



Arkansas Department of Health

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Rules Pertaining to the Arkansas Volunteer Immunity Act for Health Care Professionals and the Arkansas Volunteer Health Care Act

August 26, 2022.

BACKGROUND

These Rules provide for the registration of Free or Low-Cost Health Care Clinics, as defined in Ark. Code Ann. §16-6-201 and herein, under the Arkansas Volunteer Immunity Act, to provide immunity from civil damages to physicians and licensed health care professionals who are rendering free and voluntary professional health care services; provide for the registration of healthcare providers and medical professionals, as defined in Ark. Code Ann. §20-8-803, under the Volunteer Health Care Act, who are providing Volunteer Healthcare Services to low-income patients to provide immunity from civil damages to medical professionals who contract with the Department of Health; and, provide for the registration of retired physicians and surgeons who are licensed to practice medicine by the Arkansas State Medical Board under the laws of the State of Arkansas and who are providing Volunteer Healthcare Services to provide immunity from civil damages, under Ark. Code Ann. §17-95-106.

KEY POINTS

The proposed rule:

- Removes outdated terms and organizes the rules for registration in an administratively more efficient manner;
- Incorporates registrations in compliance with Act 958 of 2017, as amended by Act 968 of 2021, and with Ark. Code Ann. §17-95-106

DISCUSSION

The Rules Pertaining to the Arkansas Volunteer Immunity Act for Health Care Professionals and the Arkansas Volunteer Health Care Act are duly adopted and promulgated by the Arkansas Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas including, without limitation, Ark. Code Ann. §§ 16-6-201, et seq., 20-8-803, et seq, and 17-95-106.

The following changes are proposed:

General Update

Legislative

Grammatical Errors

Section 101 Purpose

Revised language to properly refer to intent for Arkansas Volunteer Immunity Act, and add language to explain intent of Arkansas Volunteer Health Care Act, and the statutory provisions for volunteer retired physicians and surgeons.

Section 102 Definitions

Corrected grammatical errors (capitalization, punctuation, and typographical errors)

Expanded definitions to incorporate Arkansas Volunteer Health Care Act and Ark. Code Ann. §17-95-106.

Section 201 Registration for the Free or Low-Cost Health Care Clinic

Corrected grammatical errors (capitalization, punctuation, and typographical errors)

Revised provisions for Arkansas Volunteer Immunity Act to clarify intent and application of the Act.

Section 202 Immunity Under Arkansas Volunteer Immunity Act For Healthcare Professionals

Corrected grammatical errors (capitalization, punctuation, typographical errors, and cross-reference errors)

Moved provisions for application of qualified immunity under Arkansas Volunteer Immunity Act to clarify intent and application of the Act.

Section 203 Required Notice To Persons Receiving Health Care Services At Free Or Low-Cost Health Care Clinics

Corrected grammatical errors (capitalization, punctuation, typographical errors, and cross-reference errors)

Moved provisions for required notices under Arkansas Volunteer Immunity Act to clarify intent and application of the Act.

Section 301 Registration Process For Healthcare Providers

Corrected grammatical errors (capitalization, punctuation, and typographical errors)

Revised provisions for Arkansas Volunteer Health Care Act to clarify intent and application of the Act, provide for registration of providers.

Section 302 Licensing Individuals from a State that Does Not License Interpreters

Corrected grammatical errors (capitalization, punctuation, typographical errors, and cross-reference errors)

Added provisions for Arkansas Volunteer Health Care Act to provide for registration of health care professionals.

Section 401 – 407 Applicability of the Volunteer Health Care Act

Corrected grammatical errors (capitalization, punctuation, typographical errors, and cross-reference errors)

Added provisions for Arkansas Volunteer Health Care Act to provide for the applicability of the Volunteer Health Care Act, required contract provisions, reporting requirements, patient selection, and reporting to the Arkansas Department of Health.

Section 501 – 503 Registration For Volunteer Services By Retired Physicians And Surgeons

Corrected grammatical errors (capitalization, punctuation, typographical errors, and cross-reference errors)

Added provisions for Arkansas law on immunity for volunteer retired physicians and surgeons to provide for the registration process, application of immunity, and reporting requirements.

Section 601 – 602 Miscellaneous Provisions

Corrected grammatical errors (capitalization, punctuation, and typographical errors)

Added miscellaneous provisions for severability and repeal.