

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013

# A Bill

SENATE BILL 790

4  
5 By: Senator Bledsoe

## For An Act To Be Entitled

8 AN ACT TO IMPROVE THE QUALITY OF HEALTH CARE; TO  
9 ENSURE THAT PEER REVIEW COMMITTEES FOR MEDICAL  
10 PROFESSIONAL ASSOCIATIONS ARE AFFORDED  
11 CONFIDENTIALITY; AND FOR OTHER PURPOSES.

## Subtitle

15 TO IMPROVE THE QUALITY OF HEALTH CARE;  
16 AND TO ENSURE THAT PEER REVIEW COMMITTEES  
17 FOR MEDICAL PROFESSIONAL ASSOCIATIONS ARE  
18 AFFORDED CONFIDENTIALITY.

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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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23 SECTION 1. Arkansas Code § 20-9-501, concerning definitions for  
24 medical peer review committees is amended to read as follows:

25 20-9-501. Definition.

26 As used in this subchapter, "peer review committee" or "committee"  
27 means a committee of a hospital medical staff, ~~or~~ a committee of a state or  
28 local professional association, or a committee organized by and operating  
29 pursuant to a written plan or policy under the auspices of a professional  
30 corporation or a professional limited liability company whose members are  
31 licensed to practice medicine in this state that is formed to:

32 (1) Evaluate and improve the quality of health care rendered by  
33 providers of health services; or

34 (2) Determine that:

35 (A) Health services rendered were professionally indicated  
36 or were performed in compliance with the applicable standard of care; or



1 (B) The cost of health care rendered was considered  
2 reasonable by the providers of professional health services in the area.

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4 SECTION 2. Arkansas Code § 20-9-503(c), concerning the confidentiality  
5 of the proceedings and records of peer review committees, is amended to read  
6 as follows:

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8 (c) The submission of the peer review proceedings, minutes, records,  
9 reports, and communications to a hospital governing board or physician group  
10 peer review committee as defined under § 20-9-501 shall not operate as a  
11 waiver of the privilege.

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13 SECTION 3. Arkansas Code § 16-46-105, concerning records of and  
14 testimony before committees reviewing and evaluating quality of medical or  
15 hospital care, is amended to read as follows:

16 (a)(1)(A) The proceedings, minutes, records, or reports of organized  
17 committees of hospital medical staffs or medical review committees of local  
18 medical societies, or a committee organized by and operating pursuant to a  
19 written plan or policy under the auspices of a professional corporation or a  
20 professional limited liability company whose members are licensed to practice  
21 medicine in this state, having the responsibility for reviewing and  
22 evaluating the quality of medical or hospital care, and any records, other  
23 than those records described in subsection (c) of this section, compiled or  
24 accumulated by the administrative staff of such hospitals or a physician  
25 group peer review committee as defined under § 20-9-501 in connection with  
26 such review or evaluation, together with all communications or reports  
27 originating in such committees, shall not be subject to discovery pursuant to  
28 the Arkansas Rules of Civil Procedure or the Freedom of Information Act of  
29 1967, § 25-19-101 et seq., or admissible in any legal proceeding and shall be  
30 absolutely privileged communications.

31 (B) The submission of such proceedings, minutes, records,  
32 reports, and communications to a hospital governing board or physician group  
33 peer review committee as defined under § 20-9-501 shall not operate as a  
34 waiver of the privilege.

35 (2) Neither shall testimony as to events occurring during the  
36 activities of such committees be subject to discovery pursuant to the

1 Arkansas Rules of Civil Procedure or the Freedom of Information Act of 1967,  
2 § 25-19-101 et seq., or admissible.

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4 SECTION 4. Arkansas Code § 16-46-105, concerning records of and  
5 testimony before committees reviewing and evaluating quality of medical or  
6 hospital care, is amended to read as follows:

7 (b)(1) Nothing in this section shall be construed to prevent  
8 disclosure of the data mentioned in subsection (a) of this section to  
9 appropriate state or federal regulatory agencies which by statute or  
10 regulation are entitled to access to such data, nor to:

11 (A) ~~organized~~ An organized committees of hospital medical  
12 staffs or governing boards where the medical practitioner seeks membership or  
13 clinical privileges; or

14 (B) A committee organized by and operating pursuant to a  
15 written plan or policy under the auspices of a professional corporation or a  
16 professional limited liability company whose members are licensed to practice  
17 medicine in this state.

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