1	State of Arkansas	As Engrossed: \$2/28/19	
2	92nd General Assembly	A Bill	
3	Regular Session, 2019		SENATE BILL 339
4			
5	By: Senator Irvin		
6			
7		For An Act To Be Entitled	
8	AN ACT	TO PROHIBIT THE REQUIREMENT OF, BARRING OF	7,
9	AND DISC	CRIMINATION AGAINST A PHYSICIAN FOR HIS OF	R HER
10	DECISION	N TO NOT PARTICIPATE IN MAINTENANCE OF	
11	CERTIFIC	CATION; AND FOR OTHER PURPOSES.	
12			
13			
14		Subtitle	
15	TO	PROHIBIT THE REQUIREMENT OF, BARRING	
16	OF	, AND DISCRIMINATION AGAINST A	
17	PH	YSICIAN FOR HIS OR HER DECISION TO NOT	
18	PA	RTICIPATE IN MAINTENANCE OF	
19	CE	RTIFICATION.	
20			
21			
22	BE IT ENACTED BY TH	E GENERAL ASSEMBLY OF THE STATE OF ARKANSA	AS:
23			
24	SECTION 1. A	rkansas Code Title 17, Chapter 95, Subchap	oter 4, is
25	amended to add an ac	dditional section to read as follows:	
26	17-95-413. No	onparticipation in maintenance of licensur	<u>e or maintenance</u>
27	of certification.		
28	(a) As used	in this section:	
29	<u>(1) "Ma</u>	aintenance of certification" means any pro	ocess requiring
30	periodic recertifica	ation examinations or other activities to	<u>maintain</u>
31	specialty medical co	ertification; and	
32	<u>(2) "S</u> <sub>1</sub>	pecialty medical board certification" mean	ıs a
33	certification by a l	poard that:	
34	<u>(1</u>	A) Specializes in one (1) particular area	of medicine;
35	and		
36	<u>(1</u>	B) Typically requires examinations that a	ire in addition

As Engrossed: S2/28/19 SB339

1	to the requirements of the Arkansas State Medical Board to practice medicine.		
2	(b) The Arkansas State Medical Board shall not require any form of		
3	specialty medical board recertification or any maintenance of certification		
4	to practice medicine in this state.		
5			
6	SECTION 2. Arkansas Code Title 20, Chapter 9, Subchapter 1, is amended		
7	to add an additional section to read as follows:		
8	20-9-104. Nonparticipation in maintenance of licensure or maintenance		
9	of certification.		
10	(a) As used in this section:		
11	(1) "Maintenance of certification" means any process requiring		
12	periodic recertification examinations or other activities to maintain		
13	specialty medical certification; and		
14	(2) "Specialty medical board certification" means a		
15	certification by a board that:		
16	(A) Specializes in one (1) particular area of medicine;		
17	<u>and</u>		
18	(B) Typically requires examinations that are in addition		
19	to the requirements of the Arkansas State Medical Board to practice medicine.		
20	(b)(1) Except as required by medical staff bylaws of a hospital, a		
21	hospital licensed by the Department of Health shall not deny physician		
22	hospital staff or admitting privileges or employment based solely on the		
23	absence of maintenance of certification.		
24	(2) Subdivision (b)(1) of this section does not prevent a		
25	hospital from requiring physicians to undergo remedial or corrective courses		
26	or training as required by a quality improvement committee.		
27			
28	SECTION 3. Arkansas Code Title 23, Chapter 85, Subchapter 1, is		
29	amended to add an additional section to read as follows:		
30	23-85-140. Nonparticipation in maintenance of licensure or maintenance		
31	of certification — Insurer prohibited from denying reimbursement or		
32	discriminating in reimbursement levels.		
33	(a) As used in this section:		
34	(1) "Maintenance of certification" means any process requiring		
35	periodic recertification examinations or other activities to maintain		
36	specialty medical certification; and		

As Engrossed: S2/28/19 SB339

1	(2) "Specialty medical board certification" means a
2	certification by a board that:
3	(A) Specializes in one (1) particular area of medicine;
4	<u>and</u>
5	(B) Typically requires examinations that are in addition
6	to the requirements of the Arkansas State Medical Board to practice medicine.
7	(b) An insurer shall not:
8	(1) Deny reimbursement to or prevent a physician from
9	participating in any provider network based solely on a decision of the
10	physician to not participate in any form of maintenance of certification; and
11	(2) Discriminate with respect to reimbursement levels based
12	solely on a decision of the physician to not participate in any form of
13	maintenance of certification.
14	
15	
16	/s/Irvin
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	
29	
30	
31	
32	
33	
34	
35	
36	