

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Ross**

A Bill

ACT 107 OF 1993
SENATE BILL 92

For An Act To Be Entitled

8 **"AN ACT TO PROVIDE FOR THE REGISTRATION OF**
9 **DISEASE INTERVENTION SPECIALISTS; AND FOR OTHER**
10 **PURPOSES."**

Subtitle

13 **"AN ACT TO PROVIDE FOR THE REGISTRATION OF**
14 **DISEASE INTERVENTION SPECIALISTS."**

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

18 **SECTION 1. Since the profession of disease intervention specialist significantly affects**
19 **the lives of the people of this state, it is the purpose of this act to protect the public by setting**
20 **standards of qualification, training and experience for those who seek to represent themselves**
21 **to the public as disease intervention specialists and by promoting high standards of**
22 **professional performance for those engaged in the practice of disease intervention.**

24 **SECTION 2. Definitions. As used in this act:**

25 **(1) "Associate Disease Intervention Specialist" means a person who meets the**
26 **educational and specialized training requirements of this act, but does not meet the experience**
27 **requirements established for a registered disease intervention specialist.**

28 **(2) "Board" means the State Board of Disease Intervention Specialists created by this**
29 **act.**

30 **(3) "Continuing Education Unit" means value given for participation in organized**
31 **continuing education experience under reasonable sponsorship, capable direction and**
32 **qualified instruction approved by the board.**

33 **(4) "Disease intervention" means activities used to prevent disease transmission by**
34 **ensuring that those people who have a sexually transmitted disease and those who have been**
35 **exposed to a sexually transmitted disease are promptly located, examined and adequately**
36 **treated before any signs or symptoms of a disease appear or before any laboratory evidence of a**

1 **disease is demonstrable or before an infected person would have sought treatment voluntarily.**

2 **(5) "Disease Intervention Specialist in Training" means a person who meets the**
 3 **educational requirements of this act, but does not meet the specialized training requirements**
 4 **established for an associate disease intervention specialist.**

5 **(6) "Registered Disease Intervention Specialist" means a trained health care**
 6 **professional meeting the educational, specialized training and experience requirements of this**
 7 **act who practices sexually transmitted disease intervention with patients, sex partners and**
 8 **others suspected of having a sexually transmitted disease.**

9
 10 **SECTION 3. (a) Nothing in this act shall be construed to limit members of the clergy,**
 11 **Christian Science practitioners, and licensed health care professionals, such as physicians,**
 12 **nurses, psychologists, and counselors, from doing work within the standards and ethics of their**
 13 **respective professions, providing they do not hold themselves out to the public by any title or**
 14 **description of services as a disease intervention specialist.**

15 **(b) Nothing in this act shall be construed to limit the employment by health care**
 16 **facilities of persons who commonly perform services within the definition of disease**
 17 **intervention, so long as the services are performed within the course of and scope of their**
 18 **employment as an employee of the health care facility and they do not hold themselves out to**
 19 **the public by any title or description of services as a disease intervention specialist. This act**
 20 **does not require an employee of a health care facility to be registered as a disease intervention**
 21 **specialist as a condition of employment.**

22 **(c) Nothing in this act shall be construed as limiting the activities of a student or other**
 23 **person preparing for the profession of disease intervention specialist provided disease**
 24 **intervention is performed only under qualified supervision.**

25 **(d) It is the intent of the General Assembly to restrict registry to those individuals who are**
 26 **qualified under this act to be disease intervention specialists. It is not the intent of the**
 27 **General Assembly to register persons, such as state employees, in the job classification of**
 28 **disease intervention specialist.**

29
 30 **SECTION 4. (a) If any person shall practice or hold himself out to the public as being**
 31 **engaged in the practice of disease intervention and is not then currently registered to practice**
 32 **as a disease intervention specialist, he shall be deemed guilty of a misdemeanor.**

33 **(b) Upon conviction he shall be punished by a fine of not less than fifty dollars**
 34 **(\$50.00) nor more than two hundred dollars (\$200) or by imprisonment not exceeding three**
 35 **(3) months or by both fine and imprisonment.**

1 **(c) Each day the violation continues constitutes a separate offense.**

2 **(d) The board shall assist the prosecuting attorney in the enforcement of this act, and**
 3 **any member of the board may present evidence of a violation to the appropriate prosecuting**
 4 **attorney.**

5
 6 **SECTION 5. No registered disease intervention specialist or certified disease**
 7 **intervention specialist, disease intervention specialist in training, or his secretary,**
 8 **stenographer, or clerk may disclose any information he may have acquired from persons**
 9 **consulting him in his professional capacity to any person except with the written consent of the**
 10 **person or persons whose history is to be disclosed.**

11
 12 **SECTION 6. (a) There is created the State Board of Disease Intervention**
 13 **Specialists, which shall consist of seven (7) members who shall be appointed by the Governor**
 14 **from a list of twelve (12) candidates submitted by the employees of the Health Department,**
 15 **Division of AIDS and Sexually Transmitted Diseases.**

