

1 State of Arkansas  
2 90th General Assembly  
3 Fiscal Session, 2016  
4

# A Bill

SENATE BILL 41

5 By: Joint Budget Committee  
6

## For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES  
9 AND OPERATING EXPENSES FOR THE ARKANSAS STATE MEDICAL  
10 BOARD FOR THE FISCAL YEAR ENDING JUNE 30, 2017; AND  
11 FOR OTHER PURPOSES.  
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## Subtitle

14 AN ACT FOR THE ARKANSAS STATE MEDICAL  
15 BOARD APPROPRIATION FOR THE 2016-2017  
16 FISCAL YEAR.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. REGULAR SALARIES. There is hereby established for the  
23 Arkansas State Medical Board for the 2016-2017 fiscal year, the following  
24 maximum number of regular employees.  
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26				Maximum Annual
27				Salary Rate
28	Item	Class	Maximum	Fiscal Year
29	No.	Code	No. of	2016-2017
	No.	Code	Employees	
30	(1)	U095U	MEDICAL BOARD SECRETARY/TREASURER	1 \$104,236
31	(2)	G076C	ADMINISTRATIVE SERVICES MANAGER	1 GRADE C124
32	(3)	D030C	INFORMATION SYSTEMS COORDINATOR	1 GRADE C124
33	(4)	R019C	BUDGET MANAGER	1 GRADE C120
34	(5)	D062C	DATABASE ANALYST	1 GRADE C119
35	(6)	D065C	NETWORK SUPPORT ANALYST	1 GRADE C118
36	(7)	D064C	WEBSITE DEVELOPER	2 GRADE C118



1	(8)	G187C	CREDENTIALING COORD SUPERVISOR	2	GRADE C117
2	(9)	E046C	TRAINING INSTRUCTOR	1	GRADE C116
3	(10)	C037C	ADMINISTRATIVE ANALYST	3	GRADE C115
4	(11)	D079C	COMPUTER SUPPORT TECHNICIAN	1	GRADE C115
5	(12)	C045C	LICENSING COORDINATOR	21	GRADE C113
6	(13)	A098C	FISCAL SUPPORT SPECIALIST	4	GRADE C112
7	(14)	C073C	ADMINISTRATIVE SPECIALIST II	<u>5</u>	GRADE C109
8			MAX. NO. OF EMPLOYEES	45	

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10 SECTION 2. EXTRA HELP. There is hereby authorized, for the Arkansas  
 11 State Medical Board for the 2016-2017 fiscal year, the following maximum  
 12 number of part-time or temporary employees, to be known as "Extra Help",  
 13 payable from funds appropriated herein for such purposes: two (2) temporary  
 14 or part-time employees, when needed, at rates of pay not to exceed those  
 15 provided in the Uniform Classification and Compensation Act, or its  
 16 successor, or this act for the appropriate classification.

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18 SECTION 3. APPROPRIATION - MEDICAL BOARD. There is hereby  
 19 appropriated, to the Arkansas State Medical Board, to be payable from cash  
 20 funds as defined by Arkansas Code 19-4-801 of the Arkansas State Medical  
 21 Board, for personal services and operating expenses of the Arkansas State  
 22 Medical Board for the fiscal year ending June 30, 2017, the following:

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24	ITEM	FISCAL YEAR
25	<u>NO.</u>	<u>2016-2017</u>
26	(01) REGULAR SALARIES	\$1,599,086
27	(02) EXTRA HELP	24,500
28	(03) PERSONAL SERVICES MATCHING	587,935
29	(04) MAINT. & GEN. OPERATION	
30	(A) OPER. EXPENSE	1,378,180
31	(B) CONF. & TRAVEL	19,000
32	(C) PROF. FEES	177,000
33	(D) CAP. OUTLAY	15,000
34	(E) DATA PROC.	0
35	(05) REFUNDS/REIMBURSEMENTS	<u>7,500</u>
36	TOTAL AMOUNT APPROPRIATED	<u><u>\$3,808,201</u></u>

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SECTION 4. APPROPRIATION - LEGAL FEES. There is hereby appropriated, to the Arkansas State Medical Board, to be payable from the cash funds as defined by Arkansas Code 19-4-801 of the Arkansas State Medical Board, the following:

(A) for legal fees as determined by a court of competent jurisdiction in the case of Edwards v. Beck for the fiscal year ending June 30, 2017, in a sum not to exceed.....\$200,000.

SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LEGAL FEES. It is the intent of the General Assembly for the State Medical Board to pay the legal fees as appropriated in Section 4 herein from fund balances from cash funds as defined by Arkansas Code 19-4-801 of the Arkansas State Medical Board, so that there will be no effect on the FY2015-16 or future fiscal year budgets. The Arkansas State Medical Board shall pay all legal fees as determined by a court of competent jurisdiction in Edwards v. Beck, 8 F. Supp.3d 1091 (E.D. Ark., Mar. 14, 2014) and all related cases and appeals challenging the Arkansas Human Heartbeat Protection Act, § 20-16-1301 et seq., derived from Acts 2013, No. 301.

The provisions of this section shall be in effect only from July 1, ~~2015~~ 2016 through June 30, ~~2016~~ 2017.

SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EDUCATIONAL PROGRAMS. The State Medical Board is hereby authorized to expend from monies authorized herein, \$25 from each licensed physician licensed by the State Medical Board each year to be paid by the State Medical Board to 501(c)(3) Arkansas foundations that have healthcare professionals on their board and provide for identification, treatment and monitoring of healthcare professionals who suffer from alcohol or drug abuse problems, in order to promote the public health and safety and to insure the continued availability of skilled and highly trained medical professionals for the benefit of the public.

The provisions of this section shall be in effect only from July 1, ~~2015~~ 2016 through June 30, ~~2016~~ 2017.

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2 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS  
4 STATE MEDICAL BOARD EMPLOYMENT OF ATTORNEYS. None of the funds appropriated  
5 in this Act for Maintenance and General Operation shall be expended in  
6 payment for services of attorneys, unless the agency shall first make a  
7 request in writing to the Attorney General of the State of Arkansas to  
8 provide the required legal services. The Attorney General's Office shall  
9 provide the requested legal services, or, if the Attorney General's Office  
10 shall determine that sufficient personnel are not available to provide the  
11 requested legal services, the Attorney General shall certify the same to the  
12 agency and may authorize the agency to employ legal counsel and to expend  
13 monies appropriated for Maintenance and General Operations therefore, if:

14 (1) The Attorney General determines, and certifies in writing, that  
15 such agency needs the advice or assistance of legal counsel, and

16 (2) The Attorney General consents in writing to the employment of the  
17 legal counsel to be retained by the agency, and

18 (3) The Attorney General receives confirmation in writing from the  
19 agency that the agency will re-advertise annually for legal counsel if  
20 outside legal counsel is hired and that any amount to be paid for outside  
21 legal counsel will receive prior review by the Arkansas Legislative Council  
22 or Joint Budget Committee.

23 Such certification shall be required with respect to each instance of  
24 the employment of special legal counsel, or shall be required annually with  
25 respect to legal counsel employed on a retainer basis. A copy of such  
26 certification shall be entered in the official minutes of the agency, and  
27 shall be retained in the fiscal records of the agency for audit purposes.

28 The provisions of this section shall be in effect only from July 1,  
29 ~~2015~~ 2016 through June 30, ~~2016~~ 2017.

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31 SECTION 8. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
32 authorized by this act shall be limited to the appropriation for such agency  
33 and funds made available by law for the support of such appropriations; and  
34 the restrictions of the State Procurement Law, the General Accounting and  
35 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
36 Procedures and Restrictions Act, or their successors, and other fiscal

1 control laws of this State, where applicable, and regulations promulgated by  
2 the Department of Finance and Administration, as authorized by law, shall be  
3 strictly complied with in disbursement of said funds.

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5 SECTION 9. LEGISLATIVE INTENT. It is the intent of the General  
6 Assembly that any funds disbursed under the authority of the appropriations  
7 contained in this act shall be in compliance with the stated reasons for  
8 which this act was adopted, as evidenced by the Agency Requests, Executive  
9 Recommendations and Legislative Recommendations contained in the budget  
10 manuals prepared by the Department of Finance and Administration, letters, or  
11 summarized oral testimony in the official minutes of the Arkansas Legislative  
12 Council or Joint Budget Committee which relate to its passage and adoption.

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14 SECTION 10. EMERGENCY CLAUSE. It is found and determined by the  
15 General Assembly, that the Constitution of the State of Arkansas prohibits  
16 the appropriation of funds for more than a one (1) year period; that the  
17 effectiveness of this Act on July 1, 2016 is essential to the operation of  
18 the agency for which the appropriations in this Act are provided, and that in  
19 the event of an extension of the legislative session, the delay in the  
20 effective date of this Act beyond July 1, 2016 could work irreparable harm  
21 upon the proper administration and provision of essential governmental  
22 programs. Therefore, an emergency is hereby declared to exist and this Act  
23 being necessary for the immediate preservation of the public peace, health  
24 and safety shall be in full force and effect from and after July 1, 2016.

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