

State of Arkansas
86th General Assembly
Regular Session, 2007

A Bill

HOUSE BILL 1406

By: Representative Reep

For An Act To Be Entitled

AN ACT TO ENCOURAGE IMPROVEMENTS IN AMBULANCE
CARE; TO PREVENT THE DISCLOSURE OF POST-ACCIDENT
DRIVING AND SAFETY SEMINARS IN CIVIL PROCEEDINGS;
AND FOR OTHER PURPOSES.

Subtitle

TO ENCOURAGE IMPROVEMENTS IN AMBULANCE
CARE AND TO PREVENT THE DISCLOSURE OF
POST-ACCIDENT DRIVING AND SAFETY
SEMINARS IN CIVIL PROCEEDINGS.

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

SECTION 1. Arkansas Code Title 20, Chapter 13, Subchapter 10 is amended to add an additional section to read as follows:

20-13-1007. Facts, records, and testimony related to seminars and training courses not discoverable and not admissible.

(a)(1) The following facts, records, and testimony related to a seminar, training course, or other meeting organized to review, discuss, or evaluate the quality of ambulance care are not discoverable under the Arkansas Rules of Civil Procedure or the Freedom of Information Act of 1967, § 25-19-101 et seq., and are not admissible in any legal proceeding:

(A) The attendance or non-attendance at the seminar, training course, or meeting;

(B) Except as provided in subsection (c) of this section, a record, document, or other tangible evidence presented, described, compiled, or otherwise used in connection with the seminar, training course,



or meeting; and

(C) Testimony and communications that are used to review, discuss, or evaluate the quality of ambulance care during the seminar, training course, or meeting.

(2) The submission to a hospital governing board of the proceedings, minutes, records, reports, and communications of a seminar, training course, or other meeting organized to review, discuss, or evaluate the quality of ambulance care does not operate as a waiver of the protection from disclosure provided by this section.

(b) Nothing in this section prevents:

(1) Disclosure of an item described in subsection (a) of this section to an:

(A) Appropriate state or federal regulatory agency that by statute or regulation is entitled to access to the item; or

(B) Organized committee of a hospital medical staff or governing board when a medical practitioner seeks membership or clinical privileges; or

(2) The discovery and admissibility of an item if the legal action in which the item is sought is brought by a medical practitioner who has been subjected to censure or disciplinary action by a:

(A) State or federal regulatory agency; or

(B) Committee of a hospital medical staff or governing board.

(c) Nothing in this section or § 20-9-308:

(1) Applies to an original hospital medical record, incident report, or other record with respect to the care or treatment of any patient; or

(2) Affects the discoverability or admissibility of an original hospital medical record.