

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: S3/8/13 S3/18/13 S3/28/13

A Bill

SENATE BILL 498

By: Senator Bledsoe

By: Representative Ferguson

For An Act To Be Entitled

AN ACT TO ALLOW THE ARKANSAS STATE MEDICAL BOARD TO PROVIDE INFORMATION TO CREDENTIALING ORGANIZATIONS INVOLVING PHYSICIAN ASSISTANTS, RADIOLOGY ASSISTANTS, RADIOLOGY PRACTITIONER ASSISTANTS, OCCUPATIONAL THERAPISTS, OCCUPATIONAL THERAPY ASSISTANTS, AND RESPIRATORY CARE PRACTITIONERS; AND FOR OTHER PURPOSES.

Subtitle

TO ALLOW THE MEDICAL BOARD TO PROVIDE INFORMATION TO CREDENTIALING ORGANIZATIONS FOR HEALTH CARE PRACTITIONERS.

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

SECTION 1. Arkansas Code Title 17, Chapter 95, Subchapter 2, is amended to add *an additional section* to read as follows:

17-95-209. Use of credentialing information.

(a) The purpose of this section is to allow the Arkansas State Medical Board to provide information to credentialing organizations.

(b) For purposes of this section:

(1) "Credentialing information" means:

(A) Information regarding a physician assistant's, a radiology assistant's, a radiology practitioner assistant's, an occupational therapist's, an occupational therapy assistant's, or a respiratory care



practitioner's:

(i) Attestation of the correctness and completeness of an application under this section;

(ii) Clinical hospital privileges;

(iii) Current malpractice coverage;

(iv) Drug or alcohol abuse to the extent permitted by law;

(v) Education, training, and board certification;

(vi) Felony convictions;

(vii) History of appearances before the board;

(viii) History of loss or limitation of privileges or disciplinary activity;

(ix) History of Medicare or Medicaid sanctions or other sanctions;

(x) History of professional liability or malpractice claims;

(xi) Loss, surrender, restriction, or suspension of license;

(xii) Professional training, qualifications, background, practice history, experience, and status of medical license;

(xiii) Status of Drug Enforcement Administration certificate; and

(xiv) Work history; and

(B) Other objective information typically required by accrediting organizations for the purpose of credentialing health care professionals, radiology assistants, radiology practitioner assistants, occupational therapists, occupational therapy assistants, or respiratory care practitioners; and

(2) "Credentialing organization" means:

(A) A clinic;

(B) A hospital;

(C) A health maintenance organization;

(D) An insurer;

(E) A managed care organization; and

(F) Another health care organization.

(c) A credentialing organization may utilize credentialing information

provided by the board to evaluate:

(1) Granting or denying the application of a physician assistant, a radiology assistant, a radiology practitioner assistant, an occupational therapist, an occupational therapy assistant, or a respiratory care practitioner for affiliation or participation within the organization or its networks;

(2) The quality of services provided by a physician assistant, a radiology assistant, a radiology practitioner assistant, an occupational therapist, an occupational therapy assistant, or a respiratory care practitioner or the physician assistant's, the radiology assistant's, the radiology practitioner assistant's, the occupational therapist's, the occupational therapy assistant's, or the respiratory care practitioner's competency or qualifications;

(3) Renewal of the affiliation or participation of a physician assistant, a radiology assistant, a radiology practitioner assistant, an occupational therapist, an occupational therapy assistant, or a respiratory care practitioner; and

(4) The type, extent, or conditions of the physician assistant's, the radiology assistant's, the radiology practitioner assistant's, the occupational therapist's, the occupational therapy assistant's, or the respiratory care practitioner's privileges or participation in the network.

(d)(1) The board shall provide to a credentialing organization any credentialing information the board collects concerning a person licensed by the board, if the person authorizes release of the information.

(2) If a person fails or refuses to authorize release of credentialing information under this section, the requesting credentialing organization is entitled, on grounds of the failure or refusal, to exclude the person from a privilege, contract, or network of the credentialing organization.

