

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: Senator Ross**

# A Bill

**SENATE BILL**

## For An Act To Be Entitled

8 "AN ACT TO PROVIDE FOR THE REGISTRATION OF DISEASE  
9 INTERVENTION SPECIALISTS; AND FOR OTHER PURPOSES."

### Subtitle

12 "AN ACT TO PROVIDE FOR THE REGISTRATION OF DISEASE  
13 INTERVENTION SPECIALISTS."

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

17 SECTION 1. Since the profession of disease intervention specialist  
18 significantly affects the lives of the people of this state, it is the purpose  
19 of this act to protect the public by setting standards of qualification,  
20 training and experience for those who seek to represent themselves to the  
21 public as disease intervention specialists and by promoting high standards of  
22 professional performance for those engaged in the practice of disease  
23 intervention.

25 SECTION 2. Definitions. As used in this act:

26 (1) "Associate Disease Intervention Specialist" means a person who  
27 meets the educational and specialized training requirements of this act, but  
28 does not meet the experience requirements established for a registered disease  
29 intervention specialist.

30 (2) "Board" means the State Board of Disease Intervention Specialists  
31 created by this act.

32 (3) "Continuing Education Unit" means value given for participation in  
33 organized continuing education experience under reasonable sponsorship,  
34 capable direction and qualified instruction approved by the board.

35 (4) "Disease intervention" means activities used to prevent disease

1 transmission by ensuring that those people who have a sexually transmitted  
2 disease and those who have been exposed to a sexually transmitted disease are  
3 promptly located, examined and adequately treated before any signs or symptoms  
4 of a disease appear or before any laboratory evidence of a disease is  
5 demonstrable or before an infected person would have sought treatment  
6 voluntarily.

7 (5) "Disease Intervention Specialist in Training" means a person who  
8 meets the educational requirements of this act, but does not meet the  
9 specialized training requirements established for an associate disease  
10 intervention specialist.

11 (6) "Registered Disease Intervention Specialist" means a trained health  
12 care professional meeting the educational, specialized training and experience  
13 requirements of this act who practices sexually transmitted disease  
14 intervention with patients, sex partners and others suspected of having a  
15 sexually transmitted disease.

16

17 SECTION 3. (a) Nothing in this act shall be construed to limit members  
18 of the clergy, Christian Science practitioners, and licensed health care  
19 professionals, such as physicians, nurses, psychologists, and counselors, from  
20 doing work within the standards and ethics of their respective professions,  
21 providing they do not hold themselves out to the public by any title or  
22 description of services as a disease intervention specialist.

23 (b) Nothing in this act shall be construed to limit the employment by  
24 health care facilities of persons who commonly perform services within the  
25 definition of disease intervention, so long as the services are performed  
26 within the course of and scope of their employment as an employee of the  
27 health care facility and they do not hold themselves out to the public by any  
28 title or description of services as a disease intervention specialist. This  
29 act does not require an employee of a health care facility to be registered as  
30 a disease intervention specialist as a condition of employment.

31 (c) Nothing in this act shall be construed as limiting the activities  
32 of a student or other person preparing for the profession of disease  
33 intervention specialist provided disease intervention is performed only under  
34 qualified supervision.

35 (d) It is the intent of the General Assembly to restrict registry to

1 those individuals who are qualified under this act to be disease intervention  
2 specialists. It is not the intent of the General Assembly to register  
3 persons, such as state employees, in the job classification of disease  
4 intervention specialist.

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6 SECTION 4. (a) If any person shall practice or hold himself out to the  
7 public as being engaged in the practice of disease intervention and is not  
8 then currently registered to practice as a disease intervention specialist, he  
9 shall be deemed guilty of a misdemeanor.

10 (b) Upon conviction he shall be punished by a fine of not less than  
11 fifty dollars (\$50.00) nor more than two hundred dollars (\$200) or by  
12 imprisonment not exceeding three (3) months or by both fine and imprisonment.

13 (c) Each day the violation continues constitutes a separate offense.

14 (d) The board shall assist the prosecuting attorney in the enforcement  
15 of this act, and any member of the board may present evidence of a violation  
16 to the appropriate prosecuting attorney.

17

18 SECTION 5. No registered disease intervention specialist or certified  
19 disease intervention specialist, disease intervention specialist in training,  
20 or his secretary, stenographer, or clerk may disclose any information he may  
21 have acquired from persons consulting him in his professional capacity to any  
22 person except with the written consent of the person or persons whose history  
23 is to be disclosed.

24

25 SECTION 6. (a) There is created the State Board of Disease  
26 Intervention Specialists, which shall consist of seven (7) members who shall  
27 be appointed by the Governor from a list of twelve (12) candidates submitted  
28 by the employees of the Health Department, Division of AIDS and Sexually  
29 Transmitted Diseases.

30 (b) The term of office shall be fixed so that one (1) member of the  
31 board will be retired each year, and each year three (3) candidates shall be  
32 submitted by registered disease intervention specialists to the Governor who  
33 shall appoint one (1) to fill the expired term. The term of the first board  
34 members shall be fixed so that one (1) member will be appointed for one (1)  
35 year, one for two (2) years, one for three (3) years, one for four (4) years,

1 one for five (5) years, one for six (6) years, and one for seven (7) years.  
2 Successor members shall be appointed for a seven (7) year term except for a  
3 person who is appointed to fill out the unexpired term of another member. The  
4 term of office shall expire on January 1 of each year.

