

ARKANSAS REGISTER

Transmittal Sheet



Sharon Priest
Secretary of State
State Capitol Rm. 01
Little Rock, Arkansas 72201-1094

For Office Use Only: Effective Date 12/9/99 Code Number 060.00.99-119

Name of Agency Arkansas State Medical Board
Department _____
Contact Person Peggy Pryor Cryer Phone (501) 296-1802
Statutory Authority for Promulgating Rules Arkansas Code Annotated §17-93-303

| | Date |
|---|---------|
| Intended Effective Date | 4-25-96 |
| <input type="checkbox"/> Emergency | 6-6-96 |
| <input type="checkbox"/> 10 Days After Filing | 5-1-96 |
| <input checked="" type="checkbox"/> Other | 11-4-99 |
| <u>7-6-96</u> | 6-6-96 |
| Legal Notice Published | |
| Final Date for Public Comment | |
| Filed With Legislative Council | |
| Reviewed by Legislative Council | |
| Adopted by State Agency | |

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 434 of 1967 As Amended.

Peggy Pryor Cryer
Signature
501 296-1802
Phone Number
Executive Secretary
Title
11-9-99
Date

BY
SHARON PRIEST
SECRETARY OF STATE
STATE OF ARKANSAS
99 NOV 29 AM 11:58
FILED
AR. REGISTER DIV.

660.00.99--009

HOWELL, TRICE & HOPE, P.A.

ATTORNEYS AT LAW
211 SPRING STREET
LITTLE ROCK, ARKANSAS 72201

MAX HOWELL
WILLIAM H. TRICE III
RONALD A. HOPE
JASON D. FILES
STANLEY M. "JACK" BELL

TELEPHONE
501-372-4144
TELECOPIER
501-372-7480

November 18, 1999

Sharon Priest
Secretary of State
State Capitol Room 01
Little Rock, AR 72201-1094

Re: Regulation 18 - Fees for CCVS

Dear Ms. Priest:

Enclosed is a copy of a Regulation of the Arkansas State Medical Board involving the CCVS System of the Medical Board and the fees which they charge and a completed Arkansas Register Transmittal Sheet.

Respectfully,

HOWELL, TRICE & HOPE, P.A.



William H. Trice, III
WHT:nb
Enclosure

cc: Ms. Peggy Pryor Cryer

FILED
AR. REGISTER DIV.
99 NOV 29 AM 11:58
SHARON PRIEST
SECRETARY OF STATE
STATE OF ARKANSAS
BY _____

WHAT IS THE COST OF THE SERVICE?

Initial Sign-Up Fee Based on Medical/Provider Staff Size

| | |
|----------|-------|
| 0-199 | \$100 |
| 200-499 | \$250 |
| Over 500 | \$400 |

SHARON FINEST
SECRETARY OF STATE
STATE OF ARKANSAS

99 NOV 29 AM 11:58

AR. REGISTER DIV.

FILED

| | |
|------------------------------------|--|
| Initial Appointment | \$50 per practitioner (in-state) \$75 (out-of-state) |
| *Reappointment | \$20 per practitioner (in-state) \$35 (out-of-state) |
| Detailed Verification | \$15 per practitioner (in-state) \$20 (out-of-state) |
| DEA Information | \$5 per practitioner (in-state) \$7 (out-of-state) |
| Malpractice Information | \$5 per practitioner (in-state) \$7 (out-of-state) |
| DEA/Malpractice Information | \$10 per practitioner (in-state) \$14 (out-of-state) |
| Message Center | \$.50 (in-state) \$1.00 (out-of-state) |
| Annual Renewal Fee | \$50 |

Secure Identification Card - One card per organization at no charge. If additional cards are needed, they must be purchased at the organization's expense which is \$46 per card.

With the exception of the Sign-up and Annual Renewal Fees, all charges will be reflected on the participating organization's telephone bill.

***Reappointment information available in 1998**

23 subject to this act, including not less than two (2) hospital representatives
24 and not less than two (2) insurer or health maintenance organization
25 representatives.

26 (4) Credentialing information shall not be disclosed to any
27 parties other than the applicable health care provider and the credentialing
28 organization and its designated credentialing and appeals, peer review and
29 quality improvement committee(s) or body(ies). Except as permitted herein,
30 credentialing information shall not be used for any purpose other than review
31 by the board and credentialing organizations of the professional background,
32 competency, qualifications and credentials or renewal of credentials of a
33 health care provider, or appeals therefrom, and all such credentialing
34 information shall be exempt from disclosure under the provisions of Arkansas
35 Code §§ 25-19-101 through 25-19-107. Credentialing information may be
36 disclosed in the following circumstances:

-----End of Page 5

1 (A) By the board, in disciplinary hearings before the board
2 or in any trial or appeal of the board action or order.

3 (B) By the board or credentialing organization, to any
4 licensing, regulatory or disciplinary authorities or agencies of the United
5 States or of other states or jurisdictions.

6 (C) In any legal or regulatory proceeding which:

7 (i) is brought by a health care provider; a
8 representative of the health care provider or a class thereof; any local,
9 state or federal agency or authority; or a patient or group or class of
10 patients or their authorized representatives or agents; and

11 (ii) challenges the actions, omissions or conduct of
12 the credentialing organization with respect to credentialing of any health
13 care provider or the grant or denial of any affiliation or participation of
14 such health care provider with or in the credentialing organization or any

15 network thereof; or

16 (D) By any party when authorized to do so by the health
17 care provider to whom the credentialing information relates.

