

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

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

HOUSE BILL 1961

By: Representative Achor

By: Senator J. Boyd

For An Act To Be Entitled

AN ACT TO ALLOW MEDICAL PROVIDERS TEMPORARY EXEMPTIONS FROM FEDERAL INFORMATION-BLOCKING REGULATIONS TO SAFEGUARD PATIENTS DURING INFORMATION DISCLOSURE; TO PROVIDE THERAPEUTIC PRIVILEGE FOR MEDICAL PROVIDERS UNDER CERTAIN CIRCUMSTANCES; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO ALLOW MEDICAL PROVIDERS TEMPORARY EXEMPTIONS FROM FEDERAL INFORMATION-BLOCKING REGULATIONS TO SAFEGUARD PATIENTS DURING INFORMATION DISCLOSURE; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code Title 20, Chapter 9, Subchapter 1, is amended to add an additional section to read as follows:

20-9-106. Temporary exemption from federal information-blocking regulations – Definitions.

(a) As used in this section:

(1)(A) "Information-blocking" means a practice that is likely to interfere with access, exchange, or use of electronic health information that is conducted by a medical provider that knows that such a practice is unreasonable and is likely to interfere with access, exchange, or use of electronic health information.

(B) "Information-blocking" does not include practices



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required by law or covered by an exception in 45 C.F.R. Part 171, Subparts B, C, or D, as existing on January 1, 2025; and

(2) "Medical provider" means an individual licensed, certified, or otherwise authorized by state law to provide healthcare services in the ordinary course of business or practice of his or her profession.

(b) Notwithstanding any provision of law to the contrary, a medical provider may temporarily withhold a patient's medical records from being released directly to the patient or any individual authorized by the patient to receive their medical records for up to thirty (30) days if the medical provider:

(1) Reasonably believes that immediate disclosure of the medical records may lead to the patient's misinterpreting the information in a manner that could adversely affect the patient's health or safety or otherwise negatively affect the patient's mental or physical health;

(2) Requires sufficient time to review the results or information contained in the medical records to prepare a plan of treatment for the patient; and

(3) Schedules, or makes a good faith effort to schedule, a timely discussion with the patient to explain and interpret the medical records.

(c) The temporary withholding of medical records under subsection (b) of this section shall:

(1) Be limited to the minimum period necessary for the medical provider to review the records and arrange a discussion with the patient under subdivision (b)(3) of this section;

(2) Not extend beyond a reasonable time required for such purposes; and

(3) Cease immediately after the discussion with the patient in subdivision (b)(3) of this section has occurred or release of information is determined to no longer be a risk to the patient's health or safety.

(d) Upon completion of the discussion referenced in subdivision (b)(3) of this section, all applicable federal information-blocking laws and regulations and all state information-blocking laws and rules shall apply, and the medical records shall be released promptly and in full compliance with all laws, regulations, and rules.

(e) This section does not:

(1) Allow a medical provider to withhold medical records from a patient beyond the temporary period described in subsection (c) of this section;

(2) Exempt a medical provider from complying with any other applicable federal or state laws and regulations governing the release of medical records;

(3) Create a cause of action against a medical provider who, in good faith, exercises the provisions of this section; or

(4) Prohibit release of medical records under § 16-46-106.

SECTION 2. Arkansas Code § 16-46-106(e)(1), concerning access to medical records for legal proceedings, is amended to read as follows:

(e)(1) If a doctor believes a patient should be denied access to his or her medical records for any reason, the doctor must provide the patient or the patient's guardian or attorney a written determination that disclosure of such information would be detrimental to the individual's health or well-being and comply with § 20-9-106.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that ensuring patients receive accurate and comprehensible medical information is critical to their health and safety; that medical providers need reasonable time to interpret and explain complex medical results to patients to prevent misunderstanding; and that this act is necessary because medical providers should be allowed to temporarily withhold medical records in order to safeguard patients during the information disclosure process. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2025.