

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**

A Bill

ACT 1358 OF 1995
SENATE BILL 671

4 **By: Senators Wilson, Bookout, Edwards, Ross, and Snyder**

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For An Act To Be Entitled

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"AN ACT TO DEFINE EMERGENCY MEDICAL CARE; AND FOR OTHER

9

PURPOSES."

10

11

Subtitle

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"TO DEFINE EMERGENCY MEDICAL CARE"

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

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16 *SECTION 1. Short title. This act may be cited as the "Definition of*
17 *Emergency Medical Care Act."*

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19 *SECTION 2. Policy and purpose. Because of the need for rapid*
20 *assessment and care, in order to protect the life and health of the people of*
21 *Arkansas, during a medical emergency, it is hereby found and declared*
22 *necessary:*

23 *(1) to establish a definition for Emergency Medical Care;*

24 *(2) to insure that emergency medical care is provided in a timely*
25 *manner by licensed and qualified personnel at a hospital_s emergency*
26 *department;*

27 *(3) to insure that emergency medical care is not delayed or denied*
28 *based on:*

29 *(A) a person_s ability to pay for expenses incurred during a*
30 *medical emergency;*

31 *(B) prospective authorization of treatment by an insurance*
32 *company, health maintenance organization, hospital medical service*
33 *corporation, health benefit plan, or any other insurer.*

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35 *SECTION 3. Definitions.*

36 *(1) Emergency medical care refers to health care services provided in a*

1 hospital emergency facility to evaluate and treat medical conditions of a
2 recent onset and severity, including, but not limited to, severe pain, that
3 would lead a prudent lay person, possessing an average knowledge of medicine
4 and health, to believe that his or her condition, sickness, or injury is of
5 such a nature that failure to get immediate medical care could result in:
6 placing the patient_s health in serious jeopardy; serious impairment to bodily
7 functions; or serious dysfunction of any bodily organ or part.

8 (2) Prospective authorization means contacting any insurer, health
9 maintenance organization, hospital medical service corporation, or health
10 benefit plan who is not physically present in the hospital_s emergency
11 department, at the time the patient presents for emergency medical care, as
12 defined above, for approval or authorization to evaluate and treat the
13 patient.

14 (3) Emergency medical providers refers to hospitals licensed by the
15 Arkansas Department of Health, hospital based services, and physicians
16 licensed by the Arkansas State Medical Board who provide emergency medical
17 care.

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19 SECTION 4. Procedures.

20 (1) Once a person qualifying for emergency medical care, based on the
21 definition in Section 3 (1) above, presents to an emergency department, that
22 person shall be evaluated by medical personnel. This evaluation may include
23 diagnostic testing to assess the extent of the condition, sickness, or injury
24 and radiographic procedures and interpretations by a radiologist.

25 (2) Appropriate intervention may be initiated by medical personnel to
26 stabilize any condition presenting under this act prior to receiving
27 authorization for such treatment by an insurer, health maintenance
28 organization, hospital medical service corporation, or health benefit plan.

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

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34 SECTION 6. If any provision of this act or the application thereof to
35 any person or circumstance is held invalid, such invalidity shall not affect

1 other provisions or applications of the act which can be given effect without
2 the invalid provision or application, and to this end the provisions of this
3 act are declared to be severable.

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5 SECTION 7. All laws and parts of laws in conflict with this act are
6 hereby repealed.

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8 SECTION 8. EMERGENCY. It is hereby found and determined by the General
9 Assembly of the State of Arkansas that there is an immediate and urgent need
10 to protect the lives, health, and welfare of the people of Arkansas during
11 medical emergencies which require these provisions to be authorized
12 immediately. Therefore, an emergency is hereby declared to exist and this act
13 being necessary for the immediate preservation of the public peace, health,
14 and safety, shall be in full force and effect from and after its passage and
15 approval.

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/s/Wilson et al

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BECAME LAW WITHOUT GOVERNOR'S SIGNATURE: 4-19-95

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