

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4

As Engrossed: S4/2/97 S4/4/97 S4/4/97 S4/4/97

## A Bill

ACT 1353 OF 1997  
HOUSE BILL 2023

5 By: Representative Ferguson  
6 Senator Wilson  
7  
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### For An Act To Be Entitled

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10 "AN ACT TO AMEND ARKANSAS CODE TITLE 17, CHAPTER 95,  
11 SUBCHAPTER 3 TO PROVIDE FOR THE REGULATION OF CERTAIN  
12 PHYSICIANS LOCATED OUTSIDE THE STATE; AND FOR OTHER  
13 PURPOSES."  
14

### Subtitle

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16 "AN ACT TO PROVIDE FOR THE REGULATION OF  
17 CERTAIN PHYSICIANS LOCATED OUTSIDE THE  
18 STATE."  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code Title 17, Chapter 95, Subchapter 3 is amended  
23 to add a new section to read as follows:

24 "17-95-206. A *physician* who is physically located outside this state  
25 but who, through the use of any medium, including an electronic medium,  
26 performs an act that is part of a patient care service initiated in this  
27 state, including the performance or interpretation of an X-ray examination or  
28 the preparation or interpretation of pathological material that would affect  
29 the diagnosis or treatment of the patient, is engaged in the practice of  
30 medicine in this state for the purposes of this chapter and is subject to this  
31 chapter and to appropriate regulation by the board. This section does not  
32 apply to:

33 (1) The acts of a medical specialist located in another jurisdiction who  
34 provides only episodic consultation services;

35 (2) The acts of a physician located in another jurisdiction who is  
36 providing consultation services to a medical school;

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- (3) Decisions regarding the denial or approval of coverage under any insurance or health maintenance organization plan;
- (4) The service to be performed is not available in the state;
- (5) A physician physically seeing a patient in person in another jurisdiction; or
- (6) Other acts exempted by the board by regulation."

SECTION 2. Any physician who seeks licensure in this state pursuant to the requirements of Section 1 of this act shall, upon submission of the proper credentialing documents to the board, be issued a temporary license to practice medicine in this state until such time as final action is taken by the board on such physician's application.

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

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 5. All laws and parts of laws in conflict with this act are hereby repealed.

/s/Ferguson et al

APPROVED: 4-14-97