

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017

A Bill

HOUSE BILL 1857

4
5 By: Representative Magie

For An Act To Be Entitled

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8 AT ACT TO PROHIBIT DISCRIMINATION AGAINST A PHYSICIAN
9 FOR A DECISION TO NOT PARTICIPATE IN ANY FORM OF
10 MAINTENANCE OF LICENSURE OR MAINTENANCE OF
11 CERTIFICATION; AND FOR OTHER PURPOSES.
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Subtitle

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15 TO PROHIBIT DISCRIMINATION AGAINST A
16 PHYSICIAN FOR A DECISION TO NOT
17 PARTICIPATE IN ANY FORM OF MAINTENANCE OF
18 LICENSURE OR MAINTENANCE OF
19 CERTIFICATION.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code Title 17, Chapter 95, Subchapter 4, is
25 amended to add an additional section to read as follows:

26 17-95-413. Nonparticipation in maintenance of licensure or maintenance
27 of certification.

28 (a) As used in this section:

29 (1) "Continuing medical education" means continued postgraduate
30 medical education required by the Arkansas State Medical Board intended to
31 provide medical professionals with knowledge of new developments in their
32 respective field;

33 (2) "Maintenance of certification" means any process requiring
34 periodic recertification examinations or other activities to maintain
35 specialty medical certification;

36 (3) "Maintenance of licensure" means the proprietary framework



1 for physician license renewal established by the Arkansas State Medical Board
 2 that includes additional periodic testing or requirements other than
 3 continuing medical education; and

4 (4) "Specialty medical board certification" means a
 5 certification by a board that:

6 (A) Specializes in one (1) particular area of medicine;
 7 and

8 (B) Typically requires examinations that are in addition
 9 to the requirements of the Arkansas State Medical Board to practice medicine.

10 (b) The Arkansas State Medical Board shall not:

11 (1) Deny physician licensure based solely on a physician's non-
 12 participation in any form of maintenance of licensure, including requiring
 13 any form of maintenance of licensure tied to maintenance of certification, as
 14 the regular requirements, including continuing medical education, demonstrate
 15 professional competency; and

16 (2) Require any form of specialty medical board recertification
 17 or any maintenance of certification to practice medicine in this state.

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 19 SECTION 2. Arkansas Code Title 20, Chapter 9, Subchapter 1, is amended
 20 to add an additional section to read as follows:

21 20-9-104. Nonparticipation in maintenance of licensure or maintenance
 22 of certification.

23 (a) As used in this section:

24 (1) "Continuing medical education" means continued postgraduate
 25 medical education required by the Arkansas State Medical Board intended to
 26 provide medical professionals with knowledge of new developments in their
 27 respective field;

28 (2) "Maintenance of certification" means any process requiring
 29 periodic recertification examinations or other activities to maintain
 30 specialty medical certification;

31 (3) "Maintenance of licensure" means the proprietary framework
 32 for physician license renewal established by the Arkansas State Medical Board
 33 that includes additional periodic testing or requirements other than
 34 continuing medical education; and

35 (4) "Specialty medical board certification" means a
 36 certification by a board that:

1 (A) Specializes in one (1) particular area of medicine;
2 and

3 (B) Typically requires examinations that are in addition
4 to the requirements of the Arkansas State Medical Board to practice medicine.

5 (b)(1) Except as provided in subdivision (b)(2) of this section, a
6 healthcare facility licensed by the Department of Health shall not deny
7 hospital staff privileges to a physician solely based on a decision of the
8 physician to not participate in any form of maintenance of licensure,
9 including requiring any form of maintenance of licensure tied to maintenance
10 of certification.

11 (2) Subdivision (b)(1) of this section does not prevent a
12 credentials committee of a healthcare facility from requiring physicians to
13 be licensed by the Arkansas State Medical Board or to meet continuing medical
14 education requirements as promulgated by rules of the board.

15 (c)(1) Except as provided in subdivision (c)(2) of this section, a
16 healthcare facility licensed by the Department of Health shall not deny
17 physician hospital staff or admitting privileges or employment based solely
18 on the absence of maintenance of certification.

19 (2) Subdivision (c)(1) of this section does not prevent a
20 healthcare facility from requiring physicians to undergo remedial or
21 corrective courses or training as required by a quality improvement
22 committee.

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24 SECTION 3. Arkansas Code Title 23, Chapter 85, Subchapter 1, is
25 amended to add an additional section to read as follows:

26 23-85-140. Nonparticipation in maintenance of licensure or maintenance
27 of certification – Insurer prohibited from denying reimbursement or
28 discriminating in reimbursement levels.

29 (a) As used in this section:

30 (1) "Continuing medical education" means continued postgraduate
31 medical education required by the Arkansas State Medical Board intended to
32 provide medical professionals with knowledge of new developments in their
33 respective field;

34 (2) "Maintenance of certification" means any process requiring
35 periodic recertification examinations or other activities to maintain
36 specialty medical certification;

1 (3) "Maintenance of licensure" means the proprietary framework
 2 for physician license renewal established by the Arkansas State Medical Board
 3 that includes additional periodic testing or requirements other than
 4 continuing medical education; and

5 (4) "Specialty medical board certification" means a
 6 certification by a board that:

7 (A) Specializes in one (1) particular area of medicine;
 8 and

9 (B) Typically examinations that are in addition to the
 10 requirements of the Arkansas State Medical Board to practice medicine.

11 (b) An insurer shall not:

12 (1) Deny reimbursement to or prevent a physician from
 13 participating in any provider network based solely on a decision of the
 14 physician to not participate in any form of maintenance of licensure or
 15 maintenance of certification; and

16 (2) Discriminate with respect to reimbursement levels based
 17 solely on a decision of the physician to not participate in any form of
 18 maintenance of licensure or maintenance of certification.

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