

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

State of Arkansas  
90th General Assembly  
Regular Session, 2015

# A Bill

HOUSE BILL 1612

By: Representative J. Mayberry

## For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE ARKANSAS  
REPRODUCTIVE HEALTH MONITORING SYSTEM; AND FOR OTHER  
PURPOSES.

## Subtitle

TO AMEND THE LAW CONCERNING THE ARKANSAS  
REPRODUCTIVE HEALTH MONITORING SYSTEM.

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

SECTION 1. Arkansas Code §§ 20-16-201 – 20-16-203 are amended to read as follows:

20-16-201. Establishment – Purpose.

(a) The Arkansas Reproductive Health Monitoring System is established and is to be administered within Arkansas Children's Hospital.

(b) The purpose of the system is to collect and analyze data from a number of sources to describe trends in the occurrence of reproductive endpoints, ~~such as~~ including without limitation congenital anomalies, fetal ~~death~~ deaths, ~~developmental disorders, etc.~~ stillbirths, and premature births, and to ~~correlate those trends and investigate and report on the suspected causes of unexpected deviations in those trends~~ reproductive endpoints.

20-16-202. Definitions.

As used in this subchapter,

~~(1) "Board" means the technical advisory board established in § 20-16-204;~~



~~(2) "Commission"~~ "commission" means the advisory commission established in § 20-16-203; ~~and~~

~~(3) "System" means the Arkansas Reproductive Health Monitoring System.~~

20-16-203. Advisory commission – Members – Functions.

(a) The Arkansas Reproductive Health Monitoring System shall be administered with the advice of an advisory commission appointed to one-year renewable terms by the Medical Director of ~~Arkansas Children's Hospital~~ the Arkansas Reproductive Health Monitoring System.

(b) The functions of the commission are to:

(1) Advise the medical director as to the adequacy of policies, procedures, and performance of the system;

~~(2) Appoint members of the technical advisory board upon the recommendations of the medical director;~~

~~(3)~~ Promote the purposes of the system and assist in identification of appropriate funding sources;

~~(4)~~(3) Promote interagency cooperation toward the goals of ~~this~~ the system; and

~~(5) Advise the medical director regarding requests for data dissemination; and~~

~~(6)~~(4) Review mechanisms ensuring the maintenance of the confidentiality of personal data.

(c) The commission shall be composed of the following state ~~agencies~~ agency members, professional members, and public members:

(1) The Medical Director of Arkansas Children's Hospital;

(2) The Chancellor of the University of Arkansas for Medical Sciences;

(3) The Director of the Department of Health;

~~(4) The Director of the Department of Human Services;~~

~~(5) The Director of the Arkansas Department of Environmental Quality;~~

~~(6)~~(4) The Director of the National Center for Toxicological Research;

~~(7) One (1) representative of the Arkansas Medical Society;~~

~~(8)~~(5) One (1) representative of the Arkansas chapter of the

American Academy of Pediatrics;

~~(9)~~(6) One (1) representative of the Arkansas Society for Obstetrics & Gynecology;

~~(10)~~(7) One (1) representative of the Arkansas Hospital Association;

~~(11)~~ One (1) representative of the State Plant Board;

~~(12)~~(8) Two (2) consumer representatives;

~~(13)~~(9) One (1) member from the House Committee on Public Health, Welfare, and Labor and one (1) member from the Senate Committee on Public Health, Welfare, and Labor; and

~~(14)~~(10) Up to ~~four (4)~~ six (6) additional members at large may be appointed.

(d) Members of the commission who are not employees of the state may receive expense reimbursement in accordance with § 25-16-901 et seq.

SECTION 2. Arkansas Code § 20-16-204 is repealed.

~~20-16-204. Technical advisory board—Members—Functions.~~

~~(a) There shall be a technical advisory board whose function shall be to:~~

~~(1) Advise the director regarding formats for data collection procedures;~~

~~(2) Advise the director regarding special investigations;~~

~~(3) Review protocols, reporting forms, data assembly, and the records retention program;~~

~~(4) Assist in identifying data resources, data needs, research needs, and local expertise; and~~

~~(5) Delineate the specific adverse reproductive health outcomes to be monitored.~~

~~(b)(1) Board members shall be appointed to one-year renewable terms by the Medical Director of the Arkansas Children's Hospital upon recommendation of the commission and the director.~~

~~(2) The board shall comprise a maximum of ten (10) regular members drawn from fields of expertise such as medicine, industrial hygiene and toxicology, agriculture, environmental sciences, and epidemiology and statistics.~~

~~(3) At the discretion of the board and the director, ad hoc~~

~~members of the board may be appointed for specified periods to advise on special needs or problems which have been identified.~~

~~(c) Members of the board who are not employees of the state may receive expense reimbursement in accordance with § 25-16-901 et seq.~~

SECTION 3. Arkansas Code § 20-16-205 is amended to read as follows:

20-16-205. ~~Director~~ Medical director – Appointment – Powers and duties.

(a) The Arkansas Reproductive Health Monitoring System shall be administered by a ~~director~~ medical director appointed by the Medical Director of Arkansas Children's Hospital from among the professional staff of Arkansas Children's Hospital.

(b) The ~~director~~ Medical Director of the Arkansas Reproductive Health Monitoring System shall:

- (1) Supervise the work of the system and administer the budget;
- (2) Appoint and remove such other employees as may be necessary to perform the duties and responsibilities of the system; and
- (3) Select and retain the services of consultants whose advice is considered necessary to carry out the system's mandate.

SECTION 4. Arkansas Code § 20-16-206(a), concerning the authority of the Arkansas Reproductive Health Monitoring System to contract for information, is amended to read as follows:

(a) The Arkansas Reproductive Health Monitoring System is expressly authorized to contract for the production of any information which ~~its technical advisory board~~ the Medical Director of the Arkansas Reproductive Health Monitoring System determines to be relevant to monitoring reproductive health ~~from any department or agency of the state.~~

SECTION 5. Arkansas Code § 20-16-208 is amended to read as follows:

20-16-208. Furnishing of information by hospitals.

~~(a)~~ All hospitals with patient records containing information pertaining to reproduction and development are required to share information in those records with the Arkansas Reproductive Health Monitoring System.

~~(b) No hospital shall be required to furnish information under this section until appropriate reimbursement in return for the service has been~~

~~determined by the commission and funds are available to pay the compensation.~~

SECTION 6. Arkansas Code § 20-16-210 is amended to read as follows:

20-16-210. Intergovernmental agreements.

The Arkansas Reproductive Health Monitoring System shall have the power to enter into agreements with ~~neighboring~~ other states and the Centers for Disease Control and Prevention consistent with the requirements and restrictions of this subchapter in order to obtain relevant information for the system concerning Arkansas residents who receive health-related services outside the state.

SECTION 7. Arkansas Code § 20-16-402(a)(1), concerning clause, is amended to read as follows:

(a)(1) Any bona fide appropriately licensed medical facility, including, but not limited to, ~~county hospitals~~ a county hospital, participating in recognized research in Arkansas and the Centers for Disease Control and Prevention are expressly authorized to contract for the production of any information relevant to monitoring reproductive health ~~from any department or agency of the state.~~