

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

HOUSE BILL 1723

5 By: Representative L. Johnson  
6 By: Senator Hester  
7

## For An Act To Be Entitled

9 AN ACT TO PROVIDE FOR DATA COLLECTION AND EVALUATION  
10 OF EMERGENCY MEDICAL CARE AND INITIAL TIME-CRITICAL  
11 DIAGNOSES AND PROCEDURES; TO ENSURE CONFIDENTIALITY  
12 TO HELP IMPROVE HEALTH OUTCOMES AND PROMPT TREATMENT;  
13 AND FOR OTHER PURPOSES.  
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## Subtitle

16 TO PROVIDE FOR DATA COLLECTION AND  
17 EVALUATION OF EMERGENCY MEDICAL CARE AND  
18 INITIAL TIME-CRITICAL DIAGNOSES AND  
19 PROCEDURES; AND TO ENSURE CONFIDENTIALITY  
20 TO HELP IMPROVE HEALTH OUTCOMES AND  
21 PROMPT TREATMENT.  
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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 Title 20, Chapter 13, Subchapter 2, is  
28 amended to add an additional section to read as follows:

29 20-13-216. Data collection and evaluation system – Confidentiality of  
30 records.

31 (a) As used in this section, “data, records, reports, and documents”  
32 means recordings of interviews and all oral or written proceedings, reports,  
33 statements, minutes, memoranda, data, and other documentation collected or  
34 compiled for the purposes of nonhospital emergency medical services quality  
35 review or assessment and improvement pursuant to a requirement of or request  
36 by the Department of Health or other entity authorized by this section.



1       (b)(1) The department shall develop a data collection and evaluation  
2 process to review nonhospital emergency medical care and time-critical  
3 diagnoses and procedures conducted by licensed emergency medical services  
4 personnel.

5       (2) The State Board of Health shall promulgate rules for the  
6 department to implement the process, which shall be designed to study both  
7 the individual and collective care and treatment given to patients.

8       (c)(1) The department may collect data and information regarding  
9 patients treated and transported from the field and admitted to a facility  
10 through the emergency department, through a trauma center, or directly to a  
11 special care unit or post-hospitalization facility.

12       (2) Data and information shall be collected in a manner that  
13 protects and maintains the confidential nature of patient records.

14       (d) Records and reports made under this section shall:

15           (1) Be held confidential within the hospital, the service  
16 provider, and the department; and

17           (2) Not be available to the public.

18       (e) Any data, records, reports, and documents collected or compiled by  
19 or on behalf of the department or other entity authorized under this section  
20 for the purpose of quality or system assessment and improvement is not  
21 subject to disclosure to the extent that it identifies or could be used to  
22 identify any individual patient, provider, institution, or health plan.

23       (f)(1) Any data, records, reports, and documents collected or compiled  
24 by or on behalf of the department or other entity authorized under this  
25 section for the purpose of quality or assessment and improvement shall:

26           (A) Not be admissible in any legal proceeding; and

27           (B) Be exempt from discovery and disclosure to the same  
28 extent that records of and testimony before committees evaluating the quality  
29 of medical or hospital care are exempt under § 16-46-105(a)(1).

30       (2) A healthcare provider's use of the information in its  
31 internal operations shall not operate as a waiver of these protections.

32       (g) All information shall be treated in a manner that is consistent  
33 with all state and federal privacy requirements.

34       (h) The department or other entity authorized to provide services may  
35 use any data, records, reports, or documents generated or acquired in its  
36 internal operations without waiving any protections under this section.