

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: H2/23/01*

## A Bill

Act 929 of 2001  
HOUSE BILL 1743

5 By: Representatives Altes, Verkamp, Bolin, Rackley, Mack, Roebuck, Files, Pritchard, Bradford, Eason,  
6 Milligan, Rodgers

7 By: Senator Bisbee  
8  
9

### For An Act To Be Entitled

10 AN ACT TO AMEND VARIOUS SECTIONS OF THE OSTEOPATHIC  
11 LICENSING LAW, THE MEDICAL PRACTICES ACT AND THE  
12 IMPAIRED PHYSICIANS AND DENTAL TREATMENT ACT; TO  
13 CLARIFY SUCH LAWS AS THEY RELATE TO THE PRACTICE OF  
14 OSTEOPATHIC MEDICINE; AND FOR OTHER PURPOSES.  
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### Subtitle

17 TO AMEND VARIOUS SECTIONS OF THE  
18 ARKANSAS CODE RELATING TO THE PRACTICE  
19 OF OSTEOPATHIC MEDICINE.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code 17-80-210 is amended to read as follows:

26 17-80-210. Limitation on Liability.

27 (a) Notwithstanding any other provisions of law, the Arkansas Medical  
28 Society, the Arkansas Osteopathic Medical Association, the physicians' health  
29 committee and members thereof, the Arkansas State Dental Association, and the  
30 dentists' health committee and members thereof shall not be held liable in  
31 damages to any person for any acts, omissions, or recommendations made by them  
32 in good faith while acting within the scope of their responsibilities pursuant  
33 to this subchapter.

34 (b) No person who in good faith and without malice makes a report to  
35 the physicians' health committee or to the dentists' health committee shall be  
36 liable for damages to any person.

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SECTION 2. Arkansas Code 17-91-101 is amended to read as follows:

17-91-101. Osteopathic Physician - Licensing requirements.

(a) The Arkansas State Medical Board shall accept for licensure by examination any person who:

(1) Is at least 21 years of age;

(2) Is a citizen of the United States;

(3) Is of good moral character;

(4) Has not been guilty of acts constituting unprofessional conduct as defined in the Arkansas Medical Practices Act, § 17-95-201 et seq.;

(5) Is a graduate of an ~~osteopathic college~~ Osteopathic College of Medicine whose course of study has been recognized by the Department of Education of the American Osteopathic Association; and

(6)(A) Has completed a one-year internship in a hospital approved by the American Medical Association; or

(B) Has completed a one-year internship ~~within the past five (5) years~~ in a hospital approved by the American Osteopathic Association; ~~or.~~

~~(C) Has completed a one-year internship and at least one (1) additional full year of postdoctoral training in a hospital or hospitals approved by the American Osteopathic Association.~~

(b) Applicants for such licensure shall pay the fees required by the Arkansas Medical Practices Act, § 17-95-201 et seq.

SECTION 3. Arkansas Code 17-91-102 is amended to read as follows:

17-91-102. Examination.

(a) The examination given the applicants shall be the same examination given to all other applicants for medical licensure, and the examination shall be given at the same time and place as the examination given the other applicants and shall be graded as all other examinations.

(b) NBOME is the National Board of Osteopathic Medical Examiners which develops examinations for licensure of Osteopathic Physicians.

SECTION 4. Arkansas Code 17-91-103 is amended to add a new subsection to read as follows:

(c) Any reference to "medical doctor," or "physician" shall be deemed

1 to include a Doctor of Osteopathy or D.O., or Osteopathic Physician unless any  
 2 of those terms is specifically excluded.

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 4 SECTION 5. Arkansas Code 17-95-203 is amended to read as follows:

5 17-95-203. Exemptions.

6 Nothing herein shall be construed to prohibit or to require a license  
 7 with respect to any of the following acts:

8 (1) The gratuitous rendering of services in case of emergency;

9 (2) The rendering of services in this state by a physician lawfully  
 10 practicing medicine in another state or territory, provided that if any such  
 11 physician does not limit such services to an occasional case or if he has any  
 12 established or regularly used hospital connections in this state or if he  
 13 maintains or is provided with for his regular use any office or other place  
 14 for the rendering of those services, then he must possess a license to  
 15 practice medicine in this state;

16 (3) The practice of the following professions, as defined by the laws  
 17 of this state, which subchapters 2-4 of this chapter are not intended to  
 18 limit, restrict, enlarge, or alter the privileges and practice of, as provided  
 19 by the laws of this state:

20 (A) Dentistry;

21 (B) Podiatry;

22 (C) Optometry;

23 (D) Chiropractic; or

24 ~~(E) Osteopathy. However, an osteopath shall not be permitted to~~  
 25 ~~prescribe medicine except as provided by statute or to perform major or~~  
 26 ~~operative surgery unless licensed to practice medicine in Arkansas; or~~

27 ~~(F)~~(E) Cosmetology;

28 (4) The practice of Christian Science, with or without compensation;

29 (5) The performance by commissioned medical officers of the armed  
 30 forces of the United States or of the United States Public Health Service or  
 31 of the United States Department of Veterans Affairs of their lawful duties in  
 32 this state as officers;

33 (6) The rendering of nursing services by registered or other nurses in  
 34 the lawful discharge of their duties as such;

35 (7) The rendering of services by students, interns, or residents in a  
 36 licensed and approved hospital having an internship or residency training

1 program approved by the American Medical Association or the State Board of  
2 Health or the United States Government;

3 (8) As defined and limited by the laws of this state, the performance  
4 of the duties of a:

5 (A) Physical therapist; or

6 (B) Massage therapist;

7 (9) The domestic administration of family remedies; or

8 (10) The practice of lay midwifery as defined in chapter 85 of this  
9 title.

10 /s/ Altes, et al.

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13 APPROVED: 3/19/2001  
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