

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Representative Hogue**

# A Bill

**HOUSE BILL**

## **For An Act To Be Entitled**

8 "AN ACT TO PROVIDE CIVIL IMMUNITY FOR MEDICAL SERVICE  
9 PROVIDERS WHO PROVIDE FREE MEDICAL SERVICES TO PATIENTS  
10 QUALIFYING FOR SUCH SERVICES UNDER ARKANSAS ACCESS TO  
11 MEDICAL CARE; AND FOR OTHER PURPOSES."

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

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

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28 SECTION 2. No cause of action for negligence, except gross negligence,  
29 shall arise against a person or legal entity providing medical services  
30 without compensation to patients who are determined by the Department of Human  
31 Services to be qualified for such services under the Indigent Health Care  
32 Program of the Department of Human Services.

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34 SECTION 3. This act shall be supplemental to and shall not be construed  
35 to repeal the provisions of Arkansas Code 16-114-201 et seq.

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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. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 6. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 7. 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.