5 (c) Except for the initial board members, the appointees shall be  
6 registered disease intervention specialists who have been residents in the  
7 State of Arkansas for at least one (1) year, have had experience in the field  
8 of disease intervention for at least five (5) years and are presently engaged  
9 in the field of disease intervention. The board members must hold a current  
10 certificate of registration issued by the board, except that the initial  
11 members shall issue to themselves a certificate of registration without  
12 application or examination.

13 (d) The Governor shall fill any vacancy caused by death, resignation,  
14 or removal for the unexpired term. Vacancies for unexpired terms shall be  
15 filled from three (3) candidates submitted within thirty (30) days by  
16 registered disease intervention specialists. If no candidate is submitted  
17 within thirty (30) days, the Governor shall fill the vacancy with any eligible  
18 disease intervention specialist.

19 (e) The Governor may remove any member of the board for misconduct,  
20 incapacity or neglect of duty.

21 (f) The members of the board shall serve without compensation but shall  
22 be reimbursed from fees collected pursuant to this act for actual and  
23 necessary expenses incurred in the performance of their duties, provided that  
24 the expenses shall in no case exceed funds available to the board.

25

26 SECTION 7. (a) The board shall hold a meeting at least once a year and  
27 at such times as the chairman of the board shall appoint.

28 (b) At the first meeting and annually thereafter, the board shall elect  
29 from its members, a chairman and secretary.

30 (c) Four (4) members shall constitute a quorum, but no action may be  
31 taken on any questions unless at least four (4) members are in accord.

32 (d) The board shall adopt an official seal which shall be affixed to  
33 all certificates of registration.

34

35 SECTION 8. (a) The board shall adopt such rules and regulations

1 reasonably necessary to administer this act.

2 (b) The chairman and secretary of the board may administer oaths and  
3 subpoena witnesses.

4 (c) The board, if monies are appropriated therefor, may employ and fix  
5 the compensation of such assistants, clerks, stenographers, typists and other  
6 employees, to serve at the pleasure of the board, and to acquire such office  
7 space, furniture, supplies, equipment and other such proper conveniences as  
8 may be reasonably necessary for the performance of their duties under this  
9 act.

10 (d) The board shall promulgate rules and regulations establishing  
11 standards for continuing education as a means to maintain professional  
12 competency. The continuing education units shall be awarded for direct  
13 participation in courses approved by the board. The standards shall be  
14 established in a manner to assure that a variety of approved continuing  
15 education programs are available to registered disease intervention  
16 specialists, including but not limited to academic studies, in-service  
17 education, institutes, seminars, lectures, conferences, workshops, extension  
18 courses, home study programs, articles published, and scientific papers  
19 published.

20 (e) The board may contract with another agency or association to  
21 perform part or all of the duties in establishing procedures to record and  
22 retain data on all registered disease intervention specialists in good  
23 standing.

24

25 SECTION 9. (a) The board shall hold examinations to test the fitness  
26 of applicants for registration at such times and places within this state as  
27 the board shall determine. The board shall conduct at least one (1)  
28 examination every year. The scope of the examination shall be determined by  
29 the board.

30 (b) Within ninety (90) calendar days after an application is filed with  
31 the secretary, the board shall notify the applicant whether his application  
32 for examination was accepted or rejected and if rejected, the reason therefor.

33 (c) The secretary of the board shall give reasonable notice by mail of  
34 the time and place of examination to each applicant accepted for examination.

35 (d) Within sixty (60) calendar days after the examination, the board

1 shall notify by mail each examinee as to whether he has passed the  
2 examination.

3 (e) Each person who passes the examination to the satisfaction of the  
4 board shall be issued a certificate of registration upon payment of a  
5 registration fee set by the board.

6

7 SECTION 10. (a) The board shall admit to examination any person who  
8 makes application to the secretary of the board on forms prescribed and  
9 furnished by the board, pays an application fee set by the board to defray the  
10 expense of examination, and submits satisfactory proof to the board that he:

11 (1) is a person of good moral character;

12 (2) meets the minimum educational requirements;

13 (3) meets the minimum specialized training requirements as  
14 determined by the board;

15 (4) has had two (2) years of field experience in HIV/Sexually  
16 Transmitted Disease intervention; and

17 (5) is actively engaged in the field of HIV/Sexually Transmitted  
18 Disease intervention at the time he makes application.

19 (b) The minimum educational requirements for admission to examination  
20 for registration as a disease intervention specialist shall be as follows:

21 (1) A bachelor\_s or master\_s of public health degree with  
22 specialization in disease intervention from a school of public health approved  
23 by the board; or

24 (2) A bachelor\_s degree with a minimum of thirty (30) semester  
25 hours or its equivalent in biology, chemistry, physics, math, sociology,  
26 psychology, criminal justice, plus two (2) year's experience in disease  
27 intervention or training courses approved by the board.

