

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**

**A BILL ACT 967 OF 1991**  
**HOUSE BILL 2116**

4 **By: Representatives Gilbert and McCoy**

5  
6  
7

**For An Act To Be Entitled**

8 "AN ACT TO REQUIRE REPORTING OF HIV INFECTION AND AIDS TO  
9 THE ARKANSAS DEPARTMENT OF HEALTH; TO PREVENT REPEAL OF  
10 PATIENT CONFIDENTIALITY AND DENIAL OF BENEFITS; AND FOR  
11 OTHER PURPOSES."

12

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

14

15 SECTION 1. Reports shall be made to the Arkansas Department of Health  
16 in such form and manner as may be required by the Department for all persons  
17 who have been determined to have Acquired Immunodeficiency Syndrome (AIDS) or  
18 who have tested positive for the presence of Human Immunodeficiency Virus  
19 (HIV) antigen or antibodies. Reporting is required by the following persons:

20 Physicians;

21 Hospital Infection Control Practitioners and/or the Chairpersons of  
22 Hospital Infection Control Committees;

23 Directors of laboratories doing business in the State of Arkansas;

24 Medical Directors of In-Home Health agencies;

25 Program Directors of State agencies to whom an HIV/AIDS diagnosis has  
26 been disclosed;

27 Nursing Home Medical Directors; and

28 those other persons as are required by the rules and regulations of the  
29 Arkansas Department of Health.

30

31 SECTION 2. *Privileged Communications.*

32 *Notwithstanding the provisions of this act or any other law, the*  
33 *privileged communications provisions codified as A.C.A. §§17-39-107 et seq.*  
34 *are not repealed and no insurer or hospital and medical service corporation*  
35 *may deny payment of benefits for services rendered by those licensed pursuant*  
36 *to A.C.A. §§17-39-301 et seq. for covered services.*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

SECTION 3. 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 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 5. All laws and parts of laws in conflict with this act are hereby repealed.

*/s/Gilbert and McCoy*

APPROVED: 3/29/91