

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.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003  
4

*As Engrossed: H4/3/03*  
**A Bill**

HOUSE BILL 2765

5 By: Representatives Bradford, *Stovall*  
6 By: Senators *Argue, Steele*  
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9 **For An Act To Be Entitled**

10 *AN ACT TO REQUIRE THE ARKANSAS STATE MEDICAL*  
11 *BOARD TO CONSIDER AND GIVE DEFERENCE TO DATA FROM*  
12 *THE CENTER FOR DISEASE CONTROL AND PREVENTION OR*  
13 *THE NATIONAL INSTITUTES OF HEALTH; AND FOR OTHER*  
14 *PURPOSES.*

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16 **Subtitle**

17 *AN ACT TO REQUIRE THE ARKANSAS STATE*  
18 *MEDICAL BOARD TO CONSIDER AND GIVE*  
19 *DEFERENCE TO DATA FROM THE CENTER FOR*  
20 *DISEASE CONTROL AND PREVENTION OR THE*  
21 *NATIONAL INSTITUTES OF HEALTH.*

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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 *SECTION 1. Arkansas Code § 17-95-303 is amended to read as follows:*  
27 *17-95-303. Powers and duties.*

28 *The Arkansas State Medical Board shall:*

29 *(1) Make and adopt all rules, regulations, and bylaws not inconsistent*  
30 *with the laws of this state or of the United States and necessary or*  
31 *convenient to perform the duties and to transact the business required by*  
32 *law;*

33 *(2) Have authority to promulgate and put into effect such rules and*  
34 *regulations as are necessary to carry out the purposes of the Arkansas*  
35 *Medical Practices Act, §§ 17-95-201 - 17-95-207, 17-95-301 - 17-95-305, and*  
36 *17-95-401 - 17-95-411, and the intentions expressed therein;*



1           (3) Have authority to employ attorneys to represent the board in all  
2 legal matters at a compensation approved by the board. Contracts for  
3 employment of attorneys shall be filed by the Secretary of the Arkansas State  
4 Medical Board with the Legislative Council. The board shall further have  
5 authority to request the assistance of the Attorney General and the  
6 prosecuting attorneys of Arkansas in such manner as it deems necessary and  
7 proper;

8           (4) Have the authority to employ an executive secretary to carry out  
9 the purposes and the mandates of the board and to supervise the other  
10 employees of the board;

11           (5) Have the authority to employ a medical director, who shall hold a  
12 valid license to practice medicine in this state, to evaluate medical issues  
13 and to assist in investigations pending before the board;

14           (6) Have the power and authority to employ such secretarial and  
15 administrative assistance as may be necessary to carry out the provisions of  
16 the Arkansas Medical Practices Act, §§ 17-95-201 - 17-95-207, 17-95-301 - 17-  
17 95-305, and 17-95-401 - 17-95-411, and the duties of the board to protect the  
18 people of the State of Arkansas;

19           (7) Have the power and authority to employ one (1) or more inspectors  
20 as may be necessary to carry out the provisions of the Arkansas Medical  
21 Practices Act, §§ 17-95-201 - 17-95-207, 17-95-301 - 17-95-305, and 17-95-401  
22 - 17-95-411, and the duties of the board to protect the people of the State  
23 of Arkansas; ~~and~~

24           (8) Examine, as is provided for by law, all applicants for a license  
25 to practice medicine in this state; and

26           (9) Consider and give deference to data, studies, consensus documents,  
27 and conclusions issued by the Center for Disease Control and Disease  
28 Prevention or the National Institutes of Health whenever their data, studies,  
29 consensus documents, and conclusions are relevant to any decision made  
30 pursuant to the board's powers and duties under the Arkansas Medical  
31 Practices Act, §§ 17-95-201 - 17-95-207, 17-95-301 - 17-95-305, and 17-95-401  
32 - 17-95-41.

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34           SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
35 General Assembly of the State of Arkansas that in order to fulfill its duties  
36 to oversee physician practice in the State of Arkansas, increasingly complex

1 scientific issues are presented to the Arkansas State Medical Board; that in  
2 order to make sound decisions in the interests of public health and  
3 protection of the citizens of Arkansas, the Arkansas State Medical Board  
4 should seek out and apply scientific data from established and respected  
5 national sources whenever such data will help resolve any scientific issue  
6 before it; and that this act is immediately necessary because the Arkansas  
7 State Medical Board meets regularly and frequently considers issues that  
8 require the most up to date scientific information and makes decisions that  
9 have immediate effect on both practitioners and the public. Therefore, an  
10 emergency is declared to exist and this act being immediately necessary for  
11 the preservation of the public peace, health, and safety shall become  
12 effective on:

13 (1) The date of its approval by the Governor;

14 (2) If the bill is neither approved nor vetoed by the Governor,  
15 the expiration of the period of time during which the Governor may veto the  
16 bill; or

17 (3) If the bill is vetoed by the Governor and the veto is  
18 overridden, the date the last house overrides the veto.

19 /s/ Bradford, et al  
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