

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: S2/28/19

A Bill

SENATE BILL 339

5 By: Senator Irvin
6

For An Act To Be Entitled

8 AN ACT TO PROHIBIT THE REQUIREMENT OF, BARRING OF,
9 AND DISCRIMINATION AGAINST A PHYSICIAN FOR HIS OR HER
10 DECISION TO NOT PARTICIPATE IN MAINTENANCE OF
11 CERTIFICATION; AND FOR OTHER PURPOSES.
12
13

Subtitle

14 TO PROHIBIT THE REQUIREMENT OF, BARRING
15 OF, AND DISCRIMINATION AGAINST A
16 PHYSICIAN FOR HIS OR HER DECISION TO NOT
17 PARTICIPATE IN MAINTENANCE OF
18 CERTIFICATION.
19
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code Title 17, Chapter 95, Subchapter 4, is
25 amended to add an additional section to read as follows:

26 17-95-413. Nonparticipation in maintenance of licensure or maintenance
27 of certification.

28 (a) As used in this section:

29 (1) "Maintenance of certification" means any process requiring
30 periodic recertification examinations or other activities to maintain
31 specialty medical certification; and

32 (2) "Specialty medical board certification" means a
33 certification by a board that:

34 (A) Specializes in one (1) particular area of medicine;
35 and

36 (B) Typically requires examinations that are in addition



1 to the requirements of the Arkansas State Medical Board to practice medicine.

2 (b) The Arkansas State Medical Board shall not require any form of
3 specialty medical board recertification or any maintenance of certification
4 to practice medicine in this state.

5
6 SECTION 2. Arkansas Code Title 20, Chapter 9, Subchapter 1, is amended
7 to add an additional section to read as follows:

8 20-9-104. Nonparticipation in maintenance of licensure or maintenance
9 of certification.

10 (a) As used in this section:

11 (1) "Maintenance of certification" means any process requiring
12 periodic recertification examinations or other activities to maintain
13 specialty medical certification; and

14 (2) "Specialty medical board certification" means a
15 certification by a board that:

16 (A) Specializes in one (1) particular area of medicine;
17 and

18 (B) Typically requires examinations that are in addition
19 to the requirements of the Arkansas State Medical Board to practice medicine.

20 (b)(1) Except as required by medical staff bylaws of a hospital, a
21 hospital licensed by the Department of Health shall not deny physician
22 hospital staff or admitting privileges or employment based solely on the
23 absence of maintenance of certification.

24 (2) Subdivision (b)(1) of this section does not prevent a
25 hospital from requiring physicians to undergo remedial or corrective courses
26 or training as required by a quality improvement committee.

27
28 SECTION 3. Arkansas Code Title 23, Chapter 85, Subchapter 1, is
29 amended to add an additional section to read as follows:

30 23-85-140. Nonparticipation in maintenance of licensure or maintenance
31 of certification – Insurer prohibited from denying reimbursement or
32 discriminating in reimbursement levels.

33 (a) As used in this section:

34 (1) "Maintenance of certification" means any process requiring
35 periodic recertification examinations or other activities to maintain
36 specialty medical certification; and

1 (2) "Specialty medical board certification" means a
2 certification by a board that:

3 (A) Specializes in one (1) particular area of medicine;
4 and

5 (B) Typically requires examinations that are in addition
6 to the requirements of the Arkansas State Medical Board to practice medicine.

7 (b) An insurer shall not:

8 (1) Deny reimbursement to or prevent a physician from
9 participating in any provider network based solely on a decision of the
10 physician to not participate in any form of maintenance of certification; and

11 (2) Discriminate with respect to reimbursement levels based
12 solely on a decision of the physician to not participate in any form of
13 maintenance of certification.

14
15
16 */s/ Irvin*

17
18
19 **APPROVED: 4/9/19**