

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: H4/4/19
A Bill

SENATE BILL 592

By: Senator Elliott
By: Representative Cloud

For An Act To Be Entitled

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

Subtitle

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

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

SECTION 1. Arkansas Code Title 23, Chapter 99, Subchapter 2, is amended to add an additional section to read as follows:

23-99-210. Healthcare provider – Adverse professional review action.
A healthcare insurer shall not exclude a physician as a participating healthcare provider in a health benefit plan based solely on an adverse professional review action, including those described in the Arkansas Peer Review Fairness Act, § 20-9-1301 et seq., unless a hospital's physician peer review committee concludes that the conduct of the physician adversely affected or could have adversely affected a patient by violating the standard of care or posing a risk to the health or welfare of a patient.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the



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

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

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

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

/s/Elliott

APPROVED: 4/15/19