

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1434 of the Regular Session

As Engrossed: S2/28/05 S3/3/05 S3/17/05

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 1470

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5 By: Representatives Reep, Ragland
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8 **For An Act To Be Entitled**

9 AN ACT TO PRESERVE THE CONFIDENTIALITY OF HEALTH
10 DATA IN ARKANSAS; AND FOR OTHER PURPOSES.
11

12 **Subtitle**

13 AN ACT TO PRESERVE THE CONFIDENTIALITY
14 OF HEALTH DATA IN ARKANSAS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 *SECTION 1. Arkansas Code § 20-7-305 is amended to read as follows:*

20 *20-7-305. State Board of Health to prescribe rules and regulations -*
21 *Data collected not subject to discovery.*

22 *(a) The State Board of Health shall prescribe and enforce such rules*
23 *and regulations as may be necessary to carry out the purpose of this*
24 *subchapter, including the manner in which data are collected, maintained,*
25 *compiled, and disseminated, and including such rules as may be necessary to*
26 *promote and protect the confidentiality of data reported under this*
27 *subchapter.*

28 *(b) Provided further, that data provided, collected, or disseminated*
29 *under this subchapter which identifies, or could be used to identify, any*
30 *individual patient, provider, institution, or health plan shall not be*
31 *subject to discovery pursuant to the Arkansas Rules of Civil Procedure or the*
32 *Freedom of Information Act of 1967, § 25-19-101 et seq.*

33 *(c) The Department of Health may, only for purposes of research and*
34 *aggregate statistical reporting, provide data to the Arkansas Center for*
35 *Health Improvement and the Agency for Healthcare Research and Quality for its*



1 Healthcare Cost and Utilization Project. The data shall be treated in a
2 manner consistent with all state and federal privacy requirements, including,
3 without limitation, the federal HIPAA Privacy Rule, specifically 45 C.F.R. §
4 164.512(i). Further, any identifiable data provided, collected, or
5 disseminated under subsection (c) of this section shall not be subject to
6 discovery pursuant to the Arkansas Rules of Civil Procedure or the Freedom of
7 Information Act of 1967, § 25-19-101 et seq.

8 (d) It shall be unlawful for the Arkansas Center for Health
9 Improvement to release any patient identifying information to any
10 nongovernmental third party.

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12 /s/ Reep
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15 APPROVED: 3/31/2005
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