

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
4

A Bill

SENATE BILL 925

5 By: Senator R. Thompson
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For An Act To Be Entitled

9 AN ACT TO REQUIRE THAT SUBPOENAS FOR PERSONAL
10 HEALTH INFORMATION OF A MINOR OR FOR THE
11 COMPELLING OF TESTIMONY REGARDING THE PERSONAL
12 HEALTH INFORMATION OF A MINOR BE ACCOMPANIED BY A
13 COURT ORDER DIRECTING A MEDICAL CARE PROVIDER TO
14 RELEASE THE PERSONAL HEALTH INFORMATION OR TO
15 TESTIFY REGARDING THE PERSONAL HEALTH
16 INFORMATION; AND FOR OTHER PURPOSES.
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Subtitle

18 TO REQUIRE THAT SUBPOENAS FOR PERSONAL
19 HEALTH INFORMATION OF A MINOR BE
20 ACCOMPANIED BY A TRIAL COURT ORDER.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code Title 25, Chapter 10, Subchapter 1 is amended
27 to read as follows:

28 25-10-141. Subpoenas for medical records of minors.

29 (a) As used in this section:

30 (1) "Medical care provider" means a physician, certified
31 registered nurse anesthetist, physician's assistant, nurse, optometrist,
32 chiropractor, physical therapist, dentist, podiatrist, pharmacist, hospital,
33 nursing home, community mental health center, psychologist, clinic, or not-
34 for-profit home health care agency licensed by the state or otherwise
35 lawfully providing professional medical care or services, or an officer,
36 employee or agent acting in the course and scope of employment in the



1 providing of the medical care or medical services;

2 (2) "Minor" means a person who is less than eighteen (18) years
3 of age; and

4 (3) "Individually identifiable health information" means
5 information, including demographic information collected from an individual,
6 that:

7 (A) Is created or received by a health care provider,
8 health plan; and

9 (B)(i) Relates to the past, present, or future physical or
10 mental health or condition of an individual, the provision of health care to
11 an individual, or the past, present, or future payment for the provision of
12 health care to an individual; and

13 (ii)(a) Identifies the individual; or

14 (b) With respect to which there is a
15 reasonable basis to believe that the information can be used to identify the
16 individual.

17 (b) If the Department of Human Services intends to issue a subpoena to
18 a medical care provider seeking the release of individually identifiable
19 health information of a minor or to compel testimony from a medical care
20 provider concerning individually identifiable health information of a minor,
21 the department shall obtain a court order directing the medical care provider
22 to release the individually identifiable health information of the minor or
23 compelling the medical care provider to give testimony regarding the
24 individually identifiable health information of the minor, and shall serve
25 the court order simultaneously with the subpoena.

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