

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

A Bill

HOUSE BILL 2535

4
5 By: Representative Lendall
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For An Act To Be Entitled

9 AN ACT TO PROHIBIT HEALTH MAINTENANCE ORGANIZATIONS
10 FROM PLACING CERTAIN CONDITIONS ON CONTRACTS OR ON
11 PHYSICIAN'S COMMUNICATIONS WITH PATIENTS; AND FOR
12 OTHER PURPOSES.
13

Subtitle

14 AN ACT TO PROHIBIT HEALTH MAINTENANCE
15 ORGANIZATIONS FROM PLACING CERTAIN
16 CONDITIONS ON CONTRACTS OR ON
17 PHYSICIAN'S COMMUNICATIONS WITH
18 PATIENTS.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code Title 20, Chapter 9, Subchapter 2 is amended
25 to add an additional section to read as follows:

26 20-9-223.

27 (a) A hospital may not restrict a physician's ability to communicate
28 with a patient, whether by contract, by granting or withholding staff
29 privileges, or otherwise, with respect to:

30 (1) The patient's coverage under a health care plan;

31 (2) Any subject related to the medical care or health care
32 services to be provided to the patient, including treatment options that are
33 not provided under a health care plan;

34 (3) The availability or desirability of a health care plan or
35 insurance or similar coverage, other than the patient's health care plan; or

36 (4) The fact that the physician's staff privileges or contract

1 with a hospital or health care plan have terminated or that the physician will
2 otherwise no longer be providing medical care or health care services at the
3 hospital or under the health care plan.

4 (b) A hospital, by contract or otherwise, may not refuse or fail to
5 grant or renew staff privileges, or condition staff privileges, based in whole
6 or in part on the fact that the physician or a partner, associate, or employee
7 of the physician is providing medical or health care services at a different
8 hospital or hospital system.

9 (c) A hospital may not contract to limit a physician's participation or
10 staff privileges or the participation or staff privileges of a partner,
11 associate, or employee of the physician at a different hospital or hospital
12 system.

13 (d) This section does not prevent a hospital from entering into
14 contracts with physicians to ensure physician availability and coverage at the
15 hospital or to comply with regulatory requirements or quality of care
16 standards established by the governing body of the hospital.

17 (e) This section does not prevent the governing body of a hospital
18 from:

19 (1) Limiting the number of physicians granted medical staff
20 membership or privileges at the hospital based on a medical staff development
21 plan that is unrelated to a physician's professional or business relationships
22 or associations, including those with another physician or group of physicians
23 or to a physician or a partner, associate, or employee of a physician having
24 medical staff membership or privileges at another hospital or hospital system;
25 or

26 (2) Limiting the ability of hospital medical directors to
27 contract with or hold medical staff memberships or clinical privileges at
28 different hospitals or hospital systems provided that such limitations do not
29 extend to the medical director's professional or business relationships or
30 associations, including those with another physician, group of physicians, or
31 other health care providers, other than hospitals or hospital systems.

32 (f) A contract provision that violates this section is void.

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34 SECTION 2. Arkansas Code Title 23, Chapter 76, Subchapter 1 is amended
35 to add an additional section to read as follows:

36 23-76-132.

1 (a) A health maintenance organization may not, as a condition of a
2 contract with a physician, dentist, or provider, or in any other manner,
3 prohibit, attempt to prohibit, or discourage a physician, dentist, or provider
4 from discussing with or communicating in good faith to a current, prospective,
5 or former patient, or a party designated by a patient, with respect to:

6 (1) Information or opinions regarding the patient's health care,
7 including the patient's medical condition or treatment options;

8 (2) Information or opinions regarding the provisions, terms,
9 requirements, or services of the health care plan as they relate to the
10 medical needs of the patient; or

11 (3) The fact that the physician's, dentist's, or provider's
12 contract with the health care plan has terminated or that the physician,
13 dentist, or provider will otherwise no longer be providing medical care,
14 dental care, or health care services under the health care plan.

15 (b) A health maintenance organization may not in any way penalize,
16 terminate, or refuse to compensate for covered services, a physician, dentist,
17 or provider for communicating with a current, prospective, or former patient,
18 or a party designated by a patient, in any manner protected by this section.

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