

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

SENATE BILL 790

By: Senator Bledsoe

For An Act To Be Entitled

AN ACT TO IMPROVE THE QUALITY OF HEALTH CARE; TO ENSURE THAT PEER REVIEW COMMITTEES FOR MEDICAL PROFESSIONAL ASSOCIATIONS ARE AFFORDED CONFIDENTIALITY; AND FOR OTHER PURPOSES.

Subtitle

TO IMPROVE THE QUALITY OF HEALTH CARE;
AND TO ENSURE THAT PEER REVIEW COMMITTEES
FOR MEDICAL PROFESSIONAL ASSOCIATIONS ARE
AFFORDED CONFIDENTIALITY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 20-9-501, concerning definitions for medical peer review committees is amended to read as follows:

20-9-501. Definition.

As used in this subchapter, "peer review committee" or "committee" means a committee of a hospital medical staff, ~~or~~ a committee of a state or local professional association, or a committee organized by and operating pursuant to a written plan or policy under the auspices of a professional corporation or a professional limited liability company whose members are licensed to practice medicine in this state that is formed to:

(1) Evaluate and improve the quality of health care rendered by providers of health services; or

(2) Determine that:

(A) Health services rendered were professionally indicated or were performed in compliance with the applicable standard of care; or



(B) The cost of health care rendered was considered reasonable by the providers of professional health services in the area.

SECTION 2. Arkansas Code § 20-9-503(c), concerning the confidentiality of the proceedings and records of peer review committees, is amended to read as follows:

(c) The submission of the peer review proceedings, minutes, records, reports, and communications to a hospital governing board or physician group peer review committee as defined under § 20-9-501 shall not operate as a waiver of the privilege.

SECTION 3. Arkansas Code § 16-46-105, concerning records of and testimony before committees reviewing and evaluating quality of medical or hospital care, is amended to read as follows:

(a)(1)(A) The proceedings, minutes, records, or reports of organized committees of hospital medical staffs or medical review committees of local medical societies, or a committee organized by and operating pursuant to a written plan or policy under the auspices of a professional corporation or a professional limited liability company whose members are licensed to practice medicine in this state, having the responsibility for reviewing and evaluating the quality of medical or hospital care, and any records, other than those records described in subsection (c) of this section, compiled or accumulated by the administrative staff of such hospitals or a physician group peer review committee as defined under § 20-9-501 in connection with such review or evaluation, together with all communications or reports originating in such committees, shall not be subject to discovery pursuant to the Arkansas Rules of Civil Procedure or the Freedom of Information Act of 1967, § 25-19-101 et seq., or admissible in any legal proceeding and shall be absolutely privileged communications.

(B) The submission of such proceedings, minutes, records, reports, and communications to a hospital governing board or physician group peer review committee as defined under § 20-9-501 shall not operate as a waiver of the privilege.

(2) Neither shall testimony as to events occurring during the activities of such committees be subject to discovery pursuant to the

Arkansas Rules of Civil Procedure or the Freedom of Information Act of 1967, § 25-19-101 et seq., or admissible.

SECTION 4. Arkansas Code § 16-46-105, concerning records of and testimony before committees reviewing and evaluating quality of medical or hospital care, is amended to read as follows:

(b)(1) Nothing in this section shall be construed to prevent disclosure of the data mentioned in subsection (a) of this section to appropriate state or federal regulatory agencies which by statute or regulation are entitled to access to such data, nor to:

(A) ~~organized~~ An organized committees of hospital medical staffs or governing boards where the medical practitioner seeks membership or clinical privileges; or

(B) A committee organized by and operating pursuant to a written plan or policy under the auspices of a professional corporation or a professional limited liability company whose members are licensed to practice medicine in this state.

APPROVED: 03/19/2013