

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1612

5 By: Representative J. Mayberry
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE ARKANSAS
9 REPRODUCTIVE HEALTH MONITORING SYSTEM; AND FOR OTHER
10 PURPOSES.
11
12

Subtitle

13 TO AMEND THE LAW CONCERNING THE ARKANSAS
14 REPRODUCTIVE HEALTH MONITORING SYSTEM.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code §§ 20-16-201 – 20-16-203 are amended to read
21 as follows:

22 20-16-201. Establishment – Purpose.

23 (a) The Arkansas Reproductive Health Monitoring System is established
24 and is to be administered within Arkansas Children’s Hospital.

25 (b) The purpose of the system is to collect and analyze data from a
26 number of sources to describe trends in the occurrence of reproductive
27 endpoints, ~~such as~~ including without limitation congenital anomalies, fetal
28 death deaths, developmental disorders, etc., stillbirths, and premature
29 births, and to ~~correlate those trends and~~ investigate and report on the
30 ~~suspected~~ causes of unexpected ~~deviations in those trends~~ reproductive
31 endpoints.
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33 20-16-202. Definitions.

34 As used in this subchapter+,

35 (1) ~~“Board” means the technical advisory board established in §~~
36 ~~20-16-204+;~~



1 ~~(2) "Commission"~~ "commission" means the advisory commission
 2 established in § 20-16-203; ~~and~~

3 ~~(3) "System" means the Arkansas Reproductive Health Monitoring~~
 4 ~~System.~~

5
 6 20-16-203. Advisory commission – Members – Functions.

7 (a) The Arkansas Reproductive Health Monitoring System shall be
 8 administered with the advice of an advisory commission appointed to one-year
 9 renewable terms by the Medical Director of ~~Arkansas Children's Hospital~~ the
 10 Arkansas Reproductive Health Monitoring System.

11 (b) The functions of the commission are to:

12 (1) Advise the medical director as to the adequacy of policies,
 13 procedures, and performance of the system;

14 ~~(2) Appoint members of the technical advisory board upon the~~
 15 ~~recommendations of the medical director;~~

16 ~~(3)~~ Promote the purposes of the system and assist in
 17 identification of appropriate funding sources;

18 ~~(4)~~(3) Promote interagency cooperation toward the goals of ~~this~~
 19 the system; and

20 ~~(5) Advise the medical director regarding requests for data~~
 21 ~~dissemination; and~~

22 ~~(6)~~(4) Review mechanisms ensuring the maintenance of the
 23 confidentiality of personal data.

24 (c) The commission shall be composed of the following state ~~agencies~~
 25 agency members, professional members, and public members:

26 (1) The Medical Director of Arkansas Children's Hospital;

27 (2) The Chancellor of the University of Arkansas for Medical
 28 Sciences;

29 (3) The Director of the Department of Health;

30 ~~(4) The Director of the Department of Human Services;~~

31 ~~(5) The Director of the Arkansas Department of Environmental~~
 32 ~~Quality;~~

33 ~~(6)~~(4) The Director of the National Center for Toxicological
 34 Research;

35 ~~(7) One (1) representative of the Arkansas Medical Society;~~

36 ~~(8)~~(5) One (1) representative of the Arkansas chapter of the

1 American Academy of Pediatrics;

2 ~~(9)~~(6) One (1) representative of the Arkansas Society for
3 Obstetrics & Gynecology;

4 ~~(10)~~(7) One (1) representative of the Arkansas Hospital
5 Association;

6 ~~(11)~~ One (1) representative of the State Plant Board;

7 ~~(12)~~(8) Two (2) consumer representatives;

8 ~~(13)~~(9) One (1) member from the House Committee on Public
9 Health, Welfare, and Labor and one (1) member from the Senate Committee on
10 Public Health, Welfare, and Labor; and

11 ~~(14)~~(10) Up to ~~four (4)~~ six (6) additional members at large may
12 be appointed.

13 (d) Members of the commission who are not employees of the state may
14 receive expense reimbursement in accordance with § 25-16-901 et seq.

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16 SECTION 2. Arkansas Code § 20-16-204 is repealed.

