

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H4/4/19

A Bill

SENATE BILL 592

5 By: Senator Elliott
6 *By: Representative Cloud*
7

For An Act To Be Entitled

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

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19 TO AMEND THE PATIENT PROTECTION ACT OF
20 1995; AND TO DECLARE AN EMERGENCY.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code Title 23, Chapter 99, Subchapter 2, is
26 amended to add an additional section to read as follows:

27 23-99-210. Healthcare provider – Adverse professional review action.
28 A healthcare insurer shall not exclude a physician as a participating
29 healthcare provider in a health benefit plan based solely on an adverse
30 professional review action, including those described in the Arkansas Peer
31 Review Fairness Act, § 20-9-1301 et seq., unless a hospital's physician peer
32 review committee concludes that the conduct of the physician adversely
33 affected or could have adversely affected a patient by violating the standard
34 of care or posing a risk to the health or welfare of a patient.
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36 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the



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

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

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

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

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17 */s/Elliott*
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