

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/9/17
A Bill

HOUSE BILL 1857

5 By: Representative Magie
6

7 **For An Act To Be Entitled**

8 *AN ACT TO PROHIBIT DISCRIMINATION AGAINST A PHYSICIAN*
9 *FOR A DECISION TO NOT PARTICIPATE IN ANY FORM OF*
10 *MAINTENANCE OF CERTIFICATION; AND FOR OTHER PURPOSES.*

11
12
13 **Subtitle**

14 *TO PROHIBIT DISCRIMINATION AGAINST A*
15 *PHYSICIAN FOR A DECISION TO NOT*
16 *PARTICIPATE IN ANY FORM OF MAINTENANCE OF*
17 *CERTIFICATION.*

18
19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code Title 17, Chapter 95, Subchapter 4, is
23 amended to add an additional section to read as follows:

24 17-95-413. Nonparticipation in maintenance of certification.

25 (a) As used in this section:

26 (1) "Maintenance of certification" means any process requiring
27 periodic recertification examinations or other activities to maintain
28 specialty medical certification; and

29 (2) "Specialty medical board certification" means a
30 certification by a board that:

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

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

35 (b) The Arkansas State Medical Board shall not require any form of
36 specialty medical board recertification or any maintenance of certification



1 in order to be licensed to practice medicine in this state.

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

5 20-9-104. Nonparticipation in maintenance of certification.

6 (a) As used in this section:

7 (1) "Maintenance of certification" means any process requiring
8 periodic recertification examinations or other activities to maintain
9 specialty medical certification; and

10 (2) "Specialty medical board certification" means a
11 certification by a board that:

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

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

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

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

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

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

30 (a) As used in this section:

31 (1) "Maintenance of certification" means any process requiring
32 periodic recertification examinations or other activities to maintain
33 specialty medical certification; and

34 (2) "Specialty medical board certification" means a
35 certification by a board that:

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

1 and

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

4 (b) An insurer shall not:

5 (1) Deny reimbursement to or prevent a physician from
6 participating in any provider network based solely on a decision of the
7 physician to not participate in any form of maintenance of certification; and

8 (2) Discriminate with respect to reimbursement levels based
9 solely on a decision of the physician to not participate in any form of
10 maintenance of certification.

11

12 */s/Magie*

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36