28 (c) Any person meeting the educational and specialized training  
29 requirements of this act, but who does not meet the experience requirements of  
30 this act, may make application to the board through a process prescribed by  
31 the board for acceptance as an associate disease intervention specialist. The  
32 board shall accept such application when submitted, if accompanied by the  
33 required fee.

34 (d) Any person who meets the educational requirements of this act, but  
35 does not meet the specialized training requirements established for an

1 associate disease intervention specialist, may make application to the board  
2 through a process prescribed by the board for acceptance as a disease  
3 intervention specialist in training.

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5 SECTION 11. The board shall approve for examination any person, who  
6 before January 1, 1994, makes application to the secretary of the board on  
7 forms prescribed and furnished by the board, pays a registration fee set by  
8 the board and submits proof satisfactory to the board that he:

9 (1) is a person of good moral character;

10 (2) has had twelve (12) months of field experience in HIV/Sexually  
11 Transmitted Disease intervention in this state prior to January 1, 1992;

12 (3) is actively engaged in the field of HIV/Sexually Transmitted  
13 Disease intervention at the time he makes application;

14

15 SECTION 12. The board shall issue a certificate of registration without  
16 examination to any person who makes application on forms prescribed and  
17 furnished by the board, pays a registration fee set by the board and submits  
18 satisfactory proof that he:

19 (1) is of good moral character;

20 (2) has had at least two (2) years experience in the field of  
21 HIV/Sexually Transmitted Disease intervention; and

22 (3) is registered as a disease intervention specialist in a state in  
23 which the qualifications for registration are not lower than the  
24 qualifications for registration in this state at the time he applies for  
25 registration.

26

27 SECTION 13. Each certificate of registration issued by the board shall  
28 expire on June 30, following the date of issue. A renewal certificate may be  
29 issued to the holder of a current certificate of registration who makes  
30 application prior to the expiration of his certificate and pays a renewal fee  
31 set by the board, provided that beginning July 1, 1994 satisfactory proof of  
32 complying with the board's continuing education requirements must accompany  
33 renewal application.

34

35 SECTION 14. A former registered disease intervention specialist, whose

1 certificate has expired or has been suspended or revoked, may make application  
2 for reinstatement by paying a renewal fee and submitting satisfactory proof to  
3 the board that he has complied with the continuing education requirements.  
4 The board shall consider the moral character and professional qualifications  
5 of the applicant as in the case of an original application.

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7 SECTION 15. The board may refuse to renew or may suspend or revoke a  
8 certificate upon proof that the applicant:

9 (1) is not of good character;

10 (2) is guilty of fraud, deceit, gross negligence, incompetency or  
11 misconduct relative to his duties as a disease intervention specialist.

12

13 SECTION 16. (a) Before the board may suspend, revoke or refuse to  
14 renew a certificate of registration it shall set the matter for a hearing  
15 before the board, and at least twenty (20) calendar days prior to the date set  
16 for hearing, it shall give written notice to the accused of the charges made  
17 and the date and place of the hearing. Service of the notice may be made by  
18 personal service or by sending it by registered mail to the last known  
19 business address of the accused. The accused shall have the opportunity to be  
20 heard in person and by counsel. A stenographic record of the hearing shall  
21 be kept and a transcript thereof filed with the board.

22 (b) The order of the board shall be issued within thirty (30) days  
23 after the termination of the hearing.

24 (c) Notice of the order of the board shall be given to the accused,  
25 either by personal service or by registered mail sent to the last known  
26 business address of the accused within ten (10) calendar days after the order  
27 is issued.

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29 SECTION 17. All fees or payments collected by the board under this act  
30 shall be deposited into a bank designated by the board and the board shall  
31 make a report annually to the Governor showing all receipts and disbursements  
32 of monies, and a summary of all business transacted during the year. The per  
33 diem and other expenses provided hereunder shall be paid by the board from the  
34 fees collected by it.

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1           SECTION 18. All provisions of this act of a general and permanent  
2 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
3 Code Revision Commission shall incorporate the same in the Code.

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5           SECTION 19. If any provision of this act or the application thereof to  
6 any person or circumstance is held invalid, such invalidity shall not affect  
7 other provisions or applications of the act which can be given effect without  
8 the invalid provision or application, and to this end the provisions of this  
9 act are declared to be severable.

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11           SECTION 20. All laws and parts of laws in conflict with this act are  
12 hereby repealed.

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14           SECTION 21. Emergency. It has been found and determined by the General  
15 Assembly of Arkansas that there is presently no agency in this state  
16 authorized to register disease intervention specialists, that there are no  
17 established qualifications for registered disease intervention specialists in  
18 this state, and that a system for registration and qualification of registered  
19 disease intervention specialists is desirable as soon as possible to protect  
20 the dignity of that profession and to protect the public from the practice of  
21 such profession by persons who are inexperienced and unqualified to practice  
22 disease intervention. Therefore, an emergency is hereby declared to exist and  
23 this act being necessary for the immediate preservation of the public peace,  
24 health and safety shall be in full force and effect from and after its passage  
25 and approval.

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