

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: S3/8/13 S3/18/13

A Bill

SENATE BILL 498

5 By: Senator Bledsoe
6 By: Representative Ferguson
7

For An Act To Be Entitled

9 AN ACT TO ALLOW THE ARKANSAS STATE MEDICAL BOARD TO
10 PROVIDE INFORMATION TO CREDENTIALING ORGANIZATIONS
11 INVOLVING PHYSICIAN ASSISTANTS, RADIOLOGY ASSISTANTS,
12 RADIOLOGY PRACTITIONER ASSISTANTS, OCCUPATIONAL
13 THERAPISTS, OCCUPATIONAL THERAPY ASSISTANTS, AND
14 RESPIRATORY CARE PRACTITIONERS; AND FOR OTHER
15 PURPOSES.
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Subtitle

18 TO ALLOW THE MEDICAL BOARD TO PROVIDE
19 INFORMATION TO CREDENTIALING
20 ORGANIZATIONS FOR HEALTH CARE
21 PRACTITIONERS.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code Title 17, Chapter 95, Subchapter 2, is
28 amended to add *two additional sections* to read as follows:

29 17-95-209. Use of credentialing information.

30 (a) The purpose of this section is to allow the Arkansas State Medical
31 Board to provide information to credentialing organizations.

32 (b) For purposes of this section:

33 (1) "Credentialing information" means:

34 (A) Information regarding a physician assistant's, a
35 radiology assistant's, a radiology practitioner assistant's, an occupational
36 therapist's, an occupational therapy assistant's, or a respiratory care



1 practitioner's:

2 (i) Attestation of the correctness and completeness
3 of an application under this section;

4 (ii) Clinical hospital privileges;

5 (iii) Current malpractice coverage;

6 (iv) Drug or alcohol abuse to the extent permitted
7 by law;

8 (v) Education, training, and board certification;

9 (vi) Felony convictions;

10 (vii) History of appearances before the board;

11 (viii) History of loss or limitation of privileges
12 or disciplinary activity;

13 (ix) History of Medicare or Medicaid sanctions or
14 other sanctions;

15 (x) History of professional liability or malpractice
16 claims;

17 (xi) Loss, surrender, restriction, or suspension of
18 license;

19 (xii) Professional training, qualifications,
20 background, practice history, experience, and status of medical license;

21 (xiii) Status of Drug Enforcement Administration
22 certificate; and

23 (xiv) Work history; and

24 (B) Other objective information typically required by
25 accrediting organizations for the purpose of credentialing health care
26 professionals, radiology assistants, radiology practitioner assistants,
27 occupational therapists, occupational therapy assistants, or respiratory care
28 practitioners; and

29 (2) "Credentialing organization" means:

30 (A) A clinic;

31 (B) A hospital;

32 (C) A health maintenance organization;

33 (D) An insurer;

34 (E) A managed care organization; and

35 (F) Another health care organization.

36 (c) A credentialing organization may utilize credentialing information

1 provided by the board to evaluate:

2 (1) Granting or denying the application of a physician
3 assistant, a radiology assistant, a radiology practitioner assistant, an
4 occupational therapist, an occupational therapy assistant, or a respiratory
5 care practitioner for affiliation or participation within the organization or
6 its networks;

7 (2) The quality of services provided by a physician assistant, a
8 radiology assistant, a radiology practitioner assistant, an occupational
9 therapist, an occupational therapy assistant, or a respiratory care
10 practitioner or the physician assistant's, the radiology assistant's, the
11 radiology practitioner assistant's, the occupational therapist's, the
12 occupational therapy assistant's, or the respiratory care practitioner's
13 competency or qualifications;

14 (3) Renewal of the affiliation or participation of a physician
15 assistant, a radiology assistant, a radiology practitioner assistant, an
16 occupational therapist, an occupational therapy assistant, or a respiratory
17 care practitioner; and

18 (4) The type, extent, or conditions of the physician
19 assistant's, the radiology assistant's, the radiology practitioner
20 assistant's, the occupational therapist's, the occupational therapy
21 assistant's, or the respiratory care practitioner's privileges or
22 participation in the network.

23 (d)(1) The board shall provide to a credentialing organization any
24 credentialing information the board collects concerning a person licensed by
25 the board, if the person authorizes release of the information.

