

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**  
4 **By: Representatives K. Wood, Hogue, and Wren**

# **A Bill**

**ACT 742 OF 1995**  
**HOUSE BILL 1266**

## **For An Act To Be Entitled**

8 "AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS PHYSICAL  
9 THERAPY ACT; AND FOR OTHER PURPOSES."

### **Subtitle**

12 "AMEND VARIOUS SECTIONS OF THE ARKANSAS  
13 PHYSICAL THERAPY ACT."

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

17 SECTION 1. Arkansas Code 17-92-201(e) is amended to read as follows:

18 "*(e) Each member of the Board shall be paid fifty dollars (\$50.00) for*  
19 *each day or portion thereof spent in the discharge of official board duties*  
20 *and shall be reimbursed for actual and necessary expenses incurred in the*  
21 *discharge of such official duties.*"

23 SECTION 2. Arkansas Code 17-92-303(d) is amended to read as follows:

24 "(d) (1) A license or registration fee in an amount to be determined by  
25 the Board shall be paid by each person licensed by the Board. The  
26 registration fee shall be paid no later than March 1 of each year.

27 (2) Failure to reregister and pay the fee by March 1 shall cause the  
28 license of any person so failing to reregister to expire automatically.

29 (3) Any delinquent licensee may be reinstated by paying all delinquent  
30 fees and a penalty in an amount to be determined by the Board for each year or  
31 part of a year he has been delinquent."

33 SECTION 3. Arkansas Code 17-92-308 is amended to read as follows:

34 "17-92-308. Revocation, suspension, or denial - Grounds.

35 (a) After due notice and hearing, the board may suspend, revoke, refuse  
36 to renew the license of any person licensed under this chapter, or take other

1 appropriate action against any person licensed under this chapter who:

2 (1) Is habitually drunk or who is addicted to the use of narcotic  
3 drugs;

4 (2) Has been convicted of violating any state or federal narcotic law;

5 (3) Is, in the judgment of the board, guilty of immoral or  
6 unprofessional conduct;

7 (4) Has been convicted of any crime involving moral turpitude;

8 (5) Is guilty, in the judgment of the board, of gross negligence in his  
9 practice;

10 (6) Has obtained, or attempted to obtain, registration by fraud or  
11 material misrepresentation;

12 (7) Has been declared insane by a court of competent jurisdiction and  
13 has not thereafter been lawfully declared sane;

14 (8) Has treated, or undertaken to treat, ailments of human beings  
15 otherwise than by physical therapy and as authorized by this chapter, or has  
16 undertaken to practice independent of the referral of a person licensed to  
17 practice medicine and surgery without limitation; or

18 (9)(A) Engages, directly or indirectly, in the division, transferring,  
19 assigning, rebating, or refunding of fees received for professional services  
20 or gratuity with any physician or health care practitioner who referred a  
21 patient, or with any relative or business associate of the referring person,  
22 without appropriate disclosure to the patient so referred. Nothing in this  
23 subdivision (a)(9) shall be construed as prohibiting the members of any  
24 regularly and properly organized business entity recognized by Arkansas law  
25 and comprised of physical therapists from making any division of their total  
26 fees among themselves as they determine by contract necessary to defray their  
27 joint operating costs.

28 (B) This subdivision (a)(9) shall not apply to any physical  
29 therapist employed by a licensed physician on July 15, 1991, during the term  
30 of such employment, nor shall it apply to physical therapy positions on the  
31 premises of Arkansas licensed hospitals and nursing homes.

32 (10) Is in violation of any provisions of this chapter or any  
33 regulation promulgated by the Board.

34 (b) The procedure in all disciplinary actions shall be as prescribed by  
35 the Administrative Procedures Act, § 25-15-201 et seq. and shall include the

1 power to subpoena documents and people."

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3 SECTION 4. Subchapter 3 of Chapter 92 of Title 17 of the Arkansas Code  
4 is amended by inserting an additional section at the end thereof to read as  
5 follows:

6 "17-92-311.

7 (a) After due notice and hearing, the Board is also authorized to levy  
8 a civil penalty against any person licensed under the provisions of this  
9 chapter after a finding that the person has violated any of the provisions of  
10 this chapter or any regulations promulgated by the Board.

11 (b) Civil penalties assessed by the Board shall be no more than one  
12 thousand dollars (\$1,000.00) per incident,

13 (c) In addition to any other sanctions authorized by the chapter, the  
14 Board may impose a civil penalty as provided above against any unlicensed  
15 person practicing or offering to practice any actions requiring licensure  
16 pursuant to the provisions of this chapter."

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18 SECTION 5. All provisions of this act of a general and permanent nature  
19 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
20 Revision Commission shall incorporate the same in the Code.

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22 SECTION 6. If any provision of this act or the application thereof to  
23 any person or circumstance is held invalid, such invalidity shall not affect  
24 other provisions or applications of the act which can be given effect without  
25 the invalid provision or application, and to this end the provisions of this  
26 act are declared to be severable.

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28 SECTION 7. All laws and parts of laws in conflict with this act are  
29 hereby repealed.

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*/s/Rep. K. Wood, et al*

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APPROVED: 3-23-95

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***As Engrossed: 2/10/95 3/17/95***

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