

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

**Act 2164 of the Regular Session**

*As Engrossed: S3/15/05 H4/4/05*

**A Bill**

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005

SENATE BILL 1177

4  
5 By: Senator Altes  
6 *By: Representative Verkamp*

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9 **For An Act To Be Entitled**

10 AN ACT TO ENSURE THAT ALLEGATIONS OF IMPROPER  
11 PRESCRIBING AGAINST PHYSICIANS IN ARKANSAS ARE  
12 PRESENTED TO THE PAIN MANAGEMENT REVIEW  
13 COMMITTEE; AND FOR OTHER PURPOSES.

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15 **Subtitle**

16 AN ACT TO ENSURE THAT ALLEGATIONS OF  
17 IMPROPER PRESCRIBING AGAINST PHYSICIANS  
18 IN ARKANSAS ARE PRESENTED TO THE PAIN  
19 MANAGEMENT REVIEW COMMITTEE.

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

23  
24 SECTION 1. Arkansas Code § 17-95-704(a), concerning treatment of  
25 chronic intractable pain, is amended to read as follows:

26 (a)(1) A physician shall not be subject to disciplinary action by the  
27 Arkansas State Medical Board solely for prescribing dangerous or controlled  
28 drugs for the relief of chronic intractable pain.

29 (2)(A)(i) Any allegation of improper prescribing determined to  
30 require a board hearing shall be referred to the Pain Management Review  
31 Committee before any board hearing or action.

32 (i)(a) However, in exceptional limited substantive  
33 instances requiring immediate action to protect the public health an  
34 emergency action under § 25-15-111(c) may be implemented.

35 (b) The implementation of an emergency action



1 under § 25-15-111(c) shall in no way be used by the board to circumvent,  
 2 void, supplant, or otherwise limit the role of the Pain Management Review  
 3 Committee as provided in this subchapter.

4 (B) The board shall provide the Pain Management Review  
 5 Committee all necessary documentation for the review process in a timely  
 6 manner.

7 ~~(2)(3)~~ The board shall direct the Pain Management Review  
 8 Committee to use the criteria under subsections (d) and (e) of this section  
 9 to review a physician's conduct in regard to prescribing, administering,  
 10 ordering, or dispensing pain medications and other drugs necessary to treat  
 11 chronic intractable pain.

12 (4)(A) If the board determines that an allegation or a question  
 13 regarding a physician's prescribing does not justify a board hearing, in lieu  
 14 of a board hearing, the board may refer a physician to the Pain Review  
 15 Committee for review and recommendations to the board.

16 (B) The review and recommendations under subdivision  
 17 (a)(4)(A) of this section shall not adversely affect the physician's license  
 18 or licensure status.

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 20 SECTION 2. Arkansas Code § 17-95-705 is amended to read as follows:

21 17-95-705. Pain Management Review Committee - Membership - Duties.

22 (a)~~(1)~~ There is created the Pain Management Review Committee,  
 23 appointed by the Arkansas State Medical Board.

24 ~~(2) In lieu of a disciplinary hearing, the board may refer a~~  
 25 ~~physician to the committee for review and recommendations.~~

26 (b) The committee shall consist of five (5) members who are full-time  
 27 active physicians in direct patient care, two (2) of whom may be board-  
 28 certified pain management specialists and three (3) of whom may be physicians  
 29 with significant pain management in their practices or with a degree in  
 30 pharmacy, appointed by the board from a list provided by the Arkansas  
 31 Osteopathic Medical Association, the Arkansas Medical Society, and the  
 32 Arkansas Pain Society.

33 (c) The committee shall:

34 (1) ~~In cooperation with~~ Have committee representation from the  
 35 Arkansas Osteopathic Medical Association, the Arkansas Medical Society, and  
 36 the Arkansas Pain Society, to develop guidelines for investigations of

1 complaints regarding conduct in violation of this subchapter;

2 (2) Review complaints on an individual patient-needs basis  
3 regarding physicians treating chronic intractable pain in violation of this  
4 subchapter; and

5 (3) Provide an objective critique to the board for board  
6 determination in a timely manner and if so determined, before the board's  
7 disciplinary hearing.

8 (4) In order to ensure a fair, impartial, and objective board  
9 hearing, no board member shall be:

10 (A) Present while the committee reviews allegations of  
11 improper prescribing; or

12 (B) Involved in any way in the committee's deliberations.

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14 /s/ Altes

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17 **APPROVED: 4/13/2005**  
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