

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

As Engrossed: S2/28/19

# A Bill

SENATE BILL 339

By: Senator Irvin

## For An Act To Be Entitled

AN ACT TO PROHIBIT THE REQUIREMENT OF, BARRING OF,  
AND DISCRIMINATION AGAINST A PHYSICIAN FOR HIS OR HER  
DECISION TO NOT PARTICIPATE IN MAINTENANCE OF  
CERTIFICATION; AND FOR OTHER PURPOSES.

### Subtitle

TO PROHIBIT THE REQUIREMENT OF, BARRING  
OF, AND DISCRIMINATION AGAINST A  
PHYSICIAN FOR HIS OR HER DECISION TO NOT  
PARTICIPATE IN MAINTENANCE OF  
CERTIFICATION.

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

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

17-95-413. Nonparticipation in maintenance of licensure or maintenance of certification.

(a) As used in this section:

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

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

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

and

(B) Typically requires examinations that are in addition



to the requirements of the Arkansas State Medical Board to practice medicine.

(b) The Arkansas State Medical Board shall not require any form of specialty medical board recertification or any maintenance of certification to practice medicine in this state.

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

20-9-104. Nonparticipation in maintenance of licensure or maintenance of certification.

(a) As used in this section:

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

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

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

and

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

(b)(1) Except as required by medical staff bylaws of a hospital, a hospital licensed by the Department of Health shall not deny physician hospital staff or admitting privileges or employment based solely on the absence of maintenance of certification.

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

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

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

(a) As used in this section:

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

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

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

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

(b) An insurer shall not:

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

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

*/s/Irvin*

**APPROVED: 4/9/19**