

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1734

By: Representative L. Johnson

By: Senator Irvin

For An Act To Be Entitled

AN ACT TO AMEND THE PATIENT RIGHT-TO-KNOW ACT; AND
FOR OTHER PURPOSES.

Subtitle

TO AMEND THE PATIENT RIGHT-TO-KNOW ACT.

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

SECTION 1. DO NOT CODIFY. Legislative intent.

It is the intent of the General Assembly that § 20-6-206 be applied retroactively to pending cases as it is remedial and procedural in nature.

SECTION 2. Arkansas Code § 20-6-204 is amended to read as follows:
20-6-204. Prohibited conduct.

(a) If ~~the~~ a healthcare provider ~~has made new practice location information or new contact information available to the entity who is~~ relocating his or her practice provides written notice of the healthcare provider's new practice location or contact information via certified mail to the chief executive or administrative officer, ~~an~~ the entity or person on behalf of an entity shall not:

(1) Mislead any patient about the new practice location of a healthcare provider, ~~or~~ new contact information of a healthcare provider, or the healthcare provider's licensure status; or

(2) Fail to provide a patient with the new practice location of a healthcare provider or new contact information of a healthcare provider when requested.



(b)(1) When requested by a healthcare provider who is relocating his or her practice, in a written notice via certified mail to the chief executive or administrative officer, then an entity with a relationship with the healthcare provider shall within twenty-one (21) calendar days either:

(A) Provide the healthcare provider with a list of the healthcare provider's existing patient names and addresses; or

(B) Send a notice with the new practice location information to all of the healthcare provider's existing patients after providing the healthcare provider a copy of the proposed notice for review and comment; ~~or~~

~~(C)(i) Post the new practice location information of the healthcare provider on the website of the entity after providing the healthcare provider a copy of the proposed posting for review and comment.~~

~~(ii) The posting shall remain on the website of the entity for twelve (12) months after the healthcare provider's last day of employment with the entity posting the information.~~

(2) Within two (2) business days of the request described in subdivision (b)(1) of this section, the entity shall provide the healthcare provider with a list or schedule of upcoming patient appointments with the healthcare provider and the contact information of the patients.

SECTION 3. Arkansas Code § 20-6-206 is amended to read as follows:
20-6-206. Injunctive relief.

(a) An affected patient or healthcare provider may file an action seeking an injunction of a violation of this subchapter in the circuit court of:

(1) Pulaski County;

(2) The county in which the healthcare provider has his or her practice located;

(3) The county in which the affected patient resides; or

(4) The county in which the entity is located.

(b) Upon the filing of a complaint, the court may issue a temporary injunction on the violation without notice or bond.

(c) If the plaintiff patient or plaintiff healthcare provider establishes that this subchapter has been violated, the court may enter an order permanently enjoining the violation of this subchapter or otherwise

enforcing compliance with this subchapter.

(d) A prevailing plaintiff healthcare provider shall be entitled to:

(1) The greater of:

(A) ~~liquidated~~ Liquidated damages in the amount of one thousand dollars (\$1,000) per day per violation, with a maximum of five hundred thousand dollars (\$500,000); or

(B) ~~actual~~ Actual damages; and

(2) Reasonable attorney's fees and costs.

(e) A prevailing plaintiff patient or plaintiff patients collectively, as named plaintiffs or as a putative or named class, shall be entitled to:

(1) The greater of:

(A) Liquidated damages in the amount of one thousand dollars (\$1,000) per day per violation, with a maximum of five hundred thousand dollars (\$500,000) for all patients in any actions related to the same violation; or

(B) Actual damages; and

(2) Reasonable attorney's fees and costs.

(f) A violation of this subchapter shall constitute an unfair and deceptive act or practice as defined under the Deceptive Trade Practices Act, § 4-88-101 et seq.

SECTION 4. DO NOT CODIFY. Retroactivity. Section 3 of this act applies to any pending cases accruing and filed before the effective date of this act.

APPROVED: 4/13/23