

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: S1/24/01

A Bill

Act 161 of 2001
SENATE BILL 180

5 By: Senator Hill
6 By: Representative Teague
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For An Act To Be Entitled

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10 AN ACT TO AMEND ARKANSAS CODE 12-29-401 TO GIVE THE
11 DEPARTMENT OF CORRECTION AND THE DEPARTMENT OF
12 COMMUNITY PUNISHMENT ACCESS TO THE MEDICAL RECORDS OF
13 INCARCERATED PERSONS; AND FOR OTHER PURPOSES.
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Subtitle

15
16 AN ACT TO AMEND ARKANSAS CODE 12-29-401
17 TO GIVE THE DEPARTMENT OF CORRECTION AND
18 THE DEPARTMENT OF COMMUNITY PUNISHMENT
19 ACCESS TO THE MEDICAL RECORDS OF
20 INCARCERATED PERSONS.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code 12-29-401, concerning Department of Correction
26 and Department of Community Punishment medical care for inmates, is amended to
27 add an additional subsection to read as follows:

28 (d) The Department of Correction and the Department of Community
29 Punishment shall have access to and may obtain copies of all medical records
30 pertaining to any person incarcerated in a facility of either of those
31 departments, including, but not limited to, test results, treatment records,
32 and examination reports generated prior to the commitment of the person to the
33 Department of Correction or the Department of Community Punishment or based on
34 medical care received by the person outside the Department of Correction or
35 the Department of Community Punishment during the period of the person's
36 incarceration, regardless of whether the person consents to the release of the

1 information. Any entity or person in possession of such records or
2 information has a duty to disclose it to the Department of Correction or the
3 Department of Community Punishment upon written request by the director of the
4 department or the director's designee, provided that the Department of
5 Correction and the Department of Community Punishment shall put in place the
6 privacy and security provisions required by federal law and provide assurances
7 of compliance, in writing, to the entity or person to whom the written request
8 is made. Additionally, the requesting entity or person shall provide
9 assurances in the written request that provisions of state laws which require
10 heightened security and privacy will be complied with. Any information
11 obtained pursuant to this section shall be used only for treatment purposes,
12 to enable the Department of Correction and Department of Community Punishment
13 to assign the incarcerated person to the correct unit, or to enable the
14 departments to file insurance claims, if applicable. Any hospital, clinic,
15 medical office, or other such entity and the owners, officers, directors,
16 employees, or agents of such entity, or any other person who, in good faith,
17 furnishes any records or information to the Department of Correction or the
18 Department of Community Punishment pursuant to this subsection shall be immune
19 from any liability, civil or criminal, that might otherwise be incurred or
20 imposed in the absence of this subsection.

21 /s/ Hill

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24 APPROVED: 2/8/2001
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