

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: S2/24/11

A Bill

SENATE BILL 296

5 By: Senator Teague
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For An Act To Be Entitled

8 AN ACT TO DEFINE THE INDIVIDUALS WHO QUALIFY AS
9 PERSONAL REPRESENTATIVES FOR PURPOSES OF OBTAINING
10 *MEDICAL RECORDS; AND FOR OTHER PURPOSES.*

Subtitle

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14 *AN ACT TO DEFINE THE INDIVIDUALS WHO*
15 *QUALIFY AS PERSONAL REPRESENTATIVES FOR*
16 *PURPOSES OF OBTAINING MEDICAL RECORDS.*

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 *SECTION 1. Arkansas Code § 28-1-102(19), concerning the definition of*
22 *personal representative, is amended to read as follows:*

23 *(19)(A) "Personal representative" means an executor or*
24 *administrator.*

25 *(B) However, for purposes of obtaining autopsy results*
26 *that are in the medical records, the personal representative is the first of*
27 *the following individuals or category of individuals who exists when the*
28 *request for a copy of the autopsy results maintained in the medical records*
29 *is made:*

30 *(i) The executor or administrator;*

31 *(ii) The decedent's spouse;*

32 *(iii) A parent of the decedent; or*

33 *(iv) An adult child of the decedent; and*

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35 *SECTION 2. Arkansas Code Title 28, Chapter 1, Subchapter 1 is amended*
36 *to add an additional section to read as follows:*



1 28-1-119. Access to decedent's autopsy records.

2 (a) As used in this section, "healthcare provider" means a person,
3 corporation, facility or institution licensed, certified, or otherwise
4 authorized by the law of this state to administer health care in the ordinary
5 course of business or practice of a profession.

6 (b) A healthcare provider who, in good faith, releases copies of a
7 decedent's autopsy records upon the authorization of any of the individuals
8 listed under §20-1-102(19)(B) shall not be held liable under any criminal law
9 or held civilly liable to the deceased patient's estate or to any other
10 person.

11 /s/Teague

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