1 State of Arkansas   *As Engrossed: S2/28/05 S3/3/05*

2 85th General Assembly   **A Bill**

3 Regular Session, 2005   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.

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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*

36 *Healthcare Cost and Utilization Project. The data shall be treated in a*

1   *manner consistent with all state and federal privacy requirements, including,*

2   *without limitation, the federal HIPAA Privacy Rule, specifically 45 C.F.R. §*

3   *164.512(i).*

4   *(d) It shall be unlawful for the Arkansas Center for Health*

5   *Improvement to release any patient identifying information to any*

6   *nongovernmental third party.*

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8   */s/ Reep*

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