

REGULATION 33
NOTIFICATION OF CHANGE OF PRACTICE

1. DEFINITIONS:

- a. “Entity” means any person, organization, or business entity of any type that engages a healthcare provider as an employee, independent contractor, member, or in any other capacity for the practice of medicine as defined in §17-95-202. “Entity” does not include insurance companies, health maintenance organizations, or hospital and medical service corporations;
- b. “Existing Patient” means a person who is seen for a medical diagnosis or treatment, or both, by a healthcare provider within the previous twelve (12) months as evidenced by an entry in the medical record of the patient. The twelve (12) month period described herein shall be calculated by counting back twelve (12) months from the later of the following dates:
 - i. The date that the healthcare provider’s relationship with the entity terminates; or
 - ii. The date that the healthcare provider gave the entity notice of a new practice location.
- c. “Healthcare Provider” means a person who is licensed by the Arkansas State Medical Board and has ultimate responsibility and legal liability for the care of the patient.

2. PROHIBITED CONDUCT:

- a. If the healthcare provider has made new practice location information or new contact information available to the entity, an entity or person on behalf of an entity shall not:
 - i. Mislead any patient about the new practice location of a healthcare provider or new contact information of a healthcare provider; or
 - ii. Fail to provide a patient with the new practice location of a healthcare provider or new contact information of a healthcare provider when requested.
- b. When requested by a healthcare provider who is relocating his or her practice, an entity with a relationship with healthcare provider shall within twenty-one (21) calendar days:
 - i. Provide the healthcare provider with a list of the healthcare provider’s existing patient names and addresses;
 - ii. Send a notice with the new practice location information to all of the healthcare provider’s existing patients after providing the healthcare provider a copy of the proposed notice for review and comment; or
 - iii. Post the new practice location information of the healthcare provider on the website of the entity after providing the healthcare provider a copy of the proposed posting for review and comment. The posting shall remain on the website of the entity for twelve (12) months after the healthcare provider’s last day of employment with the entity posting the information.

REGULATION MARKUP

- c. Within (2) business days of the request described in this section, the entity shall provide the healthcare provider with a list or schedule of upcoming patient appointments with the healthcare provider and the contact information of the patients.
3. HEALTHCARE PROVIDER'S DUTY TO INFORM BOARD.
In order to avoid defrauding, misrepresenting or deceiving the public or the Board, a ~~Licensee~~ healthcare provider will inform the Arkansas State Medical Board within 30 days of his or her terminating, retiring from, or relocating his or her practice setting. The ~~Licensee~~healthcare provider will inform the Board of his or her new location and address and of his or her practice setting if applicable. The ~~Licensee~~ healthcare provider will further inform the Board of where the patient records are stored, who is the custodian of those records and how the patient or other individuals may obtain the records.