

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

HOUSE BILL 1049

4
5 By: Representative Lendall
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For An Act To Be Entitled

8
9 "AN ACT TO PROHIBIT HEALTH MAINTENANCE ORGANIZATIONS
10 FROM PLACING CERTAIN CONDITIONS ON CONTRACTS OR ON
11 PHYSICIAN'S COMMUNICATIONS WITH PATIENTS; AND FOR
12 OTHER PURPOSES."

Subtitle

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15 "AN ACT TO PROHIBIT HEALTH MAINTENANCE
16 ORGANIZATIONS FROM PLACING CERTAIN
17 CONDITIONS ON CONTRACTS OR ON
18 PHYSICIAN'S COMMUNICATIONS WITH
19 PATIENTS."

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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code Title 20, Chapter 9, Subchapter 2 is amended
24 by adding the following new language:

25 "20-9-223.

26 (a) A hospital may not restrict a physician's ability to communicate
27 with a patient, whether by contract, by granting or withholding staff
28 privileges, or otherwise, with respect to:

29 (1) The patient's coverage under a health care plan;

30 (2) Any subject related to the medical care or health care
31 services to be provided to the patient, including treatment options that are
32 not provided under a health care plan;

33 (3) The availability or desirability of a health care plan or
34 insurance or similar coverage, other than the patient's health care plan; or

35 (4) The fact that the physician's staff privileges or contract
36 with a hospital or health care plan have terminated or that the physician will

1 otherwise no longer be providing medical care or health care services at the
 2 hospital or under the health care plan.

3 (b) A hospital, by contract or otherwise, may not refuse or fail to
 4 grant or renew staff privileges, or condition staff privileges, based in whole
 5 or in part on the fact that the physician or a partner, associate, or employee
 6 of the physician is providing medical or health care services at a different
 7 hospital or hospital system.

8 (c) A hospital may not contract to limit a physician's participation or
 9 staff privileges or the participation or staff privileges of a partner,
 10 associate, or employee of the physician at a different hospital or hospital
 11 system.

12 (d) This section does not prevent a hospital from entering into
 13 contracts with physicians to ensure physician availability and coverage at the
 14 hospital or to comply with regulatory requirements or quality of care
 15 standards established by the governing body of the hospital.

16 (e) This section does not prevent the governing body of a hospital
 17 from:

18 (1) Limiting the number of physicians granted medical staff
 19 membership or privileges at the hospital based on a medical staff development
 20 plan that is unrelated to a physician's professional or business relationships
 21 or associations including those with another physician or group of physicians
 22 or to a physician or a partner, associate, or employee of a physician having
 23 medical staff membership or privileges at another hospital or hospital system;
 24 or

25 (2) Limiting the ability of hospital medical directors to
 26 contract with or hold medical staff memberships or clinical privileges at
 27 different hospitals or hospital systems provided that such limitations do not
 28 extend to the medical directors' professional or business relationships or
 29 associations including those with another physician, group of physicians, or
 30 other health care providers, other than hospitals or hospital systems.

31 (f) A contract provision that violates this section is void."

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 33 SECTION 2. Arkansas Code Title 23, Chapter 76 is amended by adding the
 34 following new language:

35 "23-76-132.

36 (a) A health maintenance organization may not, as a condition of a

1 contract with a physician, dentist, or provider, or in any other manner,
 2 prohibit, attempt to prohibit, or discourage a physician, dentist, or provider
 3 from discussing with or communicating in good faith to a current, prospective,
 4 or former patient, or a party designated by a patient, with respect to:

5 (1) Information or opinions regarding the patient's health care,
 6 including the patient's medical condition or treatment options;

7 (2) Information or opinions regarding the provisions, terms,
 8 requirements, or services of the health care plan as they relate to the
 9 medical needs of the patient; or

10 (3) The fact that the physician's, dentist's, or provider's
 11 contract with the health care plan has terminated or that the physician,
 12 dentist, or provider will otherwise no longer be providing medical care,
 13 dental care, or health care services under the health care plan.

14 (b) A health maintenance organization may not in any way penalize,
 15 terminate, or refuse to compensate for covered services, a physician, dentist,
 16 or provider for communicating with a current, prospective, or former patient,
 17 or a party designated by a patient, in any manner protected by this section."

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

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

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 29 SECTION 5. All laws and parts of laws in conflict with this Act are
 30 hereby repealed.