(e) This section applies to the following individuals and health practitioners that are licensed by the Arkansas State Medical Board:

(1) Occupational therapists and occupational therapy assistants, licensed under the Arkansas Occupational Therapy Practices Act, § 17-88-101 et seq.;

(2) Physician assistants, licensed under § 17-105-101 et seq.;

(3) Radiology assistants and radiology practitioner assistants licensed under § 17-106-201 et seq.; and

(4) Respiratory care practitioners licensed under the Arkansas Respiratory Care Act, § 17-99-101 et seq.

(f)(1) The board shall adopt rules establishing and describing the procedures for collection and release of information under this section.

(2) The board shall adopt policies and rules after seeking the advice from the following committees:

(A) The Arkansas State Occupational Therapy Examining Committee established under § 17-88-201 et seq.;

(B) The Arkansas State Respiratory Care Examining Committee established under § 17-99-203 et seq.; and

(C) The physician assistant advisory committee established under § 17-105-117.

(g)(1) The board may charge a credentialing organization a reasonable fee for the use of the credentialing service established under this section.

(2) The fee shall be set after receiving advice from the advisory committee and shall be set at a rate to reimburse the board for the cost of administering this section.

(h) The board shall adopt rules establishing a credentialing information system, and the rules shall indicate the procedures for collection and release of credentialing information under this section.

(i)(1) The board shall not disclose credentialing information to a party other than the applicable health care provider and the credentialing organization and its designated credentialing and appeals, peer review, and a quality improvement committee or body.

(2) Except as permitted in this section, credentialing information shall not be used for a purpose other than review by the board and a credentialing organization of the professional background, competency, qualifications, and credentials or renewal of credentials of a health care provider or appeals of a review by the board or a credentialing agency.

(3) Credentialing information is exempt from disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq.

(4) Credentialing information may be disclosed:

(A) By the board in a disciplinary hearing before the board or in a trial or appeal of a board action or order;

(B) By the board or a credentialing organization to a licensing, regulatory, or disciplinary authority or agencies of the United States, another state, or jurisdiction;

(C) In a legal or regulatory proceeding that:

(i) Is brought by a health care provider, a representative of the health care provider or a class health care provider, a local, state, or federal agency or authority, or a patient or group or class of patients or an authorized representative or agent of a patient or group or class of patients; and

(ii) Challenges the actions, omissions, or conduct of the credentialing organization with respect to credentialing of a health care provider or the grant or denial of an affiliation or participation of the health care provider with or in the credentialing organization or a network of the credentialing organization; or

(D) By a party when the party is authorized to disclose credentialing information by the health care provider to whom the credentialing information relates.

(5) The evaluation and discussion of credentialing information by a credentialing organization is not subject to discovery and is not admissible under the Arkansas Rules of Civil Procedure or the Freedom of Information Act of 1967, § 25-19-101 et seq.

(6) The board may enter into a contractual agreement with a user of the credentialing information system to define the type and form of information to be provided and to give a user assurances of the integrity of the information collected.

(7) The board may hire employees, enter into contracts with attorneys, individuals, or corporations for services necessary to implement *this section*.

SECTION 2. Arkansas Code § 17-95-107(b)(7), concerning fees charged by physician credentialing organizations, is amended to add an additional subdivision to read as follows:

(7)(A) The board may charge credentialing organizations a reasonable fee for the use of the credentialing service as established by rule and regulation.

(B) The fee shall be set in consultation with the advisory

committee and shall be set at such a rate as will reimburse the board, when added to the credentialing assessments collected from physicians, for the cost of maintaining the credentialing information system.

(C) A credentialing organization shall not charge or seek payment of the fee from a physician licensee.

~~(G)~~(D) The board's costs may not exceed the fees charged by private vendors with a comparable statewide credentialing service.

~~(D)~~(E) The board may assess each physician licensee an amount not to exceed one hundred dollars (\$100) per year to offset the cost of providing the credentialing service.

/s/Bledsoe