

INTERIM STUDY PROPOSAL 2023-013

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

JMB/JMB
SENATE BILL

By: Senator J. Boyd
By: Representative Achor

Filed with: Senate Committee on Public Health, Welfare, and Labor
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO PERMIT HEALTHCARE PROVIDERS TO MAINTAIN
MEDICAL RECORDS IN AN ELECTRONIC FORMAT; AND FOR
OTHER PURPOSES.

Subtitle

TO PERMIT HEALTHCARE PROVIDERS TO
MAINTAIN MEDICAL RECORDS IN AN ELECTRONIC
FORMAT.

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

SECTION 1. Arkansas Code Title 20, Chapter 9, Subchapter 1, is amended
to add an additional section to read as follows:

20-9-106. Electronic medical records.

(a) As used in this section:

(1) "Healthcare provider" means:

(A) An individual who is licensed, certified, or otherwise
authorized by a licensing authority of this state to administer healthcare
services in the ordinary course of his or her business or practice; or

(B) A healthcare facility including without limitation a
hospital, pharmacy, long-term care facility, office of a healthcare
professional, or a hospice facility;

(2) "Medical record" means a patient's health record, including
without limitation evaluations, diagnoses, prognoses, laboratory reports, X-

1 rays, prescriptions, and other technical information used in assessing the
2 patient's condition, or the pertinent portion of the record relating to a
3 specific condition or a summary of the record; and

4 (3) "Patient" means any person who has received healthcare
5 services from a healthcare provider.

6 (b) Notwithstanding any other provision of the law to the contrary, a
7 healthcare provider may, in its sole discretion, create, maintain, transmit,
8 receive, and store medical records in an electronic format and may, in its
9 sole discretion, temporarily or permanently convert records into an
10 electronic format.

11 (c)(1) A healthcare provider is not required to maintain separate
12 tangible copies of electronically stored medical records.

13 (2) However, the healthcare provider shall maintain
14 electronically stored medical records in a legible and retrievable form,
15 including adequate data backup.

16 (d) This section is subject to all applicable federal laws governing
17 the security and confidentiality of a patient's personal health information.

18 (e) A tangible copy of a medical record reproduced from an
19 electronically stored record shall be considered an original for purposes of
20 providing copies to patients or other authorized parties and for introduction
21 of the medical record into evidence in administrative or court proceedings.

22 (f) Except as provided otherwise under federal law, upon receiving a
23 request for a copy of a medical record from a patient or an authorized
24 person, a healthcare provider shall provide copies of the medical record in
25 either tangible or electronically stored form.

26 (g) This section applies to psychiatric, psychological, or other
27 mental health medical records of a patient.

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30 Referred by Senator J. Boyd

31 Prepared by: JMB/JMB

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