

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.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

A Bill

HOUSE BILL 1310

5 By: Representative Lendall
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For An Act To Be Entitled

8 AN ACT TO PROHIBIT HEALTH MAINTENANCE
9 ORGANIZATIONS FROM PLACING CERTAIN CONDITIONS ON
10 CONTRACTS OR ON PHYSICIAN'S COMMUNICATIONS WITH
11 PATIENTS; AND FOR OTHER PURPOSES.
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Subtitle

14 AN ACT TO PROHIBIT HEALTH MAINTENANCE
15 ORGANIZATIONS FROM PLACING CERTAIN
16 CONDITIONS ON CONTRACTS OR ON
17 PHYSICIAN'S COMMUNICATIONS WITH
18 PATIENTS.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code Title 20, Chapter 9, Subchapter 3 is amended
25 to add an additional section to read as follows:

26 20-9-312.

27 (a) A hospital may not restrict a physician's ability to communicate
28 with a patient, whether by contract, by granting or withholding staff
29 privileges, or otherwise, with respect to:

30 (1) The patient's coverage under a health care plan;

31 (2) Any subject related to the medical care or health care
32 services to be provided to the patient, including treatment options that are
33 not provided under a health care plan;

34 (3) The availability or desirability of a health care plan or
35 insurance or similar coverage, other than the patient's health care plan; or

36 (4) The fact that the physician's staff privileges or contract



1 with a hospital or health care plan have terminated or that the physician
 2 will otherwise no longer be providing medical care or health care services at
 3 the hospital or under the health care plan.

4 (b) A hospital, by contract or otherwise, may not refuse or fail to
 5 grant or renew staff privileges, or condition staff privileges, based in
 6 whole or in part on the fact that the physician or a partner, associate, or
 7 employee of the physician is providing medical or health care services at a
 8 different hospital or hospital system.

9 (c) A hospital may not contract to limit a physician’s participation
 10 or staff privileges or the participation or staff privileges of a partner,
 11 associate, or employee of the physician at a different hospital or hospital
 12 system.

13 (d) This section does not prevent a hospital from entering into
 14 contracts with physicians to ensure physician availability and coverage at
 15 the hospital or to comply with regulatory requirements or quality of care
 16 standards established by the governing body of the hospital.

17 (e) This section does not prevent the governing body of a hospital
 18 from:

19 (1) Limiting the number of physicians granted medical staff
 20 membership or privileges at the hospital based on a medical staff development
 21 plan that is unrelated to a physician’s professional or business
 22 relationships or associations including those with another physician or group
 23 of physicians or to a physician or a partner, associate, or employee of a
 24 physician having medical staff membership or privileges at another hospital
 25 or hospital system; or

26 (2) Limiting the ability of hospital medical directors to
 27 contract with or hold medical staff memberships or clinical privileges at
 28 different hospitals or hospital systems provided that such limitations do not
 29 extend to the medical directors’ professional or business relationships or
 30 associations including those with another physician, group of physicians, or
 31 other health care providers, other than hospitals or hospital systems.

32 (f) A contract provision that violates this section is void.

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 34 SECTION 2. Arkansas Code Title 23, Chapter 76 is amended to add an
 35 additional section to read as follows:

36 23-76-132.

1 (a) A health maintenance organization may not, as a condition of a
2 contract with a physician, dentist, or provider, or in any other manner,
3 prohibit, attempt to prohibit, or discourage a physician, dentist, or
4 provider from discussing with or communicating in good faith to a current,
5 prospective, or former patient, or a party designated by a patient, with
6 respect to:

7 (1) Information or opinions regarding the patient’s health care,
8 including the patient’s medical condition or treatment options;

9 (2) Information or opinions regarding the provisions, terms,
10 requirements, or services of the health care plan as they relate to the
11 medical needs of the patient; or

12 (3) The fact that the physician’s, dentist’s, or provider’s
13 contract with the health care plan has terminated or that the physician,
14 dentist, or provider will otherwise no longer be providing medical care,
15 dental care, or health care services under the health care plan.

16 (b) A health maintenance organization may not in any way penalize,
17 terminate, or refuse to compensate for covered services, a physician,
18 dentist, or provider for communicating with a current, prospective, or former
19 patient, or a party designated by a patient, in any manner protected by this
20 section.

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