

1 **State of Arkansas**
2 **78th General Assembly**
3 **First Extraordinary Session, 1992**
4 **By: Senator Bookout**
5
6

Call Item 29
A Bill ACT 38 OF 1992

SENATE BILL 38

7
8 **For An Act To Be Entitled**

9 "AN ACT TO AMEND ARKANSAS CODE ANN. §17-93-301, §17-93-
10 303, AND §17-93-305 (b) REMOVING THE POSITION OF SECRETARY
11 AS A VOTING MEMBER OF THE ARKANSAS STATE MEDICAL BOARD,
12 PROVIDING THE AUTHORITY FOR THE BOARD TO HIRE AN EXECUTIVE
13 SECRETARY AND OTHER PERSONNEL OF THE BOARD, AND TO PROVIDE
14 FOR THE DUTIES OF THE EXECUTIVE SECRETARY OF THE ARKANSAS
15 STATE MEDICAL BOARD."

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

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18 SECTION 1. Arkansas Code Annotated §17-93-301 is amended to read as
19 follows:

20 "17-93-301. Creation - Members

21 (a) There is created the Arkansas State Medical Board.

22 (b) The board shall consist of thirteen (13) members appointed by the
23 Governor for terms of eight (8) years.

24 (1) Nine (9) members shall be duly qualified, licensed, and active
25 medical practitioners and appointed upon the advice and recommendation of the
26 Arkansas Medical Society. One (1) member shall be appointed from each of the
27 six (6) congressional districts established by Acts 1951, No. 297 [repealed].

28 Three (3) members shall be appointed at large.

29 (2) One (1) member shall be a licensed practicing physician in this
30 state and shall be appointed upon the advice and recommendation of the
31 Physicians' Section of the Arkansas Medical, Dental, and Pharmaceutical
32 Association.

33 (3) Two (2) members of the board shall not be actively engaged in
34 or retired from the practice of medicine. One (1) member shall represent
35 consumers, and one (1) member shall be sixty (60) years of age or older and
36 shall represent the elderly. Both shall be appointed from the state at large

1 subject to confirmation by the Senate. The two (2) positions may not be held
2 by the same person. Both shall be full voting members but shall not
3 participate in the grading of examinations.

4 (4) One (1) member shall be a duly qualified, licensed, and active
5 practitioner of osteopathy and appointed upon the recommendation of the
6 Arkansas Osteopathic Medical Association.

7 (c) The terms of each member shall expire on December 31 of the year
8 designated, and a successor appointee shall be named by the Governor on or
9 before the expiration date of the term so expiring.

10 (d) (1) Vacancies on the board occurring otherwise than as
11 provided in this section shall be filled by appointment by the Governor within
12 thirty (30) days thereafter.

13 (2) In the event a vacancy exists in the member position of licensed
14 practicing physician appointed upon the advice and recommendation of the
15 Arkansas Medical Society due to death, resignation, or other cause, a
16 successor member to the position shall be appointed by the Governor for the
17 remainder of the unexpired portion of the term thereof in the same manner as
18 provided in this section for the initial appointment.

19 (3) In the event a vacancy exists in the member position of licensed
20 practicing physician appointed upon the advice and recommendation of the
21 Physicians_ Section of the Arkansas Medical, Dental, and Pharmaceutical
22 Association due to death, resignation, or other cause, a successor member to
23 the position shall be appointed by the Governor for the remainder of the
24 unexpired portion of the term thereof in the same manner as provided in this
25 section for the initial appointment.

26 (4) In the event a vacancy exists in the member positions of the
27 licensed osteopath appointed upon the advice and recommendation of the
28 Arkansas Osteopathic Medical Association due to death, resignation, or other
29 cause, a successor member to the position shall be appointed by the Governor
30 for the remainder of the unexpired portion of the term thereof in the same
31 manner as provided in this subchapter for the initial appointment.

32 (e) The members of the board shall take the oath prescribed by the
33 Constitution for state officers before entering upon the discharge of their
34 duties.

35 (f) (1) The members of the board shall receive as compensation for their

1 services the sum of one hundred dollars (\$100) per day and expenses for
2 regular board meetings and one hundred dollars (\$100) per day and expenses for
3 called meetings.

4 (2) The secretary of the board shall receive such additional salary
5 as may be fixed by the board."

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7 SECTION 2. Arkansas Code Annotated §17-93-303 is amended to read as
8 follows:

9 "17-93-303. Powers and Duties. The board shall:

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

13 (2) Have authority to promulgate and put into effect such rules and
14 regulations as are necessary to carry out the purposes of subchapters 2-4 of
15 this chapter and the intentions expressed therein;

16 (3) Have authority to employ attorneys to represent the board in all
17 legal matters at a compensation approved by the board. Contracts for
18 employment of attorneys shall be filed by the secretary of the board with the
19 Legislative Council. The board shall further have authority to request the
20 assistance of the Attorney General and the prosecuting attorneys of Arkansas
21 in such manner as it deems necessary and proper;

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23 (4) Have the authority to employ an executive secretary to carry out
24 the purposes and the mandates of the Arkansas State Medical Board and to
25 supervise the other employees of the board;

26 (5) Have the power and authority to employ such secretarial and
27 administrative assistance as may be necessary to carry out the provisions of
28 subchapters 2-4 of this chapter and the duties of the board to protect the
29 people of the State of Arkansas;

30 (6) Have the power and authority to employ one (1) or more inspectors
31 as may be necessary to carry out the provisions of subchapters 2-4 of this
32 chapter and the duties of the board to protect the people of the State of
33 Arkansas; and

34 (7) Examine, as is provided for by law, all applicants for a license
35 to practice medicine in this state."

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2 SECTION 3. Arkansas Code Annotated §17-93-305(b) is amended to read as
3 follows:

4 "(b) All moneys received by the board shall be disbursed by the
5 president and/or executive secretary of the board. The president and/or
6 executive secretary shall furnish a surety bond and should keep a true and
7 faithful account of all moneys received and all moneys expended. The executive
8 secretary shall file, annually with the Governor, a report of all financial
9 transactions duly audited by an independent accountant."

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11 SECTION 4. All provisions of this act of a general and permanent nature
12 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
13 Revision Commission shall incorporate the same in the Code.

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

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21 SECTION 6. All laws and parts of laws in conflict with this act are
22 hereby repealed.

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24 SECTION 7. EMERGENCY. It is hereby found and determined by the General
25 Assembly that existing laws do not accurately reflect the composition of the
26 Arkansas State Medical Board; and the personnel needs of said Board and the
27 duties of said personnel; that a provision correctly stating and establishing
28 the Arkansas State Medical Board and the personnel and powers of the personnel
29 they are to hire is necessary to ensure the proper enforcement of the
30 provisions governing the practice of medicine in the State of Arkansas; that
31 there is an emergency need for such a provision and that an enactment of the
32 measure will remedy this situation. Therefore, an emergency is hereby
33 declared to exist and this act being necessary for the preservation of the
34 public peace, health and safety shall be in full force and effect from and
35 after its passage and approval.

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APPROVED: 3-11-92

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