

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 87th General Assembly  
3 Regular Session, 2009

# A Bill

HOUSE BILL 2038

4  
5 By: Representative Wells  
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## For An Act To Be Entitled

8  
9 AN ACT TO CREATE THE INFORMED MEDICAL PATIENT ACT  
10 OF 2009; AND FOR OTHER PURPOSES.  
11

### Subtitle

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13  
14 TO CREATE THE INFORMED MEDICAL PATIENT  
15 ACT OF 2009.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. Intent. Do Not Codify. The General Assembly finds that  
21 each Arkansas citizen has broad rights to see the medical provider of his or  
22 her choice, but that he or she is unable to access sufficient information to  
23 compare one medical provide to another. The General Assembly further finds  
24 that information which would be critical to a citizen in choosing a medical  
25 provider is currently gathered, but has been hidden and made unavailable to  
26 citizens. It is the intent of the General Assembly that all information  
27 which may assist a citizen in choosing a provider should be made public to  
28 allow a citizen to make informed choices in some of the most important  
29 decision of his or her life.  
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31 SECTION 2. Arkansas Code § 17-95-107(d)(2), concerning rules  
32 promulgated by the Arkansas State Medical Board, is amended to read as  
33 follows:

34 (2)(A) The board shall promulgate regulations establishing a  
35 credentialing information system, and the regulations shall indicate the  
36 procedures for collection and release of credentialing information under this



1 section.

2 (B) The regulations shall require that before July 1,  
 3 2003, the process of recredentialing a physician shall be completed within  
 4 thirty (30) business days unless circumstances beyond the control of the  
 5 board make completion of the process within thirty (30) business days  
 6 impossible or unduly burdensome.

7 (C) If the credentialing process is not completed within  
 8 the required time and the board does not provide an adequate explanation for  
 9 failing to meet the time requirement, the fee for the credentialing process  
 10 shall be refunded to the credentialing organization, hospital, or other  
 11 qualified recipient of the fee.

12 (D) If disagreements arise over a claim that circumstances  
 13 have made timely completion impossible or unduly burdensome, the disagreement  
 14 shall be presented to the advisory committee established under subdivision  
 15 (d)(3) of this section for a recommendation to the board on whether or not to  
 16 refund the fee and in what amount so that the board may issue an order to  
 17 refund the fee or deny the request after consideration by the board.

18 (E)(i) The board also shall promulgate rules to ensure  
 19 that all credentialing information which it possesses, gathers, or holds in  
 20 its credentialing information system is made available to the public to  
 21 assist a person in making informed choices in his or her selection of medical  
 22 service providers.

23 (ii) The information shall be in a user-friendly  
 24 format.

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26 SECTION 3. Arkansas Code § 17-95-107(d)(4), concerning information to  
 27 credentialing organizations, is repealed:

28 ~~(4) Credentialing information shall not be disclosed to any~~  
 29 ~~parties other than the applicable health care provider and the credentialing~~  
 30 ~~organization and its designated credentialing and appeals, peer review, and~~  
 31 ~~quality improvement committees or bodies. Except as permitted in this~~  
 32 ~~section, credentialing information shall not be used for any purpose other~~  
 33 ~~than review by the board and credentialing organizations of the professional~~  
 34 ~~background, competency, qualifications, and credentials or renewal of~~  
 35 ~~credentials of a health care provider or appeals therefrom, and all such~~  
 36 ~~credentialing information shall be exempt from disclosure under the~~

1 ~~provisions of the Freedom of Information Act of 1967, § 25-19-101 et seq.~~  
2 ~~Credentialing information may be disclosed in the following circumstances:~~

3 ~~(A) By the board in disciplinary hearings before the board~~  
4 ~~or in any trial or appeal of the board action or order;~~

5 ~~(B) By the board or credentialing organization to any~~  
6 ~~licensing, regulatory, or disciplinary authorities or agencies of the United~~  
7 ~~States or of other states or jurisdictions; and~~

8 ~~(C) In any legal or regulatory proceeding that:~~

9 ~~(i) Is brought by a:~~

10 ~~(a) Health care provider;~~

11 ~~(b) Representative of the health care provider~~  
12 ~~or a class thereof;~~

13 ~~(c) Local, state, or federal agency or~~  
14 ~~authority; or~~

15 ~~(d) Patient or group or class of patients or~~  
16 ~~their authorized representatives or agents; and~~

17 ~~(ii) Challenges the actions, omissions, or conduct~~  
18 ~~of the credentialing organization with respect to credentialing of any health~~  
19 ~~care provider or the grant or denial of any affiliation or participation of~~  
20 ~~the health care provider with or in the credentialing organization or any~~  
21 ~~network thereof; or~~

22 ~~(D) By any party when authorized to do so by the health~~  
23 ~~care provider to whom the credentialing information relates.~~

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