

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 87th General Assembly
3 Regular Session, 2009

A Bill

HOUSE BILL 2136

4
5 By: Representative Hall

For An Act To Be Entitled

9 AN ACT TO REQUIRE CRIMINAL BACKGROUND CHECK
10 INFORMATION TO BE PROVIDED TO THE ARKANSAS STATE
11 MEDICAL BOARD'S CREDENTIALING INFORMATION SYSTEM;
12 AND FOR OTHER PURPOSES.

Subtitle

15 TO REQUIRE CRIMINAL BACKGROUND CHECK
16 INFORMATION TO BE PROVIDED TO THE
17 ARKANSAS STATE MEDICAL BOARD'S
18 CREDENTIALING INFORMATION SYSTEM.

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

23 SECTION 1. Arkansas Code § 17-95-107(b), concerning definitions for
24 physicians credentialing organizations, is amended to read as follows:

25 (b) As used in this section:

26 (1) "Accrediting organization" means an organization that awards
27 accreditation or certification to hospitals, managed care organizations, or
28 other health care organizations, ~~including, but not limited to,~~ without
29 limitation the Joint Commission on the Accreditation of Health Care
30 Organizations and the National Committee on Quality Assurance;

31 (2) "Board" means the Arkansas State Medical Board;

32 (3) "Credentialing information" means:

33 (A) Information regarding a physician's:

34 (i) Professional training, qualifications,
35 background, practice history, and experience, for example, status of medical
36 license;



- 1 (ii) Clinical hospital privileges;
- 2 (iii) Status of United States Drug Enforcement
- 3 Administration certificate;
- 4 (iv) Education, training, and board certification;
- 5 (v) Work history;
- 6 (vi) Current malpractice coverage;
- 7 (vii) History of professional liability or
- 8 malpractice claims;
- 9 (viii) Drug or alcohol abuse to the extent permitted
- 10 by law;
- 11 (ix) History of board appearances;
- 12 (x) Loss, surrender, restriction, or suspension of
- 13 license;
- 14 (xi) Felony convictions and criminal background
- 15 check information;
- 16 (xii) History of loss or limitation of privileges or
- 17 disciplinary activity;
- 18 (xiii) Attestation of the correctness and
- 19 completeness of the application; and
- 20 (xiv) History of Medicare or Medicaid or other
- 21 sanctions; and

22 (B) Other objective information typically required by
 23 accrediting organizations for the purpose of credentialing physicians;

24 (4) "Credentialing organization" means a hospital, clinic, or
 25 other health care organization, managed care organization, insurer, or health
 26 maintenance organization; and

27 (5)(A) "Primary source verification procedure" means the
 28 procedure used by a credentialing organization to test the accuracy of
 29 documents and credentialing information submitted to it by or about a
 30 physician who is applying for affiliation or participation with the
 31 credentialing organization.

32 (B) This procedure involves the verification of
 33 credentials with the originating source of the credentials.

34
 35 SECTION 2. Arkansas Code § 17-95-306 is amended to read as follows:
 36 17-95-306. Criminal background check.

1 (a)(1) Beginning July 1, 2005, every person applying for a license or
2 renewal of a license issued by the Arkansas State Medical Board shall provide
3 written authorization to the board to allow the Department of Arkansas State
4 Police to release the results of a state and federal criminal history
5 background check report to the board.

6 (2) Beginning July 1, 2009, the following applicants shall
7 provide written authorization to the board to allow the department to release
8 the results of a state and federal criminal history background check report
9 to the board and to allow the board to release the results of a state and
10 federal criminal history background check report to the credentialing
11 information system offered by the board under § 17-95-107:

12 (A) Every person applying for a license or renewal of a
13 license issued by the board; and

14 (B) Every person who is licensed by the board and is
15 returning to the state after being out of state for more than one (1) year.

16 ~~(2)(3)~~ The applicant shall ~~be responsible for payment of pay~~ the
17 fees associated with the background checks.

18 (b)(1) The state background check shall be from the Identification
19 Bureau of the Department of Arkansas State Police.

20 (2) The federal background check shall:

21 (A) Be from the Federal Bureau of Investigation;

22 (B) Conform to the applicable federal standards; and

23 (C) Include the taking of fingerprints of the applicant.

24 (c) Upon completion of the criminal background checks required by this
25 section, the Identification Bureau of the Department of Arkansas State
26 Police:

27 (1) Shall forward to the board all releasable information
28 obtained concerning the applicant; and

29 (2) May retain the fingerprinting card of the applicant until
30 notified by the board that the person is no longer licensed.

31 (d) Upon receipt of the criminal background check report information
32 from the Identification Bureau of the Department of Arkansas State Police,
33 the board shall disclose the criminal background check report information to
34 the credentialing information system offered by the board under § 17-95-107.

35
36 SECTION 3. Arkansas Code § 17-95-309(a), concerning the sealing of

1 background checks regarding physicians, is amended to read as follows:

2 17-95-309. Background records sealed.

3 (a) Any background record received by the Arkansas State Medical Board
4 from the Identification Bureau of the Department of Arkansas State Police
5 shall not be available for examination except by:

6 (1) An affected applicant for licensure or his or her authorized
7 representative;

8 (2) A credentialing organization utilizing the credentialing
9 information system offered by the board under § 17-95-107; or

10 ~~(2)(3)~~ A person whose license is subject to revocation or his or
11 her authorized representative.

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36