16 **(b) The term of office shall be fixed so that one (1) member of the board will be retired**
 17 **each year, and each year three (3) candidates shall be submitted by registered disease**
 18 **intervention specialists to the Governor who shall appoint one (1) to fill the expired term. The**
 19 **term of the first board members shall be fixed so that one (1) member will be appointed for one**
 20 **(1) year, one for two (2) years, one for three (3) years, one for four (4) years, one for five (5)**
 21 **years, one for six (6) years, and one for seven (7) years. Successor members shall be appointed**
 22 **for a seven (7) year term except for a person who is appointed to fill out the unexpired term of**
 23 **another member. The term of office shall expire on January 1 of each year.**

24 **(c) Except for the initial board members, the appointees shall be registered disease**
 25 **intervention specialists who have been residents in the State of Arkansas for at least one (1)**
 26 **year, have had experience in the field of disease intervention for at least five (5) years and are**
 27 **presently engaged in the field of disease intervention. The board members must hold a current**
 28 **certificate of registration issued by the board, except that the initial members shall issue to**
 29 **themselves a certificate of registration without application or examination.**

30 **(d) The Governor shall fill any vacancy caused by death, resignation, or removal for the**
 31 **unexpired term. Vacancies for unexpired terms shall be filled from three (3) candidates**
 32 **submitted within thirty (30) days by registered disease intervention specialists. If no**
 33 **candidate is submitted within thirty (30) days, the Governor shall fill the vacancy with any**
 34 **eligible disease intervention specialist.**

35 **(e) The Governor may remove any member of the board for misconduct, incapacity or**

1 neglect of duty.

2 (f) The members of the board shall serve without compensation but shall be
3 reimbursed from fees collected pursuant to this act for actual and necessary expenses incurred
4 in the performance of their duties, provided that the expenses shall in no case exceed funds
5 available to the board.

6

7 SECTION 7. (a) The board shall hold a meeting at least once a year and at such times
8 as the chairman of the board shall appoint.

9 (b) At the first meeting and annually thereafter, the board shall elect from its
10 members, a chairman and secretary.

11 (c) Four (4) members shall constitute a quorum, but no action may be taken on any
12 questions unless at least four (4) members are in accord.

13 (d) The board shall adopt an official seal which shall be affixed to all certificates of
14 registration.

15

16 SECTION 8. (a) The board shall adopt such rules and regulations reasonably
17 necessary to administer this act.

18 (b) The chairman and secretary of the board may administer oaths and subpoena
19 witnesses.

20 (c) The board, if monies are appropriated therefor, may employ and fix the
21 compensation of such assistants, clerks, stenographers, typists and other employees, to serve at
22 the pleasure of the board, and to acquire such office space, furniture, supplies, equipment and
23 other such proper conveniences as may be reasonably necessary for the performance of their
24 duties under this act.

25 (d) The board shall promulgate rules and regulations establishing standards for
26 continuing education as a means to maintain professional competency. The continuing
27 education units shall be awarded for direct participation in courses approved by the board.
28 The standards shall be established in a manner to assure that a variety of approved continuing
29 education programs are available to registered disease intervention specialists, including but
30 not limited to academic studies, in-service education, institutes, seminars, lectures,
31 conferences, workshops, extension courses, home study programs, articles published, and
32 scientific papers published.

33 (e) The board may contract with another agency or association to perform part or all of
34 the duties in establishing procedures to record and retain data on all registered disease
35 intervention specialists in good standing.

1

2 **SECTION 9. (a) The board shall hold examinations to test the fitness of applicants**
3 **for registration at such times and places within this state as the board shall determine. The**
4 **board shall conduct at least one (1) examination every year. The scope of the examination shall**
5 **be determined by the board.**

6 **(b) Within ninety (90) calendar days after an application is filed with the secretary,**
7 **the board shall notify the applicant whether his application for examination was accepted or**
8 **rejected and if rejected, the reason therefor. (c) The secretary of the board shall give**

9 **reasonable notice by mail of the time and place of examination to each applicant accepted for**
10 **examination.**

11 **(d) Within sixty (60) calendar days after the examination, the board shall notify by**
12 **mail each examinee as to whether he has passed the examination.**

13 **(e) Each person who passes the examination to the satisfaction of the board shall be**
14 **issued a certificate of registration upon payment of a registration fee set by the board.**

15

16 **SECTION 10. (a) The board shall admit to examination any person who makes**
17 **application to the secretary of the board on forms prescribed and furnished by the board, pays**
18 **an application fee set by the board to defray the expense of examination, and submits**
19 **satisfactory proof to the board that he:**

20 **(1) is a person of good moral character;**

21 **(2) meets the minimum educational requirements;**

22 **(3) meets the minimum specialized training requirements as determined by the**
23 **board;**

