

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

SENATE BILL 790

5 By: Senator Bledsoe
6

For An Act To Be Entitled

8 AN ACT TO IMPROVE THE QUALITY OF HEALTH CARE; TO
9 ENSURE THAT PEER REVIEW COMMITTEES FOR MEDICAL
10 PROFESSIONAL ASSOCIATIONS ARE AFFORDED
11 CONFIDENTIALITY; AND FOR OTHER PURPOSES.
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Subtitle

14 TO IMPROVE THE QUALITY OF HEALTH CARE;
15 AND TO ENSURE THAT PEER REVIEW COMMITTEES
16 FOR MEDICAL PROFESSIONAL ASSOCIATIONS ARE
17 AFFORDED CONFIDENTIALITY.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 20-9-501, concerning definitions for
24 medical peer review committees is amended to read as follows:

25 20-9-501. Definition.

26 As used in this subchapter, "peer review committee" or "committee"
27 means a committee of a hospital medical staff, ~~or~~ a committee of a state or
28 local professional association, or a committee organized by and operating
29 pursuant to a written plan or policy under the auspices of a professional
30 corporation or a professional limited liability company whose members are
31 licensed to practice medicine in this state that is formed to:

32 (1) Evaluate and improve the quality of health care rendered by
33 providers of health services; or

34 (2) Determine that:

35 (A) Health services rendered were professionally indicated
36 or were performed in compliance with the applicable standard of care; or



1 (B) The cost of health care rendered was considered
2 reasonable by the providers of professional health services in the area.

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4 SECTION 2. Arkansas Code § 20-9-503(c), concerning the confidentiality
5 of the proceedings and records of peer review committees, is amended to read
6 as follows:

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8 (c) The submission of the peer review proceedings, minutes, records,
9 reports, and communications to a hospital governing board or physician group
10 peer review committee as defined under § 20-9-501 shall not operate as a
11 waiver of the privilege.

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13 SECTION 3. Arkansas Code § 16-46-105, concerning records of and
14 testimony before committees reviewing and evaluating quality of medical or
15 hospital care, is amended to read as follows:

16 (a)(1)(A) The proceedings, minutes, records, or reports of organized
17 committees of hospital medical staffs or medical review committees of local
18 medical societies, or a committee organized by and operating pursuant to a
19 written plan or policy under the auspices of a professional corporation or a
20 professional limited liability company whose members are licensed to practice
21 medicine in this state, having the responsibility for reviewing and
22 evaluating the quality of medical or hospital care, and any records, other
23 than those records described in subsection (c) of this section, compiled or
24 accumulated by the administrative staff of such hospitals or a physician
25 group peer review committee as defined under § 20-9-501 in connection with
26 such review or evaluation, together with all communications or reports
27 originating in such committees, shall not be subject to discovery pursuant to
28 the Arkansas Rules of Civil Procedure or the Freedom of Information Act of
29 1967, § 25-19-101 et seq., or admissible in any legal proceeding and shall be
30 absolutely privileged communications.

31 (B) The submission of such proceedings, minutes, records,
32 reports, and communications to a hospital governing board or physician group
33 peer review committee as defined under § 20-9-501 shall not operate as a
34 waiver of the privilege.

35 (2) Neither shall testimony as to events occurring during the
36 activities of such committees be subject to discovery pursuant to the

1 Arkansas Rules of Civil Procedure or the Freedom of Information Act of 1967,
2 § 25-19-101 et seq., or admissible.

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4 SECTION 4. Arkansas Code § 16-46-105, concerning records of and
5 testimony before committees reviewing and evaluating quality of medical or
6 hospital care, is amended to read as follows:

7 (b)(1) Nothing in this section shall be construed to prevent
8 disclosure of the data mentioned in subsection (a) of this section to
9 appropriate state or federal regulatory agencies which by statute or
10 regulation are entitled to access to such data, nor to:

11 (A) ~~organized~~ An organized committees of hospital medical
12 staffs or governing boards where the medical practitioner seeks membership or
13 clinical privileges; or

14 (B) A committee organized by and operating pursuant to a
15 written plan or policy under the auspices of a professional corporation or a
16 professional limited liability company whose members are licensed to practice
17 medicine in this state.

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20 APPROVED: 03/19/2013
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