

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

A Bill

ACT 885 OF 1995
SENATE BILL 250

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

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 16-46-105 TO PROVIDE FOR
9 THE CONFIDENTIALITY OF RECORDS AND ACTIVITIES OF HOSPITAL
10 COMMITTEES THAT EVALUATE THE QUALITY OF MEDICAL OR
11 HOSPITAL CARE; AND FOR OTHER PURPOSES."

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Subtitle

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

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21 SECTION 1. Arkansas Code 16-46-105(a) is amended to read as follows:

22 "16-46-105. Records of, and testimony before, committees reviewing and
23 evaluating quality of medical or hospital care.

24 (a) The proceedings, minutes, records, or reports of organized
25 committees of hospital medical staffs or medical review committees of local
26 medical societies having the responsibility for reviewing and evaluating the
27 quality of medical or hospital care, and any records compiled or accumulated
28 by the administrative staff of such hospitals in connection with such review
29 or evaluation, together with all communications or reports originating in such
30 committees, shall not be subject to discovery pursuant to the Arkansas Rules
31 of Civil Procedure or Arkansas Code 25-19-101, et seq., or admissible in any
32 legal proceeding and shall be absolutely privileged communications. Neither
33 shall testimony as to events occurring during the activities of such
34 committees be subject to discovery pursuant to the Arkansas Rules of Civil
35 Procedure or Arkansas Code 25-19-101, et seq., or admissible."

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1 SECTION 2. All provisions of this act of a general and permanent nature
2 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
3 Revision Commission shall incorporate the same in the Code.

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5 SECTION 3. If any provision of this act or the application thereof to
6 any person or circumstance is held invalid, such invalidity shall not affect
7 other provisions or applications of the act which can be given effect without
8 the invalid provision or application, and to this end the provisions of this
9 act are declared to be severable.

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11 SECTION 4. All laws and parts of laws in conflict with this act are
12 hereby repealed.

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14 SECTION 5. EMERGENCY. It is hereby found and determined by the
15 Eightieth General Assembly that to protect the public and enhance patient care
16 by allowing physicians to freely conduct peer review and quality review of
17 medical and hospital care. Therefore, an emergency is hereby declared to
18 exist and this act being necessary for the immediate preservation of the
19 public peace, health and safety shall be in full force and effect from and
20 after its passage and approval.

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22 BECAME LAW WITHOUT GOVERNOR'S SIGNATURE: 4-4-95

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