

As Engrossed: 3/1/95

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**

A Bill

ACT 670 OF 1995
SENATE BILL 569

4 **By: Senators Bookout, Wilson, Bradford, Scott, Bearden, Edwards, and Ross**

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For An Act To Be Entitled

8 "AN ACT TO DESIGNATE THE DEPARTMENT OF HEALTH AS THE
9 STATEWIDE HEALTH DATA CLEARING HOUSE; AND FOR OTHER
10 PURPOSES."

11

Subtitle

12
13 "THE STATE HEALTH DATA CLEARING HOUSE
14 ACT"

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

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18 SECTION 1. This act shall be entitled the "State Health Data Clearing
19 House Act."

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21 SECTION 2. Collection and dissemination of health data.

22 (a) The General Assembly finds that as a result of rising health care
23 costs, the shortage of health professionals and health care services in many
24 areas of the state, and the concerns expressed by care providers, consumers,
25 third-party payers, and others involved with planning for the provision of
26 health care, there is an urgent need to understand patterns and trends in the
27 availability, use, and costs of these services. Therefore, in order to
28 establish an information base for patients, health professionals and
29 hospitals, to improve the appropriate and efficient usage of health care
30 services, and to provide for appropriate protection for confidentiality and
31 privacy, the Department of Health shall act as a state health data clearing
32 house for the acquisition and dissemination of data from state agencies and
33 other appropriate sources to carry out the purposes of this section.

34 (b) The Department of Health, in consultation with advisory groups
35 appointed by the Director with representation from hospitals, outpatient
36 surgery centers, health profession licensing boards and other state agencies,

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1 should:

2 (1) Identify the most practical methods to collect, transmit, and
3 share required health data *as described in subsection (g)*;

4 (2) Utilize, wherever practical, existing administrative data
5 bases and modalities of data collection to provide the required data;

6 (3) Develop standards of accuracy, timeliness, economy, and
7 efficiency for the provision of the data;

8 (4) Ensure confidentiality of data by enforcing appropriate rules
9 and regulations.

10 (c) In order to maximize limited resources and prevent duplication of
11 effort, the Department of Health may, when appropriate, consider contracting
12 with private entities for the collection of data set forth in this section
13 subject to the provisions of this act.

14 (d) All state agencies, including health profession licensing,
15 certification or registration boards and commissions, which collect, maintain
16 or distribute health data, including data relating to the Medicaid program,
17 shall make available to the Department of Health such data as are necessary
18 for the Department of Health to carry out its responsibilities as prescribed
19 by this section or such rules and regulations as may be adopted as provided in
20 subsection (h).

21 (e) *If health data are already reported to another organization or*
22 *governmental agency in the same manner, form, and content or in a manner,*
23 *form, and content acceptable to the Department, the Director may obtain a copy*
24 *of such data from said organization or agency; and no duplicative report need*
25 *be submitted by the organization.*

26 (f) All hospitals and outpatient surgery centers licensed by the state
27 shall submit information in a form and manner as prescribed by rules and
28 regulations by the Arkansas State Board of Health pursuant to subsection (h);
29 however, if the same information is being collected by another state agency,
30 the Department of Health shall obtain such data from the other state agency.

31 (g) The Director of the Department of Health shall be empowered to
32 release data collected pursuant to this section except that data released
33 shall not include any information which identifies or could be used to
34 identify any individual patient, provider, institution or health plan except
35 as provided in subsection (h).

1 (h) The Arkansas State Board of Health shall prescribe and enforce such
2 rules and regulations as may be necessary to carry out the purpose of this
3 section including the manner in which data are collected, maintained, compiled
4 and disseminated and including such rules as may be necessary to promote and
5 protect the confidentiality of data reported under this act; provided further
6 that data collected under this section, which identifies or could be used to
7 identify any individual patient, provider, institution or *health plan*, shall
8 not be subject to discovery pursuant to Arkansas Rules of Civil Procedure or
9 Ark. Code Ann. § 25-19-101, et seq.

10 (i) (1) The Director of the Department of Health shall, with the
11 approval of the Arkansas State Board of Health, compile and disseminate health
12 data collected by the Department of Health.

13 (2) (A) The Director of the Department of Health shall prepare and
14 submit a biennial report to the Governor and the Joint Interim Committee on
15 Public Health, Welfare and Labor.

16 (B) The Department of Health shall provide assistance to
17 the Joint Interim Committee on Public Health, Welfare and Labor in the
18 development of information necessary in the examination of health care issues.
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20 SECTION 3. (a) Any person, firm, corporation, organization or
21 institution that violates any of the provisions of this act or any rules and
22 regulations promulgated thereunder *regarding confidentiality of information*
23 shall be guilty of a misdemeanor and upon conviction thereof shall be punished
24 by a fine of not less than one hundred dollars (\$100) nor more than five
25 hundred dollars (\$500) or by imprisonment not exceeding one month, or both.
26 Each day of violation shall constitute a separate offense.

27 (b) *Any person, firm, corporation, organization or institution*
28 *knowingly violating any of the provisions of this act or any rules and*
29 *regulations promulgated thereunder shall be guilty of a misdemeanor and upon a*
30 *plea of guilty, a plea of nolo contendere or conviction, shall be punished by*
31 *a fine of not more than five hundred dollars (\$500).*

32 (c) *Every person, firm, corporation, organization or institution that*
33 *violates any of the rules and regulations adopted by the Arkansas State Board*
34 *of Health or that violates any provision of this act may be assessed a civil*
35 *penalty by the Board. The penalty shall not exceed two hundred fifty dollars*

1 (\$250) for each violation. However, no civil penalty may be assessed until
2 the person charged with the violation has been given the opportunity for a
3 hearing on the violation pursuant to the Arkansas Administrative Procedure
4 Act, Ark. Code Ann. §25-15-101, et seq.

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6 SECTION 4. All provisions of this act of a general and permanent nature
7 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
8 Revision Commission shall incorporate the same in the Code.

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10 SECTION 5. If any provision of this act or the application thereof to
11 any person or circumstance is held invalid, such invalidity shall not affect
12 other provisions or applications of the act which can be given effect without
13 the invalid provision or application, and to this end the provisions of this
14 act are declared to be severable.

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16 SECTION 6. All laws and parts of laws in conflict with this act are
17 hereby repealed, except that nothing herein shall be interpreted to repeal any
18 provision which authorizes the Arkansas State Health Services Agency to gather
19 such data as may be necessary to conduct permit of approval activities.

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/s/Bookout et al

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APPROVED: 3-17-95

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