

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

SENATE BILL

50

By: Senator Hoofman

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 16-46-105 TO PROVIDE THAT DISCUSSIONS, PROCEEDINGS, MINUTES, RECORDS AND REPORTS BETWEEN PHYSICIANS WHO ARE PARTNERS OR EMPLOYEES OF THE SAME PROFESSIONAL CORPORATION IN THE PRACTICE OF MEDICINE HELD FOR THE PURPOSE OF REVIEWING AND EVALUATING THE QUALITY OF MEDICAL CARE BY A PHYSICIAN WHO IS A MEMBER OF THE PARTNERSHIP OR AN EMPLOYEE OF THE PROFESSIONAL CORPORATION SHALL NOT BE DISCOVERABLE OR ADMISSIBLE IN EVIDENCE; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 16-46-105 is hereby amended to read as follows:

"16-46-105. Records of, and testimony before, committees reviewing and evaluating quality of medical or hospital care.

(a) The proceedings, minutes, records, or reports of organized committees of hospital medical staffs or medical review committees of local medical societies having the responsibility for reviewing and evaluating the quality of medical or hospital care, and any records compiled or accumulated by the administrative staff of such hospitals in connection with such review or evaluation, together with all communications or reports originating in such committees, shall not be subject to discovery or admissible in any legal proceeding and shall be absolutely privileged communications. Neither shall testimony as to events occurring during the activities of such committees be admissible.

(b) Nothing in this section shall be construed to prevent disclosure of the data mentioned in subsection (a) to appropriate state or federal regulatory agencies which by statute or regulation are entitled to access to such

data, nor to prevent discovery and admissibility if the legal action in which such data is sought is brought by a medical practitioner who has been subjected to censure or disciplinary action by such committee.

(c) Nothing in this section or §14-265-112 shall be construed to apply to original hospital medical records, incident reports, or other records kept with respect to any patient in the course of business of operating a hospital or to affect the discoverability or admissibility of such records.

(d) Any discussions, proceedings, minutes, records, or reports between physicians who are partners or employees of the same professional corporation in the practice of medicine held for the purpose of reviewing and evaluating the quality of medical care by a physician who is a member of the partnership or an employee of the professional corporation shall not be discoverable or admissible in any legal proceeding and shall be absolutely privileged communications, and no testimony regarding events occurring during any of the above shall be admissible in any legal proceeding.

(e) Nothing in section (d) above shall be construed to apply to a patient's medical records kept by a physician in the course of treating a patient or to affect the discoverability or admissibility of such records."

SECTION 2. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.