

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas *As Enrolled: H1/24/07 H1/29/07 H1/31/07*

2 86th General Assembly

A Bill

3 Regular Session, 2007

HOUSE BILL 1282

4

5 By: Representatives George, Wells, Abernathy, Adcock, T. Baker, Blount, T. Bradford, J. Brown,
6 Cooper, Cornwell, D. Creekmore, Davenport, Dunn, Gaskill, Hoyt, Hyde, Key, King, W. Lewellen,
7 Overbey, Pierce, S. Prater, Reep, J. Roebuck, Shelby, Stewart, Sullivan, Sumpter, Wagner, Walters,
8 Webb, Wills, Wood, *Medley*

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For An Act To Be Entitled

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*AN ACT TO CLARIFY THAT CIVIL IMMUNITY IS EXTENDED
13 TO DENTISTS AND OTHER HEALTH CARE PROFESSIONALS
14 WHO RENDER VOULUNTARY HEALTH CARE SERVICES AT
15 FREE OR LOW-COST HEALTH CARE CLINICS; AND FOR
16 OTHER PURPOSES.*

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Subtitle

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*TO CLARIFY THAT CIVIL IMMUNITY IS
20 EXTENDED TO DENTISTS AND OTHER HEALTH
21 CARE PROFESSIONALS WHO RENDER VOULUNTARY
22 HEALTH CARE SERVICES AT FREE OR LOW-COST
23 HEALTH CARE CLINICS.*

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

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28 *SECTION 1. Arkansas Code § 16-6-201 is amended to read as follows:*

29 *16-6-201. Indigent care - Regulations.*

30 *(a) Physicians ~~and~~ , dentists, or other health care professionals who*
31 *are licensed under the laws of the State of Arkansas, and who render ~~medical~~*
32 *health care services voluntarily and without compensation to any person at*
33 *any free or low-cost ~~medical~~ health care clinic located in the State of*
34 *Arkansas and registered by the State Board of Health, which accepts no*
35 *insurance payments and provides ~~medical~~ health care services free of charge*
36 *to persons unable to pay or provides ~~medical~~ health care services for a*



1 nominal fee, shall not be liable for any civil damages for any act or
2 omission resulting from the rendering of such ~~medical~~ health care services,
3 unless such act or omission was the result of such licensee's gross
4 negligence or willful misconduct.

5 (b)(1) The State Board of Health is empowered to adopt such
6 regulations as it may determine necessary to provide for the registration of
7 free or low-cost ~~medical~~ health care clinics under this section.

8 (2) The regulations shall require that each person to whom
9 ~~medical~~ health care services are provided:

10 (A) Has been fully informed before any treatment by the
11 ~~physician~~ health care professional providing the services or by the staff of
12 the ~~medical~~ health care clinic of the immunity from civil suit provisions of
13 this section; and

14 (B) Has acknowledged that fact in writing on a form
15 approved or designated by the Department of Health and Human Services.

16 (c) The State Board of Health and its members, and the Department of
17 Health and Human Services and its agents and employees, are exempt and immune
18 from liability for any claims or damages when performing their duties
19 pursuant to this section.

20 (d) The provisions of this section supersede the exception for
21 licensed medical professionals under the Arkansas Volunteer Immunity Act, §
22 16-6-105.

23 (e) As used in this section, "health care professionals" means any
24 licensed medical doctor, chiropractic physician, dentist, optometric
25 physician, podiatrist, and any other licensed health care professional.

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27 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
28 General Assembly of the State of Arkansas that indigent individuals in this
29 state are in need of professional dental care; that dental professionals are
30 not sufficiently protected from liability for rendering their services
31 voluntarily to indigent individuals; and that this act is immediately
32 necessary because the lack of immunity causes dental professionals to be
33 reluctant to provide dental services voluntarily and without compensation.
34 Therefore, an emergency is declared to exist and this act being immediately
35 necessary for the preservation of the public peace, health, and safety shall
36 become effective on:

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(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/ George, et al