

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.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: S1/24/01 S1/25/01

A Bill

Act 197 of 2001
SENATE BILL 229

5 By: Senators K. Smith, DeLay, Hunter, B. Johnson, T. Smith, Trusty, Wilkins, P. Malone
6 By: Representatives C. Taylor, Carson, Green, McMellon, R. Smith
7
8

For An Act To Be Entitled

10 AN ACT TO PROTECT THE PUBLIC HEALTH AND SAFETY BY
11 ALLOWING THE ARKANSAS STATE BOARD OF CHIROPRACTIC
12 EXAMINERS TO IMPOSE CIVIL PENALTIES; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15 AN ACT TO PROTECT THE PUBLIC HEALTH AND
16 SAFETY BY ALLOWING THE ARKANSAS STATE
17 BOARD OF CHIROPRACTIC EXAMINERS TO
18 IMPOSE CIVIL PENALTIES.
19
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code 17-81-301 is amended to read as follows:
25 17-81-301. License required.

26 In order to safeguard life and health, any person practicing or offering
27 to practice chiropractic in the state ~~for compensation~~ shall be required to
28 submit evidence that he or she is qualified to practice and shall be licensed
29 as provided in this chapter.
30

31 SECTION 2. Arkansas Code 17-81-303(d) is amended to read as follows:

32 (d)(1) It is unlawful for any person other than a physician licensed to
33 practice chiropractic under the provisions of the Arkansas Chiropractic
34 Practices Act, § 17-81-101 et seq., or a physician licensed to practice
35 *medicine under the Arkansas Medical Practices Act, ~~§ 17-93-201 et seq.~~ which*
36 *begins at § 17-95-201,* to perform spinal mobilizations, spinal adjustments, or

1 spinal manipulations as those terms are defined in § 17-81-102(5).

2 (2) Nothing contained in this subsection shall be construed to
3 limit or restrict the authority of a licensed physical therapist to practice
4 *physical therapy as defined in ~~§ 17-92-102(1)~~ § 17-93-102(1)*.

5 (3) Any person violating the provisions of this subsection shall
6 be guilty of a misdemeanor and upon conviction shall be punished by a fine of
7 not ~~less than one thousand dollars (\$1,000)~~ nor more than five thousand
8 dollars (\$5,000), and each violation shall constitute a separate offense.

9
10 SECTION 3. Arkansas Code 17-81-303 is amended to add the following new
11 subsection:

12 (e)(1) If the board determines, after due notice and a hearing, that any
13 provision of this chapter or any regulation promulgated by the board pursuant
14 to this chapter has been violated, the board may impose a civil penalty not to
15 exceed five thousand dollars (\$5000) per violation.

16 (2)(A) The board may file an action in the Circuit Court of
17 Pulaski County to collect any civil penalty not paid within thirty (30) days
18 of service of the order assessing the penalty, unless the circuit court enters
19 a stay of the board's order.

20 (B) If the board prevails in the action, the defendant
21 shall be directed to pay reasonable attorney's fees and costs incurred by the
22 board in prosecuting the action in addition to the civil penalty.

23 (3) Any person aggrieved by an action of the board imposing civil
24 penalties may appeal the decision in the manner and under the procedure
25 prescribed in the Arkansas Administrative Procedure Act, which begins at 25-
26 15-201 for appeals from administrative decisions.

27 /s/ K. Smith
28
29

30 APPROVED: 2/9/2001
31
32
33
34
35
36