

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.

INTERIM STUDY PROPOSAL 2009-071

State of Arkansas
87th General Assembly
Regular Session, 2009

A Bill

HOUSE BILL 2136

By: Representative Hall

Filed with: House Interim Committee on Public Health, Welfare and Labor
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO REQUIRE CRIMINAL BACKGROUND CHECK
INFORMATION TO BE PROVIDED TO THE ARKANSAS STATE
MEDICAL BOARD'S CREDENTIALING INFORMATION SYSTEM;
AND FOR OTHER PURPOSES.

Subtitle

TO REQUIRE CRIMINAL BACKGROUND CHECK
INFORMATION TO BE PROVIDED TO THE
ARKANSAS STATE MEDICAL BOARD'S
CREDENTIALING INFORMATION SYSTEM.

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

SECTION 1. Arkansas Code § 17-95-107(b), concerning definitions for
physicians credentialing organizations, is amended to read as follows:

(b) As used in this section:

(1) "Accrediting organization" means an organization that awards
accreditation or certification to hospitals, managed care organizations, or
other health care organizations, including, ~~but not limited to,~~ without
limitation the Joint Commission on the Accreditation of Health Care
Organizations and the National Committee on Quality Assurance;

(2) "Board" means the Arkansas State Medical Board;

(3) "Credentialing information" means:

(A) Information regarding a physician's:



- 1 (i) Professional training, qualifications,
2 background, practice history, and experience, for example, status of medical
3 license;
- 4 (ii) Clinical hospital privileges;
- 5 (iii) Status of United States Drug Enforcement
6 Administration certificate;
- 7 (iv) Education, training, and board certification;
- 8 (v) Work history;
- 9 (vi) Current malpractice coverage;
- 10 (vii) History of professional liability or
11 malpractice claims;
- 12 (viii) Drug or alcohol abuse to the extent permitted
13 by law;
- 14 (ix) History of board appearances;
- 15 (x) Loss, surrender, restriction, or suspension of
16 license;
- 17 (xi) Felony convictions and criminal background
18 check information;
- 19 (xii) History of loss or limitation of privileges or
20 disciplinary activity;
- 21 (xiii) Attestation of the correctness and
22 completeness of the application; and
- 23 (xiv) History of Medicare or Medicaid or other
24 sanctions; and

25 (B) Other objective information typically required by
26 accrediting organizations for the purpose of credentialing physicians;

27 (4) "Credentialing organization" means a hospital, clinic, or
28 other health care organization, managed care organization, insurer, or health
29 maintenance organization; and

30 (5)(A) "Primary source verification procedure" means the
31 procedure used by a credentialing organization to test the accuracy of
32 documents and credentialing information submitted to it by or about a
33 physician who is applying for affiliation or participation with the
34 credentialing organization.

35 (B) This procedure involves the verification of
36 credentials with the originating source of the credentials.

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SECTION 2. Arkansas Code § 17-95-306 is amended to read as follows:
17-95-306. Criminal background check.

(a)(1) Beginning July 1, 2005, every person applying for a license or renewal of a license issued by the Arkansas State Medical Board shall provide written authorization to the board to allow the Department of Arkansas State Police to release the results of a state and federal criminal history background check report to the board.

(2) Beginning July 1, 2009, the following applicants shall provide written authorization to the board to allow the department to release the results of a state and federal criminal history background check report to the board and to allow the board to release the results of a state and federal criminal history background check report to the credentialing information system offered by the board under § 17-95-107:

(A) Every person applying for a license or renewal of a license issued by the board; and

(B) Every person who is licensed by the board and is returning to the state after being out of state for more than one (1) year.

~~(2)(3)~~ The applicant shall ~~be responsible for payment of pay~~ the fees associated with the background checks.

(b)(1) The state background check shall be from the Identification Bureau of the Department of Arkansas State Police.

(2) The federal background check shall:

(A) Be from the Federal Bureau of Investigation;

(B) Conform to the applicable federal standards; and

(C) Include the taking of fingerprints of the applicant.

(c) Upon completion of the criminal background checks required by this section, the Identification Bureau of the Department of Arkansas State Police:

(1) Shall forward to the board all releasable information obtained concerning the applicant; and

(2) May retain the fingerprinting card of the applicant until notified by the board that the person is no longer licensed.

(d) Upon receipt of the criminal background check report information from the Identification Bureau of the Department of Arkansas State Police, the board shall disclose the criminal background check report information to

1 the credentialing information system offered by the board under § 17-95-107.

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3 SECTION 3. Arkansas Code § 17-95-309(a), concerning the sealing of
4 background checks regarding physicians, is amended to read as follows:

5 17-95-309. Background records sealed.

6 (a) Any background record received by the Arkansas State Medical Board
7 from the Identification Bureau of the Department of Arkansas State Police
8 shall not be available for examination except by:

9 (1) An affected applicant for licensure or his or her authorized
10 representative;

11 (2) A credentialing organization utilizing the credentialing
12 information system offered by the board under § 17-95-107; or

13 ~~(2)(3)~~ (3) A person whose license is subject to revocation or his or
14 her authorized representative.

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