

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

As Engrossed: S3/13/03

A Bill

SENATE BILL 860

5 By: Senator Malone
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For An Act To Be Entitled

9 AN ACT TO EXEMPT INVESTIGATIONS MADE BY
10 REGULATORY BOARDS, COMMISSIONS, AND AGENCIES FROM
11 PUBLIC RECORDS IN THE FREEDOM OF INFORMATION ACT
12 OF 1967; AND FOR OTHER PURPOSES.
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Subtitle

14 AN ACT TO EXEMPT INVESTIGATIONS MADE BY
15 REGULATORY BOARDS, COMMISSIONS, AND
16 AGENCIES FROM PUBLIC RECORDS IN THE
17 FREEDOM OF INFORMATION ACT OF 1967.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code Title 17, Chapter 80, Subchapter 1 is amended
24 to add an additional section to read as follows:

25 17-80-114. Confidentiality of Investigations.

26 (a) Notwithstanding any other provision of law, the documents and
27 evidence provided, obtained, or created by any licensing and disciplinary
28 board of the healing arts provided under this subchapter in an investigation
29 of suspected or actual violation of any law, rules, or regulations
30 administered by the healing arts board shall be privileged and confidential,
31 shall not be a public record, and shall not be subject to discovery or
32 subpoena in a civil or criminal action until the matter under investigation
33 is closed by the board's chief executive officer, is scheduled for an
34 administrative hearing or is the subject of judicial proceedings by or on
35 behalf of the board to enforce the applicable law, rule, or regulation.

36 (b) Subsection (a) of this section does not prohibit release by a



1 healing arts board of documents and evidence provided to or obtained or
2 created by the board in an investigation of suspected or actual violations of
3 applicable law, rules, or regulations to federal, state, or local law
4 enforcement or regulatory agencies, or as may be necessary in its
5 investigation.

6 (c) Release of documents and evidence under subsection (b) of this
7 section does not abrogate or modify the privilege granted in subsection (a)
8 of this section

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/s/ Malone