

ARKANSAS SENATE

88th General Assembly - Regular Session, 2011

Amendment Form

Subtitle of Senate Bill No. 296

AN ACT TO DEFINE THE INDIVIDUALS WHO QUALIFY AS PERSONAL REPRESENTATIVES FOR PURPOSES OF OBTAINING MEDICAL RECORDS OR ASSERTING RIGHTS OF A DECEDENT UNDER HIPAA.

Amendment No. 1 to Senate Bill No. 296

Amend Senate Bill No. 296 as originally introduced:

Page 1, delete lines 10 - 13 and substitute the following:
"MEDICAL RECORDS; AND FOR OTHER PURPOSES"

AND

Delete the subtitle in its entirety and substitute:

"AN ACT TO DEFINE THE INDIVIDUALS WHO QUALIFY AS PERSONAL REPRESENTATIVES FOR PURPOSES OF OBTAINING MEDICAL RECORDS."

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 28-1-102(19), concerning the definition of personal representative, is amended to read as follows:

(19)(A) "Personal representative" means an executor or administrator.

(B) However, for purposes of obtaining autopsy results that are in the medical records, the personal representative is the first of the following individuals or category of individuals who exists when the request for a copy of the autopsy results maintained in the medical records is made:

- (i) The executor or administrator;
- (ii) The decedent's spouse;
- (iii) A parent of the decedent; or
- (iv) An adult child of the decedent; and

SECTION 2. Arkansas Code Title 28, Chapter 1, Subchapter 1 is amended to add an additional section to read as follows:

28-1-119. Access to decedent's autopsy records.



(a) As used in this section, "healthcare provider" means a person, corporation, facility or institution licensed, certified, or otherwise authorized by the law of this state to administer health care in the ordinary course of business or practice of a profession.

(b) A healthcare provider who, in good faith, releases copies of a decedent's autopsy records upon the authorization of any of the individuals listed under §20-1-102(19)(B) shall not be held liable under any criminal law or held civilly liable to the deceased patient's estate or to any other person."

The Amendment was read the first time, rules suspended and read the second time and _____
By: Senator Teague
MAG/JPS - 02/23/11 08:11
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Secretary