

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

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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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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Subtitle

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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). Further, any identifiable data provided, collected, or
4 disseminated under subsection (c) of this section shall not be subject to
5 discovery pursuant to the Arkansas Rules of Civil Procedure or the Freedom of
6 Information Act of 1967, § 25-19-101 et seq.

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

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11 /s/ Reep
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