

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.
Act 837 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

A Bill

HOUSE BILL 2657

5 By: Representative D. Johnson
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For An Act To Be Entitled

9 AN ACT TO CLARIFY THAT CIVIL IMMUNITY IS EXTENDED
10 TO STUDENTS OF HEALTH CARE PROFESSIONAL PROGRAMS
11 WHO RENDER VOLUNTARY HEALTH CARE SERVICES AT FREE
12 OR LOW-COST HEALTH CARE CLINICS UNDER THE
13 SUPERVISION OF LICENSED PERSONNEL; AND FOR OTHER
14 PURPOSES.
15

Subtitle

16 TO CLARIFY THAT CIVIL IMMUNITY IS
17 EXTENDED TO STUDENTS OF HEALTH CARE
18 PROFESSIONAL PROGRAMS WHO RENDER
19 VOLUNTARY HEALTH CARE SERVICES AT FREE
20 OR LOW COST HEALTH CARE CLINICS UNDER
21 THE SUPERVISION OF LICENSED PERSONNEL.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 16-6-201 is amended to read as follows:
28 16-6-201. Indigent care - Regulations.

29 (a) As used in this section, "health care professional" means a person
30 who:

31 (1) Is licensed or certified in under subtitle 3
32 of Title 17,; or

33 (2) Is a student or resident of a health care profession program
34 leading to a professional degree, a license, or certification under Subtitle
35 3



1 of Title 17, who is:

2 (A) Providing services within the scope of the training of
3 that that student or resident; and

4 (B) Under the supervision of a person who is licensed in
5 the health care profession for which the student is seeking a degree, a
6 license, or a certification.

7 ~~(a)(b)~~ Physicians and health Health care professionals ~~who are~~
8 ~~licensed under the laws of the State of Arkansas, and~~ who render ~~medical~~
9 health care services voluntarily and without compensation to any person at
10 any free or low-cost ~~medical~~ health care clinic located in the State of
11 Arkansas and registered by the State Board of Health, ~~which that~~ accepts no
12 insurance payments and provides ~~medical~~ health care services free of charge
13 to persons unable to pay or provides ~~medical~~ health care services for a
14 nominal fee, shall not be liable for any civil damages for any act or
15 omission resulting from the rendering of ~~such medical~~ the health care
16 ~~services, unless such the~~ act or omission was the result of ~~such licensee's~~
17 the health care professional's gross negligence or willful misconduct.

18 ~~(b)(1)(c)(1)~~ The State Board of Health ~~is empowered to adopt such~~
19 ~~regulations as it may determine~~ may promulgate rules necessary to provide for
20 the registration of free or low-cost ~~medical~~ health care clinics under this
21 section.

22 (2) The regulations shall require that each person to whom
23 ~~medical~~ health care services are provided:

24 (A) Has been fully informed before any treatment by the
25 ~~physician~~ health care professional providing the services or by the staff of
26 the ~~medical~~ the health care clinic of the immunity from civil suit provisions
27 of this section; and

28 (B) Has acknowledged that fact in writing on a form
29 approved or designated by the ~~Department of Health~~ Division of Health of the
30 Department of Health and Human Services .

31 ~~(e)(d)~~ The State Board of Health and its members, and the ~~Department of~~
32 ~~Health~~ division and its agents and employees, are exempt and immune from
33 liability for any claims or damages when performing their duties ~~pursuant to~~
34 under this section.

35 (d) The provisions of this section supersede the exception for licensed
36 medical professionals under the Arkansas Volunteer Immunity Act, § 16-6-105

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APPROVED: 4/2/2007