17 ~~20-16-204. Technical advisory board—Members—Functions.~~

18 ~~(a) There shall be a technical advisory board whose function shall be~~
19 ~~to:~~

20 ~~(1) Advise the director regarding formats for data collection~~
21 ~~procedures;~~

22 ~~(2) Advise the director regarding special investigations;~~

23 ~~(3) Review protocols, reporting forms, data assembly, and the~~
24 ~~records retention program;~~

25 ~~(4) Assist in identifying data resources, data needs, research~~
26 ~~needs, and local expertise; and~~

27 ~~(5) Delineate the specific adverse reproductive health outcomes~~
28 ~~to be monitored.~~

29 ~~(b)(1) Board members shall be appointed to one-year renewable terms by~~
30 ~~the Medical Director of the Arkansas Children's Hospital upon recommendation~~
31 ~~of the commission and the director.~~

32 ~~(2) The board shall comprise a maximum of ten (10) regular~~
33 ~~members drawn from fields of expertise such as medicine, industrial hygiene~~
34 ~~and toxicology, agriculture, environmental sciences, and epidemiology and~~
35 ~~statistics.~~

36 ~~(3) At the discretion of the board and the director, ad hoc~~

1 ~~members of the board may be appointed for specified periods to advise on~~
 2 ~~special needs or problems which have been identified.~~

3 ~~(c) Members of the board who are not employees of the state may~~
 4 ~~receive expense reimbursement in accordance with § 25-16-901 et seq.~~

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 6 SECTION 3. Arkansas Code § 20-16-205 is amended to read as follows:

7 20-16-205. ~~Director~~ Medical director – Appointment – Powers and
 8 duties.

9 (a) The Arkansas Reproductive Health Monitoring System shall be
 10 administered by a ~~director~~ medical director appointed by the Medical Director
 11 of Arkansas Children’s Hospital from among the professional staff of Arkansas
 12 Children’s Hospital.

13 (b) The ~~director~~ Medical Director of the Arkansas Reproductive Health
 14 Monitoring System shall:

- 15 (1) Supervise the work of the system and administer the budget;
- 16 (2) Appoint and remove such other employees as may be necessary
- 17 to perform the duties and responsibilities of the system; and
- 18 (3) Select and retain the services of consultants whose advice
- 19 is considered necessary to carry out the system’s mandate.

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 21 SECTION 4. Arkansas Code § 20-16-206(a), concerning the authority of
 22 the Arkansas Reproductive Health Monitoring System to contract for
 23 information, is amended to read as follows:

24 (a) The Arkansas Reproductive Health Monitoring System is expressly
 25 authorized to contract for the production of any information which ~~its~~
 26 ~~technical advisory board~~ the Medical Director of the Arkansas Reproductive
 27 Health Monitoring System determines to be relevant to monitoring reproductive
 28 health ~~from any department or agency of the state.~~

29
 30 SECTION 5. Arkansas Code § 20-16-208 is amended to read as follows:

31 20-16-208. Furnishing of information by hospitals.

32 ~~(a)~~ All hospitals with patient records containing information
 33 pertaining to reproduction and development are required to share information
 34 in those records with the Arkansas Reproductive Health Monitoring System.

35 ~~(b) No hospital shall be required to furnish information under this~~
 36 ~~section until appropriate reimbursement in return for the service has been~~

1 ~~determined by the commission and funds are available to pay the compensation.~~

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3 SECTION 6. Arkansas Code § 20-16-210 is amended to read as follows:

4 20-16-210. Intergovernmental agreements.

5 The Arkansas Reproductive Health Monitoring System shall have the power
6 to enter into agreements with ~~neighboring~~ other states and the Centers for
7 Disease Control and Prevention consistent with the requirements and
8 restrictions of this subchapter in order to obtain relevant information for
9 the system concerning Arkansas residents who receive health-related services
10 outside the state.

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12 SECTION 7. Arkansas Code § 20-16-402(a)(1), concerning clause, is
13 amended to read as follows:

14 (a)(1) Any bona fide appropriately licensed medical facility,
15 including, but not limited to, ~~county hospitals~~ a county hospital,
16 participating in recognized research in Arkansas and the Centers for Disease
17 Control and Prevention are expressly authorized to contract for the
18 production of any information relevant to monitoring reproductive health ~~from~~
19 ~~any department or agency of the state.~~

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22 **APPROVED: 04/04/2015**
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