

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.

**Act 739 of the Regular Session**

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

*As Engrossed: S3/23/09*

**A Bill**

SENATE BILL 41

5 By: Joint Budget Committee  
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**For An Act To Be Entitled**

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL  
10 SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS  
11 STATE MEDICAL BOARD FOR THE FISCAL YEAR ENDING  
12 JUNE 30, 2010; AND FOR OTHER PURPOSES.  
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14

**Subtitle**

15 AN ACT FOR THE ARKANSAS STATE MEDICAL  
16 BOARD APPROPRIATION FOR THE 2009-2010  
17 FISCAL YEAR.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. REGULAR SALARIES. There is hereby established for the Arkansas  
24 State Medical Board for the 2009-2010 fiscal year, the following maximum  
25 number of regular employees whose salaries shall be governed by the  
26 provisions of the Uniform Classification and Compensation Act (Arkansas Code  
27 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.  
28 Provided, however, that any position to which a specific maximum annual  
29 salary is set out herein in dollars, shall be exempt from the provisions of  
30 said Uniform Classification and Compensation Act. All persons occupying  
31 positions authorized herein are hereby governed by the provisions of the  
32 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),  
33 or its successor.  
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Maximum Annual



Item No.	Class Code	Title	Maximum No. of Employees	Salary Rate Fiscal Year 2009-2010
1	(1) U095U	MEDICAL BOARD SECRETARY/TREASURER	1	\$94,843
2	(2) D030C	INFORMATION SYSTEMS COORDINATOR	1	GRADE C124
3	(3) G076C	ADMINISTRATIVE SERVICES MANAGER	1	GRADE C124
4	(4) D062C	DATABASE ANALYST	1	GRADE C119
5	(5) D064C	WEBSITE DEVELOPER	1	GRADE C118
6	(6) D065C	NETWORK SUPPORT ANALYST	1	GRADE C118
7	(7) G187C	CREDENTIALING COORDINATION SUPERVIS	2	GRADE C117
8	(8) C037C	ADMINISTRATIVE ANALYST	4	GRADE C115
9	(9) D079C	COMPUTER SUPPORT TECHNICIAN	1	GRADE C115
10	(10) C045C	LICENSING COORDINATOR	19	GRADE C113
11	(11) A098C	FISCAL SUPPORT SPECIALIST	4	GRADE C112
12	(12) C073C	ADMINISTRATIVE SPECIALIST II	5	GRADE C109
13	MAX. NO. OF EMPLOYEES		41	

SECTION 2. EXTRA HELP. There is hereby authorized, for the Arkansas State Medical Board for the 2009-2010 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: one (1) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, or this act for the appropriate classification.

SECTION 3. APPROPRIATIONS - MEDICAL BOARD. There is hereby appropriated, to the Arkansas State Medical Board, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Arkansas State Medical Board, for personal services and operating expenses of the Arkansas State Medical Board for the fiscal year ending June 30, 2010, the following:

ITEM NO.	FISCAL YEAR 2009-2010
(01) REGULAR SALARIES	\$ 1,592,900
(02) EXTRA HELP	7,000
(03) PERSONAL SERVICES MATCHING	504,495

1	(04) MAINT. & GEN. OPERATION	
2	(A) OPER. EXPENSE	929,180
3	(B) CONF. & TRAVEL	15,000
4	(C) PROF. FEES	136,000
5	(D) CAP. OUTLAY	219,000
6	(E) DATA PROC.	0
7	(05) REFUNDS/REIMBURSEMENTS	<u>7,500</u>
8	TOTAL AMOUNT APPROPRIATED	<u>\$ 3,411,075</u>

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10 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

12 EDUCATIONAL PROGRAMS. The State Medical Board is hereby authorized to expend  
 13 from monies authorized herein, ~~no more than \$200,000 each fiscal year for~~  
 14 ~~educational programs, either public or private, for impaired physicians with~~  
 15 ~~alcohol or drug abuse problems. \$25 from each licensed physician licensed by~~  
 16 the State Medical Board each year to be paid by the State Medical Board to  
 17 501(c)(3) Arkansas foundations that have healthcare professionals on their  
 18 board and provide for identification, treatment and monitoring of healthcare  
 19 professionals who suffer from alcohol or drug abuse problems, in order to  
 20 promote the public health and safety and to insure the continued availability  
 21 of skilled and highly trained medical professionals for the benefit of the  
 22 public.

