

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 120 of the Regular Session

1 State of Arkansas

As Enrolled: H1/24/07 H1/29/07 H1/31/07

2 86th General Assembly

A Bill

3 Regular Session, 2007

HOUSE BILL 1282

4
5 By: Representatives George, Wells, Abernathy, Adcock, T. Baker, Blount, T. Bradford, J. Brown,
6 Cooper, Cornwell, D. Creekmore, Davenport, Dunn, Gaskill, Hoyt, Hyde, Key, King, W. Lewellen,
7 Overbey, Pierce, S. Prater, Reep, J. Roebuck, Shelby, Stewart, Sullivan, Sumpter, Wagner, Walters,
8 Webb, Wills, Wood, *Medley*

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11 **For An Act To Be Entitled**

12 *AN ACT TO CLARIFY THAT CIVIL IMMUNITY IS EXTENDED*
13 *TO DENTISTS AND OTHER HEALTH CARE PROFESSIONALS*
14 *WHO RENDER VOULUNTARY HEALTH CARE SERVICES AT*
15 *FREE OR LOW-COST HEALTH CARE CLINICS; AND FOR*
16 *OTHER PURPOSES.*

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18 **Subtitle**

19 *TO CLARIFY THAT CIVIL IMMUNITY IS*
20 *EXTENDED TO DENTISTS AND OTHER HEALTH*
21 *CARE PROFESSIONALS WHO RENDER VOULUNTARY*
22 *HEALTH CARE SERVICES AT FREE OR LOW-COST*
23 *HEALTH CARE CLINICS.*

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

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28 *SECTION 1. Arkansas Code § 16-6-201 is amended to read as follows:*

29 *16-6-201. Indigent care - Regulations.*

30 *(a) Physicians ~~and~~ , dentists, or other health care professionals who*
31 *are licensed under the laws of the State of Arkansas, and who render ~~medical~~*
32 *health care services voluntarily and without compensation to any person at*
33 *any free or low-cost ~~medical~~ health care clinic located in the State of*
34 *Arkansas and registered by the State Board of Health, which accepts no*
35 *insurance payments and provides ~~medical~~ health care services free of charge*



1 to persons unable to pay or provides ~~medical~~ health care services for a
2 nominal fee, shall not be liable for any civil damages for any act or
3 omission resulting from the rendering of such ~~medical~~ health care services,
4 unless such act or omission was the result of such licensee's gross
5 negligence or willful misconduct.

6 (b)(1) The State Board of Health is empowered to adopt such
7 regulations as it may determine necessary to provide for the registration of
8 free or low-cost ~~medical~~ health care clinics under this section.

9 (2) The regulations shall require that each person to whom
10 ~~medical~~ health care services are provided:

11 (A) Has been fully informed before any treatment by the
12 ~~physician~~ health care professional providing the services or by the staff of
13 the ~~medical~~ health care clinic of the immunity from civil suit provisions of
14 this section; and

15 (B) Has acknowledged that fact in writing on a form
16 approved or designated by the Department of Health and Human Services.

17 (c) The State Board of Health and its members, and the Department of
18 Health and Human Services and its agents and employees, are exempt and immune
19 from liability for any claims or damages when performing their duties
20 pursuant to this section.

21 (d) The provisions of this section supersede the exception for
22 licensed medical professionals under the Arkansas Volunteer Immunity Act, §
23 16-6-105.

24 (e) As used in this section, "health care professionals" means any
25 licensed medical doctor, chiropractic physician, dentist, optometric
26 physician, podiatrist, and any other licensed health care professional.

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28 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
29 General Assembly of the State of Arkansas that indigent individuals in this
30 state are in need of professional dental care; that dental professionals are
31 not sufficiently protected from liability for rendering their services
32 voluntarily to indigent individuals; and that this act is immediately
33 necessary because the lack of immunity causes dental professionals to be
34 reluctant to provide dental services voluntarily and without compensation.
35 Therefore, an emergency is declared to exist and this act being immediately
36 necessary for the preservation of the public peace, health, and safety shall

1 become effective on:

2 (1) The date of its approval by the Governor;

3 (2) If the bill is neither approved nor vetoed by the Governor,
4 the expiration of the period of time during which the Governor may veto the
5 bill; or

6 (3) If the bill is vetoed by the Governor and the veto is
7 overridden, the date the last house overrides the veto.

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/s/ George, et al

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APPROVED: 2/16/2007

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