkansas Health Services Agency shall, with the advice of the Health Services Commission, compile and publish summaries of health data collected by the Health Services Agency.

(b) The director shall prepare an annual report of the agency's findings and submit the report to the Governor, the General Assembly, and the Joint Interim Committee on Public Health, Welfare and Labor. The Health Services Agency shall provide assistance to the Public Health, Welfare and Labor Committee of the House of Representatives and of the Senate in the development of information necessary in the examination of health care issues.

SECTION 5. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 6. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 7. Emergency. It is hereby found and determined by the General Assembly that the state does not have a statewide clearing house for health data; that the establishment of such a clearing house is essential to adequately respond to the health needs of the citizens of the state; that this Act creates a statewide health data clearing house; and that the collection of health data should begin immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

APPROVED: February 20, 1989

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