

State of Arkansas
83rd General Assembly
Regular Session, 2001

A Bill

SENATE BILL 306

By: Senator P. Malone

For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS CODE 16-41-101 RULE 503 TO
INCLUDE DENTISTS AND PHARMACISTS IN THE PATIENT
PRIVILEGE.

Subtitle

RULE 503 TO INCLUDE DENTISTS AND
PHARMACISTS IN THE PATIENT PRIVILEGE.

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

SECTION 1. Arkansas Code 16-41-101 Rule 503(a) - (c) are amended to
read as follows:

(a) Definitions. As used in this rule:

(1) A "patient" is a person who consults or engages or is
examined or interviewed by a physician ~~or~~, psychotherapist, dentist, or
pharmacist.

(2) A "physician" is a person authorized to practice medicine in
any state or nation, or reasonably believed by the patient so to be.

(3) A "psychotherapist" is (i) a person authorized to practice
medicine in any state or nation, or reasonably believed by the patient so to
be, while engaged in the diagnosis or treatment of a mental or emotional
condition, including alcohol or drug addiction, or (ii) a person licensed or
certified as a psychologist under the laws of any state or nation, while
similarly engaged.

(4) A "chiropractor" is a person authorized to practice
chiropractic in any state or nation, or reasonably believed by the patient so
to be.

1 (5) A "dentist" is a person authorized to practice dentistry in
2 any state or nation, or reasonably believed by the patient so to be.

3 (6) A "pharmacist" is a person who is authorized to practice
4 pharmacy in any state or nation, or reasonably believed by the patient so to
5 be.

6 ~~(5)~~(7) A communication is "confidential" if not intended to be
7 disclosed to third persons, except persons present to further the interest of
8 the patient in the consultation, examination, or interview, persons reasonably
9 necessary for the transmission of the communication, or persons who are
10 participating in the diagnosis and treatment under the direction of the
11 physician, psychotherapist, or chiropractor, including members of the
12 patient's family.

13 (b) General Rule of Privilege. A patient has a privilege to refuse to
14 disclose and to prevent any other person from disclosing confidential
15 communications made for the purpose of diagnosis or treatment of his physical,
16 mental, or emotional condition, including alcohol or drug addiction, among
17 himself, a physician, psychotherapist, ~~or~~ chiropractor, or dentist and persons
18 who are participating in the diagnosis or treatment under the direction of the
19 physician, psychotherapist, or chiropractor, including members of the
20 patient's family. A patient has a privilege to refuse to disclose and to
21 prevent any other person from disclosing confidential communications made to a
22 pharmacist or persons under the direction of a pharmacist.

23 (c) Who May Claim the Privilege. The privilege may be claimed by the
24 patient, his guardian or conservator, or the personal representative of a
25 deceased patient. The person who was the physician, psychotherapist, ~~or~~
26 chiropractor, dentist, or pharmacist at the time of the communication is
27 presumed to have authority to claim the privilege but only on behalf of the
28 patient.

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