

.As Engrossed: 3/1/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Wyrick**

A Bill

HOUSE BILL 1796

For An Act To Be Entitled

8 "AN ACT TO PROVIDE THAT NO CAUSE OF ACTION SHALL ARISE
9 AGAINST A HEALTH CARE PROVIDER FOR REPORTING SUSPECTED
10 DRUG ABUSE; AND FOR OTHER PURPOSES."

11

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

13

14 SECTION 1. It is hereby found and determined by the General Assembly
15 that drug abusers sometimes go from health care provider to health care
16 provider seeking prescriptions for addictive substances. Since the
17 information disclosed to a health care provider during the course of the
18 physician-patient relationship is confidential, the patient may institute a
19 legal action if the health care provider reports the suspected drug abuse
20 activity. In order to encourage health care providers to report suspected
21 drug abusers, it is in the public interest that health care providers receive
22 protection from legal action that may result when they, in good faith, make
23 such reports.

24

25 SECTION 2. No *civil* cause of action *by the patient* shall arise against
26 any health care provider who in good faith *reports the patient* who is a
27 suspected drug abuser to the Division of Pharmacy Services and Drug Control of
28 the Arkansas Department of Health or other authority.

29

30 SECTION 3. 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.

33

34 SECTION 4. 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.

4

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6 hereby repealed.

7

8 SECTION 6. EMERGENCY CLAUSE. It is hereby found and determined by the
9 Seventy-Eighth General Assembly that drug abusers go from health care provider
10 to health care provider to obtain prescriptions for addictive substances; that
11 due to the physician-patient privilege, health care providers are prohibited
12 from reporting suspected drug abuse; that health care providers should be
13 immune from lawsuits if they report suspected drug abuse; and that this act
14 would provide for such immunity. Therefore, an emergency is hereby declared
15 to exist and this act being necessary for the immediate preservation of the
16 public peace, health and safety shall be in full force and effect from and
17 after its passage and approval.

18

/s/P. Wyrick

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36