23 The provisions of this section shall be in effect only from July 1,  
 24 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

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26 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DIRECTOR  
 28 QUALIFICATIONS AND LIMITATIONS. The Director of the State Medical Board  
 29 shall:

30 (a) have been in full-time clinical practice of medicine in direct patient  
 31 care within one (1) year of filling the position of Medical Director;

32 (b) have fifteen (15) years of current continuous full-time medical service  
 33 immediately prior to the date of appointment which shall include, but not be  
 34 limited to, at least ten (10) years of full-time clinical practice in direct  
 35 patient care, five (5) years of which shall have been in full-time clinical  
 36 practice in direct patient care in the State of Arkansas;

1 (c) have not served on the Arkansas State Medical Board within the past five  
2 (5) years; and

3 (d) have a comprehensive knowledge of the contemporary, broad-based clinical  
4 practice of medicine with experience in direct patient care.

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

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

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

22 (3) The Attorney General determines that the agency re-advertises  
23 annually for legal counsel if outside legal counsel is hired and that any  
24 amount to be paid for outside legal counsel has been reviewed and approved by  
25 the Arkansas Legislative Council or Joint Budget Committee.

26 Such certification shall be required with respect to each instance of the  
27 employment of special legal counsel, or shall be required annually with  
28 respect to legal counsel employed on a retainer basis. A copy of such  
29 certification shall be entered in the official minutes of the agency, and  
30 shall be retained in the fiscal records of the agency for audit purposes.  
31 Determining the maximum number of employees and the maximum amount of  
32 appropriation and general revenue funding for a state agency each fiscal year  
33 is the prerogative of the General Assembly. This is usually accomplished by  
34 delineating such maximums in the appropriation act(s) for a state agency and  
35 the general revenue allocations authorized for each fund and fund account by  
36 amendment to the Revenue Stabilization law. Further, the General Assembly

1 has determined that the Arkansas State Medical Board may operate more  
2 efficiently if some flexibility is provided to the Arkansas State Medical  
3 Board authorizing broad powers under this Section. Therefore, it is both  
4 necessary and appropriate that the General Assembly maintain oversight by  
5 requiring prior approval of the Legislative Council or Joint Budget Committee  
6 as provided by this section. The requirement of approval by the Legislative  
7 Council or Joint Budget Committee is not a severable part of this section.  
8 If the requirement of approval by the Legislative Council or Joint Budget  
9 Committee is ruled unconstitutional by a court of competent jurisdiction,  
10 this entire section is void.

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12 SECTION 7. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized  
13 by this act shall be limited to the appropriation for such agency and funds  
14 made available by law for the support of such appropriations; and the  
15 restrictions of the State Procurement Law, the General Accounting and  
16 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
17 Procedures and Restrictions Act, or their successors, and other fiscal  
18 control laws of this State, where applicable, and regulations promulgated by  
19 the Department of Finance and Administration, as authorized by law, shall be  
20 strictly complied with in disbursement of said funds.

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

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31 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General  
32 Assembly, that the Constitution of the State of Arkansas prohibits the  
33 appropriation of funds for more than a one (1) year period; that the  
34 effectiveness of this Act on July 1, 2009 is essential to the operation of  
35 the agency for which the appropriations in this Act are provided, and that in  
36 the event of an extension of the Regular Session, the delay in the effective

1 date of this Act beyond July 1, 2009 could work irreparable harm upon the  
2 proper administration and provision of essential governmental programs.  
3 Therefore, an emergency is hereby declared to exist and this Act being  
4 necessary for the immediate preservation of the public peace, health and  
5 safety shall be in full force and effect from and after July 1, 2009.

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*/s/ Joint Budget Committee*

**APPROVED: 4/1/2009**