

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

HOUSE BILL 1916

5 By: Representative Perry  
6

## For An Act To Be Entitled

8 AN ACT TO PROMOTE THE RIGHT TO PRIVACY OF AN  
9 AUTOMOBILE ACCIDENT VICTIM; TO ESTABLISH THE ARKANSAS  
10 AUTOMOBILE ACCIDENT VICTIM PRIVACY SHIELD ACT; AND  
11 FOR OTHER PURPOSES.  
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## Subtitle

14 TO PROMOTE THE RIGHT TO PRIVACY OF AN  
15 AUTOMOBILE ACCIDENT VICTIM; AND TO  
16 ESTABLISH THE ARKANSAS AUTOMOBILE  
17 ACCIDENT VICTIM PRIVACY SHIELD ACT.  
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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 4, Chapter 88, is amended to add an  
24 additional subchapter to read as follows:

25 Subchapter 11 – Arkansas Automobile Accident Victim Privacy Shield Act  
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27 4-88-1101. Title.

28 This subchapter shall be known and may be cited as the "Arkansas  
29 Automobile Accident Victim Privacy Shield Act".  
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31 4-88-1102. Definitions.

32 As used in this subchapter:

33 (1) "Chiropractic procurer" means a healthcare marketer engaged  
34 in solicitation or attempted solicitation of an individual for treatment by a  
35 chiropractic physician;

36 (2) "Healthcare marketer" means an individual or entity that



1 conducts a solicitation, attempts to conduct a solicitation, or directs  
 2 another individual to conduct a solicitation;

3 (3)(A) "Healthcare provider" means an individual who is  
 4 licensed, certified, or otherwise authorized by the laws of this state to  
 5 administer healthcare in the ordinary course of the practice of his or her  
 6 profession.

7 (B) "Healthcare provider" includes without limitation:

8 (i) A chiropractic physician or sponsoring provider;

9 (ii) An osteopath;

10 (iii) A physical therapist;

11 (iv) A physician; or

12 (v) Any medical or healing arts provider;

13 (4) "Immediate family member" means an individual's parent,  
 14 guardian, child, ward, foster child, sibling, stepchild, and stepparent;

15 (5) "Medical services" means the diagnosis, cure, mitigation,  
 16 treatment, or prevention of any disease, injury, medical condition, or  
 17 infirmity for the purpose of affecting any structure or function of the human  
 18 body; and

19 (6)(A) "Solicitation" means direct contact with an individual by  
 20 telephone, in-person, or by electronic means for the purpose of offering,  
 21 referring, or inducing the individual to obtain medical services from a  
 22 particular healthcare provider.

23 (B) "Solicitation" does not include:

24 (i) Advertising directly to the general public by  
 25 public media;

26 (ii) Contact between a healthcare provider and an  
 27 individual with whom the healthcare provider has a prior healthcare provider-  
 28 patient relationship; or

29 (iii) Contact between a person and his or her  
 30 immediate family member.

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 32 4-88-1103. Prohibited activities.

33 (a) A chiropractor, a chiropractic procurer, a healthcare provider, or  
 34 a healthcare marketer violates this subchapter if, within the first thirty  
 35 (30) days following a motor vehicle accident or disaster, the chiropractor,  
 36 the chiropractic procurer, the healthcare provider, or the healthcare

1 marketer:

2 (1) Contacts the individual or immediate family member of an  
3 individual involved in a motor vehicle accident or disaster, either in  
4 person, by telephone, by mail, or by any electronic communication, for the  
5 purpose of soliciting the person for medical services;

6 (2) States, implies, or otherwise does one (1) of the following:

7 (A) Falsely communicates that he or she has an affiliation  
8 with an insurance company; or

9 (B) Communicates that an insurance company will not cover  
10 a claim if the person does not receive medical services, chiropractic  
11 treatment, services from a specific chiropractor or chiropractic practice  
12 group, or a specific healthcare provider or healthcare practice group;

13 (3) Pays, gives, or advances or offers to pay, give, or advance  
14 to a prospective client money or anything of value to encourage a person to  
15 obtain medical services with a specific chiropractor, chiropractic practice  
16 group, or with a specific healthcare provider or healthcare practice group;

17 (4) Pays, gives, or offers to pay or give a person money or  
18 something of value to solicit the person to seek medical services with a  
19 specific healthcare provider or healthcare practice group;

20 (5) Pays, gives, or offers to pay or give a family member of a  
21 prospective client money or anything of value to solicit a party to obtain  
22 medical services with a specific chiropractor or chiropractic practice group  
23 or with a specific healthcare provider or healthcare practice group; or

24 (6) Conveys a statement, idea, or perception that is deceptive  
25 or misleading for the purpose of soliciting the individual as a patient for a  
26 specific chiropractor, chiropractic practice group, or with a specific  
27 healthcare provider or healthcare practice group.

28 (b) A chiropractor or healthcare provider violates this subchapter if  
29 he or she provides treatment for a patient that was subject to a solicitation  
30 in a manner that violates this subchapter.

31 (c) A violation of this subchapter is a deceptive and unconscionable  
32 trade practice under § 4-88-107 and is subject to the penalties, remedies,  
33 and enforcement provided by § 4-88-101 et seq.

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