

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

SENATE BILL

506

By: Senator Nelson

For An Act To Be Entitled

"AN ACT TO PROVIDE CIVIL IMMUNITY FOR MEDICAL SERVICE PROVIDERS WHO PROVIDE FREE MEDICAL SERVICES TO PATIENTS QUALIFYING FOR SUCH SERVICES UNDER ARKANSAS ACCESS TO MEDICAL CARE."

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

SECTION 1. The General Assembly finds that a significant number of Arkansas citizens living below the poverty level are not eligible for Medicaid assistance for medical services and lack sufficient funds to provide for their own necessary medical and hospital care; that the risk of professional liability lawsuits discourages providers of medical care from providing free medical services to such persons; and that legislation should be enacted to provide civil immunity to health care providers who provide such services free of charge in order to encourage participation in such programs. It is therefore the purpose and intent of this act to provide civil immunity to physicians and hospitals who participate in a voluntary program to provide certain medical services at no cost to indigent citizens of Arkansas who are determined to be medically needy.

SECTION 2. No cause of action shall arise against a physician or hospital providing medical services without compensation to patients qualified by the Arkansas Department of Human Services as eligible under the "Arkansas Access to Medical Care" program unless the conduct complained of amounts to gross negligence.

SECTION 3. This act shall be supplemental to and shall not be construed to repeal the provisions of Act 709 of 1979.

SECTION 4. 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 5. EMERGENCY. It is hereby found and determined by the General Assembly that a great need exists for medical services to a large segment of Arkansas citizens who are without funds to obtain necessary medical care and who do not qualify for Medicaid or other indigent health care programs; that such lack of necessary medical care threatens the public health and welfare and that this act is designed to make such services more readily available and should be given effect immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.