

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

# A Bill

SENATE BILL 296

5 By: Senator Teague  
6

## For An Act To Be Entitled

8 AN ACT TO DEFINE THE INDIVIDUALS WHO QUALIFY AS  
9 PERSONAL REPRESENTATIVES FOR PURPOSES OF OBTAINING  
10 MEDICAL RECORDS OR ASSERTING RIGHTS OF A DECEDENT  
11 UNDER THE HEALTH INSURANCE PORTABILITY AND  
12 ACCOUNTABILITY ACT OF 1996 (HIPAA); AND FOR OTHER  
13 PURPOSES.  
14

## Subtitle

15  
16 AN ACT TO DEFINE THE INDIVIDUALS WHO  
17 QUALIFY AS PERSONAL REPRESENTATIVES FOR  
18 PURPOSES OF OBTAINING MEDICAL RECORDS OR  
19 ASSERTING RIGHTS OF A DECEDENT UNDER  
20 HIPAA.  
21  
22  
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
25

26 SECTION 1. Arkansas Code § 28-1-102(19), concerning the Definition of  
27 personal representative under the Probate Code, is amended to read as  
28 follows:

29 (19)(A) "Personal representative" means an executor or  
30 administrator.

31 (B) However, for purposes of obtaining medical records or  
32 asserting rights under the Health Insurance Portability and Accountability  
33 Act of 1996, Pub. L. No. 104-191, the personal representative is the first of  
34 the following individuals or category of individuals who exists when the  
35 request for medical records or assertion of rights is made:

36 (i) The executor or administrator;



- 1                   (ii) The decedent's spouse;
- 2                   (iii) Except as provided under § 28-1-119, the
- 3 decedent's adult child; or
- 4                   (iv) Except as provided under § 28-1-119, the
- 5 decedent's adult sibling; and

6

7           SECTION 2. Arkansas Code Title 28, Chapter 1, Subchapter 1 is amended

8 to add an additional section to read as follows:

9           28-1-119. Resolution of conflicts among personal representatives.

10           If more than one (1) individual qualifies as a personal representative

11 under § 28-1-102(19)(B)(iii) or (iv) and a conflict exists among the

12 qualified individuals, the court shall appoint a special administrator.

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36