18 (5) The evaluation and discussion of credentialing information by
19 a credentialing organization shall not be subject to discovery or admissible
20 pursuant to the Arkansas Rules of Civil Procedure or the Freedom of
21 Information Act, beginning at §25-19-101.

22 (6) The board may enter into contractual agreements with users of
23 the credentialing information system to define the type and form of
24 information to be provided and to give users assurances of the integrity of
25 the information collected.

26 (7) The board may charge credentialing organizations a reasonable
27 fee for the use of the credentialing service as established by rule and
28 regulation. The fee shall be set in consultation with the advisory committee
29 and shall be set at such a rate as will reimburse the board, when added to the
30 credentialing assessments collected from physicians, for the cost of
31 maintaining the credentialing information system. The board's costs may not
32 exceed the fees charged by private vendors with a comparable statewide
33 credentialing service. Each physician licensee of the Arkansas State Medical
34 board will pay a credentialing fee of one hundred dollars (\$100.00) per year
35 at the time of the renewal of the license for the year 2000 and 2001. For the
36 year 2002 and each year thereafter, the board may assess each physician

-----End of Page 6

1 licensee an amount not to exceed twenty-five dollars (\$25.00) per year to
2 offset the cost for providing the credentialing service. Physicians shall not
3 be charged a credentialing fee by a credentialing organization.

4 (e)(1) In lieu of testing credentialing information by its own primary
5 source verification procedure, a credentialing organization may rely upon

6 credentialing information from the board, if the board certifies that the
7 information provided by the board has been tested by the board's primary
8 source verification procedure. The credentialing organization shall be immune
9 from civil suit based on any allegation of wrongdoing or negligence involved
10 in the collection and verification of, or reliance upon, credentialing
11 information on a health care provider if the credentialing organization has
12 utilized the information provided by the board in credentialing a health care
13 provider for affiliation or participation with the credentialing organization.
14 This does not convey immunity from civil suit to a credentialing organization
15 for any credentialing decision it makes.

16 (2) Subject only to the exceptions recognized in subsections
17 (f)(1) and (f)(2) hereof, a credentialing organization shall be precluded
18 hereby from seeking credentialing information from the physician or from
19 sources other than the board if:

20 (A) the same credentialing information is available from the
21 board; and

22 (B) at the time such credentialing information is requested,
23 the board:

24 (i) holds certification by the National Committee for
25 Quality Assurance as a certified credentials verification organization; and

26 (ii) demonstrates compliance with the principles for
27 credentials verification organizations set forth by the Joint Commission on
28 the Accreditation of Healthcare Organizations;

29 (iii) documents compliance with the Arkansas
30 Department of Health Rules and Regulations applicable to credentialing; and

31 (iv) maintains evidence of compliance with the
32 standards referenced in (i), (ii), and (iii) above; and

33 (C) the board charges fees which comply with (d)(7) above.

34 Until such time as the board satisfies each of the foregoing prerequisites,

35 credentialing organizations may, in their discretion, utilize credentialing
36 information obtained from the board or they may seek other sources for the

-----End of Page 7-----

1 same credentialing information. If at any time the board fails to satisfy any
2 of the certification or compliance standards referenced in this subsection, no
3 credentialing organization shall be required to utilize the board to obtain
4 credentialing information during any period in which the board lacks such
5 accreditation or compliance.

6 (f)(1) Credentialing organizations which utilize the credentialing
7 information system offered by the Arkansas State Medical board shall not
8 attempt to collect duplicate information from individual physicians or
9 originating sources, but nothing herein shall prevent any credentialing
10 organization from collecting or inquiring about any data not available from or
11 through the board, nor from reporting to or inquiring of the National
12 Practitioner Data Bank.

13 (2) The board may seek an injunction against any credentialing
14 organization violating or attempting to violate this act and, upon prevailing,
15 shall be entitled to recover attorney's fees and court costs involved in
16 obtaining the injunction.

17 (g) The board will have the authority to hire such employees, enter
18 into contracts with attorneys, individuals or corporations for services, as
19 may be necessary to bring about the purpose of this act.

20

21 SECTION 3. All provisions of this act of a general and permanent nature
22 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
23 Revision Commission shall incorporate the same in the Code.

24

25 SECTION 4. If any provision of this act or the application thereof to

26 any person or circumstance is held invalid, such invalidity shall not affect
27 other provisions or applications of the act which can be given effect without
28 the invalid provision or application, and to this end the provisions of this
29 act are declared to be severable.

30

31 SECTION 5. All laws and parts of laws in conflict with this act are
32 hereby repealed.

33

34 SECTION 6. EMERGENCY CLAUSE. It is hereby found and determined by the
35 Eighty-second General Assembly of the State of Arkansas that hospitals,
36 credentialing organizations and insurance companies are in need of physician

-----End of Page 8

1 credentialing information collected by the Arkansas State Medical Board; that
2 said information should be privileged and the sharing of said information
3 should be protected so as to enhance the credentialing process of medical
4 providers; that the laws protecting the credentialing process which now exist
5 will expire on July 1, 1999 and that passage of this act will provide for the
6 continued protection of the credentialing process. Therefore, an emergency is
7 declared to exist and this act being immediately necessary for the
8 preservation of the public peace, health and safety shall become effective on
9 July 1, 1999.

10 /s/ Gullett

11

12

13

14

15

16

17