

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

A Bill

SENATE BILL 592

4
5 By: Senator Elliott

For An Act To Be Entitled

8 AN ACT TO AMEND THE PATIENT PROTECTION ACT OF 1995;
9 TO PROTECT THE RIGHT OF A PATIENT TO SEE THE
10 HEALTHCARE PROVIDER OF THE PATIENT'S CHOICE AFTER AN
11 ADVERSE PROFESSIONAL REVIEW ACTION UNLESS THAT
12 HEALTHCARE PROVIDER HAS VIOLATED THE APPROPRIATE
13 STANDARD OF CARE; TO DECLARE AN EMERGENCY; AND FOR
14 OTHER PURPOSES.

Subtitle

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18 TO AMEND THE PATIENT PROTECTION ACT OF
19 1995; AND TO DECLARE AN EMERGENCY.

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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 23, Chapter 99, Subchapter 2, is
25 amended to add an additional section to read as follows:

26 23-99-210. Healthcare provider – Adverse professional review action.
27 A healthcare insurer shall not exclude a physician as a participating
28 healthcare provider in a health benefit plan based on an adverse professional
29 review action, including those described in the Arkansas Peer Review Fairness
30 Act, § 20-9-1301 et seq., unless a professional review body composed of the
31 physician's peers determines that the physician has violated the appropriate
32 standard of care.

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34 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
35 General Assembly of the State of Arkansas that some healthcare insurers
36 exclude a physician as a participating healthcare provider based on an



1 adverse peer review action; that this is unfair if the adverse peer review
2 action is tainted by conflicts of interest or is directed at conduct that did
3 not violate the standard of care; and that this act is immediately necessary
4 to protect the right of a patient to see the healthcare provider of the
5 patient's choice. Therefore, an emergency is declared to exist, and this act
6 being immediately necessary for the preservation of the public peace, health,
7 and safety shall become effective on:

8 (1) The date of its approval by the Governor;

9 (2) If the bill is neither approved nor vetoed by the Governor,
10 the expiration of the period of time during which the Governor may veto the
11 bill; or

12 (3) If the bill is vetoed by the Governor and the veto is
13 overridden, the date the last house overrides the veto.

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