

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**

**A BILL ACT 361 OF 1991**  
**HOUSE BILL 1485**

4 **By: Representatives Thicksten and King**

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**For An Act To Be Entitled**

8 "AN ACT TO AMEND RULE 503 OF THE UNIFORM RULES OF  
9 EVIDENCE, COMPILED IN ARKANSAS CODE 16-41-101 TO EXTEND  
10 THE DOCTOR-PATIENT PRIVILEGE TO CHIROPRACTORS AND THEIR  
11 PATIENTS; AND FOR OTHER PURPOSES."

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

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15 SECTION 1. Rule 503 of the Uniform Rules of Evidence, compiled in  
16 Arkansas Code 16-41-101, is hereby amended to read as follows:

17 "Rule 503. Physician, psychotherapist, chiropractor-patient  
18 privilege.--(a) DEFINITIONS. As used in this rule:

19 (1) A 'patient' is a person who consults or is examined or interviewed  
20 by a physician or psychotherapist.

21 (2) A 'physician' is a person authorized to practice medicine in any  
22 state or nation, or reasonably believed by the patient so to be.

23 (3) A 'psychotherapist' is (i) a person authorized to practice  
24 medicine in any state or nation, or reasonably believed by the patient so to  
25 be, while engaged in the diagnosis or treatment of a mental or emotional  
26 condition, including alcohol or drug addiction, or (ii) a person licensed or  
27 certified as a psychologist under the laws of any state or nation, while  
28 similarly engaged.

29 (4) A 'chiropractor' is a person authorized to practice chiropractic  
30 in any state or nation, or reasonably believed by the patient so to be.

31 (5) A communication is 'confidential' if not intended to be disclosed  
32 to third persons, except persons present to further the interest of the  
33 patient in the consultation, examination, or interview, persons reasonably  
34 necessary for the transmission of the communication, or persons who are  
35 participating in the diagnosis and treatment under the direction of the  
36 physician, psychotherapist or chiropractor, including members of the patient's

1 family.

2 (b) GENERAL RULE OF PRIVILEGE. A patient has a privilege to refuse to  
3 disclose and to prevent any other person from disclosing confidential  
4 communications made for the purpose of diagnosis or treatment of his physical,  
5 mental, or emotional condition, including alcohol or drug addiction, among  
6 himself, a physician, psychotherapist, or chiropractor, and persons who are  
7 participating in the diagnosis or treatment under the direction of the  
8 physician, psychotherapist or chiropractor, including members of the patient's  
9 family.

10 (c) WHO MAY CLAIM THE PRIVILEGE. The privilege may be claimed by the  
11 patient, his guardian or conservator, or the personal representative of a  
12 deceased patient. The person who was the physician, psychotherapist or  
13 chiropractor at the time of the communication is presumed to have authority to  
14 claim the privilege but only on behalf of the patient.

15 (d) EXCEPTIONS:

16 (1) PROCEEDINGS FOR HOSPITALIZATION. There is no privilege under this  
17 rule or communications relevant to an issue in proceedings to hospitalize the  
18 patient for mental illness, if the psychotherapist in the course of diagnosis  
19 or treatment has determined that the patient is in need of hospitalization.

20 (2) EXAMINATION BY ORDER OF COURT. If the court orders an examination  
21 of the physical, mental, or emotional condition of a patient, whether a party  
22 or a witness, communications made in the course thereof are not privileged  
23 under this rule with respect to the particular purpose for which the  
24 examination is ordered unless the court orders otherwise.

25 (3) CONDITION AN ELEMENT OF CLAIM OR DEFENSE. There is no privilege  
26 under this rule as to a communication relevant to an issue of the physical,  
27 mental, or emotional condition of the patient in any proceeding in which he  
28 relies upon the condition as an element of his claim or defense, or, after the  
29 patient's death, in any proceeding in which any party relies upon the  
30 condition as an element of his claim or defense."

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

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

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

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10   APPROVED: 3-5-91

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