24 **(4) has had two (2) years of field experience in HIV/Sexually Transmitted**
25 **Disease intervention; and**

26 **(5) is actively engaged in the field of HIV/Sexually Transmitted Disease**
27 **intervention at the time he makes application.**

28 **(b) The minimum educational requirements for admission to examination for**
29 **registration as a disease intervention specialist shall be as follows:**

30 **(1) A bachelor_s or master_s of public health degree with specialization in**
31 **disease intervention from a school of public health approved by the board; or**

32 **(2) A bachelor_s degree with a minimum of thirty (30) semester hours or its**
33 **equivalent in biology, chemistry, physics, math, sociology, psychology, criminal justice, plus two**
34 **(2) year's experience in disease intervention or training courses approved by the board.**

35 **(c) Any person meeting the educational and specialized training requirements of this**

1 act, but who does not meet the experience requirements of this act, may make application to
 2 the board through a process prescribed by the board for acceptance as an associate disease
 3 intervention specialist. The board shall accept such application when submitted, if
 4 accompanied by the required fee.

5 (d) Any person who meets the educational requirements of this act, but does not meet
 6 the specialized training requirements established for an associate disease intervention
 7 specialist, may make application to the board through a process prescribed by the board for
 8 acceptance as a disease intervention specialist in training.

9
 10 **SECTION 11.** The board shall approve for examination any person, who before
 11 **January 1, 1994**, makes application to the secretary of the board on forms prescribed and
 12 furnished by the board, pays a registration fee set by the board and submits proof satisfactory
 13 to the board that he:

- 14 (1) is a person of good moral character;
- 15 (2) has had twelve (12) months of field experience in HIV/Sexually Transmitted
 16 Disease intervention in this state prior to **January 1, 1992**;
- 17 (3) is actively engaged in the field of HIV/Sexually Transmitted Disease intervention
 18 at the time he makes application;

19
 20 **SECTION 12.** The board shall issue a certificate of registration without examination
 21 to any person who makes application on forms prescribed and furnished by the board, pays a
 22 registration fee set by the board and submits satisfactory proof that he:

- 23 (1) is of good moral character;
- 24 (2) has had at least two (2) years experience in the field of HIV/Sexually Transmitted
 25 Disease intervention; and
- 26 (3) is registered as a disease intervention specialist in a state in which the
 27 qualifications for registration are not lower than the qualifications for registration in this state
 28 at the time he applies for registration.

29
 30 **SECTION 13.** Each certificate of registration issued by the board shall expire on **June**
 31 **30**, following the date of issue. A renewal certificate may be issued to the holder of a current
 32 certificate of registration who makes application prior to the expiration of his certificate and
 33 pays a renewal fee set by the board, provided that beginning **July 1, 1994** satisfactory proof of
 34 complying with the board's continuing education requirements must accompany renewal
 35 application.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

SECTION 14. A former registered disease intervention specialist, whose certificate has expired or has been suspended or revoked, may make application for reinstatement by paying a renewal fee and submitting satisfactory proof to the board that he has complied with the continuing education requirements. The board shall consider the moral character and professional qualifications of the applicant as in the case of an original application.

SECTION 15. The board may refuse to renew or may suspend or revoke a certificate upon proof that the applicant:

- (1) is not of good character;**
- (2) is guilty of fraud, deceit, gross negligence, incompetency or misconduct relative to his duties as a disease intervention specialist.**

SECTION 16. (a) Before the board may suspend, revoke or refuse to renew a certificate of registration it shall set the matter for a hearing before the board, and at least twenty (20) calendar days prior to the date set for hearing, it shall give written notice to the accused of the charges made and the date and place of the hearing. Service of the notice may be made by personal service or be sending it by registered mail to the last known business address of the accused. The accused shall have the opportunity to be heard in person and by counsel. A stenographic record of the hearing shall be kept and a transcript thereof filed with the board.

(b) The order of the board shall be issued within thirty (30) days after the termination of the hearing.

(c) Notice of the order of the board shall be given to the accused, either by personal service or by registered mail sent to the last known business address of the accused within ten (10) calendar days after the order is issued.

SECTION 17. All fees or payments collected by the board under this act shall be deposited into a bank designated by the board and the board shall make a report annually to the Governor showing all receipts and disbursements of monies, and a summary of all business transacted during the year. The per diem and other expenses provided hereunder shall be paid by the board from the fees collected by it.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

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

SECTION 20. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 21. Emergency. It has been found and determined by the General Assembly of Arkansas that there is presently no agency in this state authorized to register disease intervention specialists, that there are no established qualifications for registered disease intervention specialists in this state, and that a system for registration and qualification of registered disease intervention specialists is desirable as soon as possible to protect the dignity of that profession and to protect the public from the practice of such profession by persons who are inexperienced and unqualified to practice disease intervention. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

APPROVED: 02/11/93

- 1
- 2
- 3