

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

HOUSE BILL 1961

5 By: Representative Achor
6 By: Senator J. Boyd
7

For An Act To Be Entitled

8
9 AN ACT TO ALLOW MEDICAL PROVIDERS TEMPORARY
10 EXEMPTIONS FROM FEDERAL INFORMATION-BLOCKING
11 REGULATIONS TO SAFEGUARD PATIENTS DURING INFORMATION
12 DISCLOSURE; TO PROVIDE THERAPEUTIC PRIVILEGE FOR
13 MEDICAL PROVIDERS UNDER CERTAIN CIRCUMSTANCES; TO
14 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.
15

Subtitle

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18 TO ALLOW MEDICAL PROVIDERS TEMPORARY
19 EXEMPTIONS FROM FEDERAL INFORMATION-
20 BLOCKING REGULATIONS TO SAFEGUARD
21 PATIENTS DURING INFORMATION DISCLOSURE;
22 AND TO DECLARE AN EMERGENCY.
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code Title 20, Chapter 9, Subchapter 1, is amended
27 to add an additional section to read as follows:

28 20-9-106. Temporary exemption from federal information-blocking
29 regulations – Definitions.

30 (a) As used in this section:

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

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



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

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

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

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

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

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

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

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

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

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

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

36 (e) This section does not:

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

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

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

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

10
 11 SECTION 2. Arkansas Code § 16-46-106(e)(1), concerning access to
 12 medical records for legal proceedings, is amended to read as follows:

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

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