

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

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1723

By: Representative L. Johnson

By: Senator Hester

For An Act To Be Entitled

AN ACT TO PROVIDE FOR DATA COLLECTION AND EVALUATION OF EMERGENCY MEDICAL CARE AND INITIAL TIME-CRITICAL DIAGNOSES AND PROCEDURES; TO ENSURE CONFIDENTIALITY TO HELP IMPROVE HEALTH OUTCOMES AND PROMPT TREATMENT; AND FOR OTHER PURPOSES.

Subtitle

TO PROVIDE FOR DATA COLLECTION AND EVALUATION OF EMERGENCY MEDICAL CARE AND INITIAL TIME-CRITICAL DIAGNOSES AND PROCEDURES; AND TO ENSURE CONFIDENTIALITY TO HELP IMPROVE HEALTH OUTCOMES AND PROMPT TREATMENT.

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

SECTION 1. Arkansas Code Title 20, Chapter 13, Subchapter 2, is amended to add an additional section to read as follows:

20-13-216. Data collection and evaluation system – Confidentiality of records.

(a) As used in this section, “data, records, reports, and documents” means recordings of interviews and all oral or written proceedings, reports, statements, minutes, memoranda, data, and other documentation collected or compiled for the purposes of nonhospital emergency medical services quality review or assessment and improvement pursuant to a requirement of or request by the Department of Health or other entity authorized by this section.



(b)(1) The department shall develop a data collection and evaluation process to review nonhospital emergency medical care and time-critical diagnoses and procedures conducted by licensed emergency medical services personnel.

(2) The State Board of Health shall promulgate rules for the department to implement the process, which shall be designed to study both the individual and collective care and treatment given to patients.

(c)(1) The department may collect data and information regarding patients treated and transported from the field and admitted to a facility through the emergency department, through a trauma center, or directly to a special care unit or post-hospitalization facility.

(2) Data and information shall be collected in a manner that protects and maintains the confidential nature of patient records.

(d) Records and reports made under this section shall:

(1) Be held confidential within the hospital, the service provider, and the department; and

(2) Not be available to the public.

(e) Any data, records, reports, and documents collected or compiled by or on behalf of the department or other entity authorized under this section for the purpose of quality or system assessment and improvement is not subject to disclosure to the extent that it identifies or could be used to identify any individual patient, provider, institution, or health plan.

(f)(1) Any data, records, reports, and documents collected or compiled by or on behalf of the department or other entity authorized under this section for the purpose of quality or assessment and improvement shall:

(A) Not be admissible in any legal proceeding; and

(B) Be exempt from discovery and disclosure to the same extent that records of and testimony before committees evaluating the quality of medical or hospital care are exempt under § 16-46-105(a)(1).

(2) A healthcare provider's use of the information in its internal operations shall not operate as a waiver of these protections.

(g) All information shall be treated in a manner that is consistent with all state and federal privacy requirements.

(h) The department or other entity authorized to provide services may use any data, records, reports, or documents generated or acquired in its internal operations without waiving any protections under this section.