

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023

A Bill

HOUSE BILL 1734

4
5 By: Representative L. Johnson
6 By: Senator Irvin

For An Act To Be Entitled

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8
9 AN ACT TO AMEND THE PATIENT RIGHT-TO-KNOW ACT; AND
10 FOR OTHER PURPOSES.

Subtitle

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14 TO AMEND THE PATIENT RIGHT-TO-KNOW ACT.

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

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19 SECTION 1. DO NOT CODIFY. Legislative intent.

20 It is the intent of the General Assembly that § 20-6-206 be applied
21 retroactively to pending cases as it is remedial and procedural in nature.

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23 SECTION 2. Arkansas Code § 20-6-204 is amended to read as follows:
24 20-6-204. Prohibited conduct.

25 (a) If ~~the~~ a healthcare provider ~~has made new practice location~~
26 ~~information or new contact information available to the entity who is~~
27 relocating his or her practice provides written notice of the healthcare
28 provider's new practice location or contact information via certified mail to
29 the chief executive or administrative officer, ~~an~~ the entity or person on
30 behalf of an entity shall not:

31 (1) Mislead any patient about the new practice location of a
32 healthcare provider, ~~or~~ new contact information of a healthcare provider, or
33 the healthcare provider's licensure status; or

34 (2) Fail to provide a patient with the new practice location of
35 a healthcare provider or new contact information of a healthcare provider
36 when requested.



1 (b)(1) When requested by a healthcare provider who is relocating his
 2 or her practice, in a written notice via certified mail to the chief
 3 executive or administrative officer, then an entity with a relationship with
 4 the healthcare provider shall within twenty-one (21) calendar days either:

5 (A) Provide the healthcare provider with a list of the
 6 healthcare provider's existing patient names and addresses; or

7 (B) Send a notice with the new practice location
 8 information to all of the healthcare provider's existing patients after
 9 providing the healthcare provider a copy of the proposed notice for review
 10 and comment; ~~or~~

11 ~~(C)(i) Post the new practice location information of the~~
 12 ~~healthcare provider on the website of the entity after providing the~~
 13 ~~healthcare provider a copy of the proposed posting for review and comment.~~

14 ~~(ii) The posting shall remain on the website of the~~
 15 ~~entity for twelve (12) months after the healthcare provider's last day of~~
 16 ~~employment with the entity posting the information.~~

17 (2) Within two (2) business days of the request described in
 18 subdivision (b)(1) of this section, the entity shall provide the healthcare
 19 provider with a list or schedule of upcoming patient appointments with the
 20 healthcare provider and the contact information of the patients.

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 22 SECTION 3. Arkansas Code § 20-6-206 is amended to read as follows:
 23 20-6-206. Injunctive relief.

24 (a) An affected patient or healthcare provider may file an action
 25 seeking an injunction of a violation of this subchapter in the circuit court
 26 of:

27 (1) Pulaski County;

28 (2) The county in which the healthcare provider has his or her
 29 practice located;

30 (3) The county in which the affected patient resides; or

31 (4) The county in which the entity is located.

32 (b) Upon the filing of a complaint, the court may issue a temporary
 33 injunction on the violation without notice or bond.

34 (c) If the plaintiff patient or plaintiff healthcare provider
 35 establishes that this subchapter has been violated, the court may enter an
 36 order permanently enjoining the violation of this subchapter or otherwise

1 enforcing compliance with this subchapter.

2 (d) A prevailing plaintiff healthcare provider shall be entitled to:

3 (1) The greater of:

4 (A) ~~liquidated~~ Liquidated damages in the amount of one
5 thousand dollars (\$1,000) per day per violation, with a maximum of five
6 hundred thousand dollars (\$500,000); or

7 (B) ~~actual~~ Actual damages; and

8 (2) Reasonable attorney’s fees and costs.

9 (e) A prevailing plaintiff patient or plaintiff patients collectively,
10 as named plaintiffs or as a putative or named class, shall be entitled to:

11 (1) The greater of:

12 (A) Liquidated damages in the amount of one thousand
13 dollars (\$1,000) per day per violation, with a maximum of five hundred
14 thousand dollars (\$500,000) for all patients in any actions related to the
15 same violation; or

16 (B) Actual damages; and

17 (2) Reasonable attorney’s fees and costs.

18 (f) A violation of this subchapter shall constitute an unfair and
19 deceptive act or practice as defined under the Deceptive Trade Practices Act,
20 § 4-88-101 et seq.

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22 SECTION 4. DO NOT CODIFY. Retroactivity. Section 3 of this act
23 applies to any pending cases accruing and filed before the effective date of
24 this act.

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27 **APPROVED: 4/13/23**
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