

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4

As Engrossed: S3/19/97 S3/20/97

## A Bill

SENATE BILL 709

5 By: Senators Bearden and Wilson  
6  
7

### For An Act To Be Entitled

9 "THE MEDICAL PROVIDER REFERRAL AND DISCLOSURE ACT OF 1997;  
10 AND FOR OTHER PURPOSES."  
11

### Subtitle

12 "THE MEDICAL PROVIDER REFERRAL AND  
13 DISCLOSURE ACT OF 1997."  
14  
15

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
17

18 SECTION 1. (a) A hospital, as part of its discharge planning process,  
19 shall provide each patient with comprehensive information about the  
20 availability of home care and hospice services, including Medicare and  
21 Medicaid providers, in the area in which the patient resides.

22 (b) Any home care, hospice, or other provider who delivers home care or  
23 hospice services may request a hospital to list them as an available post-  
24 hospital service.

25 (c) All medical providers which make referrals, including hospitals,  
26 physicians, hospices, durable medical equipment suppliers, pharmacists, and  
27 nursing homes, shall maintain and disclose information to the Department of  
28 Health on the referrals each respective medical provider makes to other  
29 medical providers in which the referring medical provider has a direct or  
30 indirect financial interest. The information shall consist of the following:

31 (1) the nature of the referring medical providers financial  
32 relationship to the other medical provider;

33 (2) the number of individuals who were referred to each medical  
34 provider in which the referring medical provider has a direct or indirect  
35 financial interest; and

36 (3) the percentage of such individuals who received services from

1 the referring medical provider.

2

3 SECTION 2. (a) The State Board of Health shall promulgate regulations  
4 to implement this act.

5 (b)(1) Any medical provider subject to this act violating this act  
6 shall be assessed a civil penalty by the State Board of Health. The penalty  
7 shall not exceed one thousand dollars (\$1,000) for each violation, and each  
8 day of a continuing violation may be deemed a separate violation for purposes  
9 of penalty assessments if the violation is knowing, wilful and intentional.

10 (2) All fines collected under subdivision (b)(1) of this section  
11 shall be deposited in the State Treasury and credited to the Public Health  
12 Fund to be used to defray costs of administering this act.

13 (c) In addition to the civil penalty set forth in subsection (b), any  
14 hospital violating this act may also be subject to the suspension or  
15 revocation of the hospital's license.

16

17 SECTION 3. All provisions of this act of a general and permanent nature  
18 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
19 Revision Commission shall incorporate the same in the Code.

20

21 SECTION 4. If any provision of this act or the application thereof to  
22 any person or circumstance is held invalid, such invalidity shall not affect  
23 other provisions or applications of the act which can be given effect without  
24 the invalid provision or application, and to this end the provisions of this  
25 act are declared to be severable.

26

27 SECTION 5. All laws and parts of laws in conflict with this act are  
28 hereby repealed.

29

/s/Bearden

30

31

32

33

34

35