26 (2) If a person fails or refuses to authorize release of
27 credentialing information under this section, the requesting credentialing
28 organization is entitled, on grounds of the failure or refusal, to exclude
29 the person from a privilege, contract, or network of the credentialing
30 organization.

31 (e) This section applies to the following individuals and health
32 practitioners that are licensed by the Arkansas State Medical Board:

33 (1) Occupational therapists and occupational therapy assistants,
34 licensed under the Arkansas Occupational Therapy Practices Act, § 17-88-101
35 et seq.;

36 (2) Physician assistants, licensed under § 17-105-101 et seq.;

1 (3) Radiology assistants and radiology practitioner assistants
2 licensed under § 17-106-201 et seq.; and

3 (4) Respiratory care practitioners licensed under the Arkansas
4 Respiratory Care Act, § 17-99-101 et seq.

5 (f)(1) The board shall adopt rules establishing and describing the
6 procedures for collection and release of information under this section.

7 (2) The board shall adopt policies and rules after seeking the
8 advice from the following committees:

9 (A) The Arkansas State Occupational Therapy Examining
10 Committee established under § 17-88-201 et seq.;

11 (B) The Arkansas State Respiratory Care Examining
12 Committee established under § 17-99-203 et seq.; and

13 (C) The physician assistant advisory committee established
14 under § 17-105-117.

15 (g)(1) The board may charge a credentialing organization a reasonable
16 fee for the use of the credentialing service established under this section.

17 (2) The fee shall be set after receiving advice from the
18 advisory committee and shall be set at a rate to reimburse the board for the
19 cost of administering this section.

20 (h) The board shall adopt rules establishing a credentialing
21 information system, and the rules shall indicate the procedures for
22 collection and release of credentialing information under this section.

23 (i)(1) The board shall not disclose credentialing information to a
24 party other than the applicable health care provider and the credentialing
25 organization and its designated credentialing and appeals, peer review, and a
26 quality improvement committee or body.

27 (2) Except as permitted in this section, credentialing
28 information shall not be used for a purpose other than review by the board
29 and a credentialing organization of the professional background, competency,
30 qualifications, and credentials or renewal of credentials of a health care
31 provider or appeals of a review by the board or a credentialing agency.

32 (3) Credentialing information is exempt from disclosure under
33 the Freedom of Information Act of 1967, § 25-19-101 et seq.

34 (4) Credentialing information may be disclosed:

35 (A) By the board in a disciplinary hearing before the
36 board or in a trial or appeal of a board action or order;

1 (B) By the board or a credentialing organization to a
2 licensing, regulatory, or disciplinary authority or agencies of the United
3 States, another state, or jurisdiction;

4 (C) In a legal or regulatory proceeding that:

5 (i) Is brought by a health care provider, a
6 representative of the health care provider or a class health care provider, a
7 local, state, or federal agency or authority, or a patient or group or class
8 of patients or an authorized representative or agent of a patient or group or
9 class of patients; and

10 (ii) Challenges the actions, omissions, or conduct
11 of the credentialing organization with respect to credentialing of a health
12 care provider or the grant or denial of an affiliation or participation of
13 the health care provider with or in the credentialing organization or a
14 network of the credentialing organization; or

15 (D) By a party when the party is authorized to disclose
16 credentialing information by the health care provider to whom the
17 credentialing information relates.

18 (5) The evaluation and discussion of credentialing information
19 by a credentialing organization is not subject to discovery and is not
20 admissible under the Arkansas Rules of Civil Procedure or the Freedom of
21 Information Act of 1967, § 25-19-101 et seq.

22 (6) The board may enter into a contractual agreement with a user
23 of the credentialing information system to define the type and form of
24 information to be provided and to give a user assurances of the integrity of
25 the information collected.

26 (7) The board may hire employees, enter into contracts with
27 attorneys, individuals, or corporations for services necessary to implement
28 this section.

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30 17-95-210. Actions against credentialing organizations.

31 Neither § 17-95-107 nor § 17-95-209 creates a cause of action against a
32 credentialing organization.

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34 SECTION 2. *Arkansas Code § 17-95-107(b)(7), concerning fees charged by*
35 *physician credentialing organizations, is amended to add an additional*
36 *subdivision to read as follows:*

