

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1814

By: Representative Keet

For An Act To Be Entitled

"AN ACT TO AMEND RULE 503 (d) (3) OF THE ARKANSAS RULES OF EVIDENCE; AND FOR OTHER PURPOSES."

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

SECTION 1. Rule 503(d)(3) of the Arkansas Rules of Evidence is amended by adding the following new subparagraphs:

(i) Upon the filing of any personal injury action, workers' compensation claim, action for medical injury pursuant to Act 709 of 1979, or any other action making a patient's physical, mental, or emotional condition an issue, the court shall upon motion by either the plaintiff's or defendant's attorney enter an order without restrictions declaring the physician and psychotherapist-patient privilege is waived.

(ii) Upon presentation of an order declaring the physician and psychotherapist patient privilege waived, any medical care provider may voluntarily, if that medical care provider wishes, meet with or provide medical information and medical opinions to any party or attorney outside the presence of the patient or his attorney.

SECTION 2. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this act are hereby repealed.