

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 72 of the Regular Session

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007  
4

# A Bill

HOUSE BILL 1216

5 By: Representatives S. Prater, Berry, Kidd  
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## For An Act To Be Entitled

9 AN ACT TO CLARIFY THE PROCESS FOR REVIEWING  
10 COMPLAINTS CONCERNING SCOPE OF PRACTICE THAT  
11 INVOLVE MORE THAN ONE (1) BOARD OF THE HEALING  
12 ARTS; AND FOR OTHER PURPOSES.  
13

## Subtitle

14 AN ACT TO CLARIFY THE PROCESS FOR  
15 REVIEWING COMPLAINTS CONCERNING SCOPE OF  
16 PRACTICE THAT INVOLVE MORE THAN ONE (1)  
17 BOARD OF THE HEALING ARTS.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code § 17-80-114 is amended to read as follows:  
24 17-80-114. Scope of practice - Complaints.

25 (a) As used in this section, "healing arts" means the practice of any  
26 type of profession requiring special education and skill that promotes  
27 healing of the human body or that relates to the prevention of illness or  
28 disease.

29 (b) No board of the healing arts may take disciplinary action at the  
30 board level against a licensee of another board of the healing arts except as  
31 provided in subsections (c) and (d) of this section.

32 (c)(1) If a licensee or a member of a board of the healing arts  
33 believes that a licensee of another board of the healing arts is practicing  
34 outside that licensee's proper scope of practice, the licensee or member may  
35 file a complaint with his or her own board but may not file the complaint



1 with any other board of the healing arts.

2 (2) A board of the healing arts that receives a complaint  
 3 regarding the proper scope of practice of a licensee of another board of the  
 4 healing arts may file the complaint with that other board.

5 (3) A board of the healing arts receiving a complaint from  
 6 another board of the healing arts shall:

7 (A) Investigate the complaint;

8 (B) Take whatever action that board considers appropriate  
 9 pursuant to its practice act and the Arkansas Administrative Procedure Act, §  
 10 25-15-201 et seq., to determine whether the licensee was practicing outside  
 11 the licensee's proper scope of practice; and

12 (C) Communicate the final disposition of the complaint to:

13 (i) The licensee who is the subject of the  
 14 complaint; and

15 (ii) The board of the healing arts that filed the  
 16 complaint.

17 ~~(4) If the disposition of the complaint under subdivision (c)(3)~~  
 18 ~~of this section does not satisfy the board that filed the complaint under~~  
 19 ~~subdivision (c)(2) of this section, the board that filed the complaint may,~~  
 20 ~~and is encouraged to, file an action, declaratory judgment, or injunctive~~  
 21 ~~relief against the licensee regarding the complaint in the circuit court of~~  
 22 ~~the county in which the alleged violation occurred or in the Pulaski County~~  
 23 ~~Circuit Court.~~

24 (d)(1) With respect to the scope of practice issue, in any subsequent  
 25 proceeding before the board of the healing arts that filed the complaint and  
 26 in any subsequent judicial proceeding, the determination of the board of the  
 27 healing arts that received the complaint shall be dispositive unless the  
 28 findings, inferences, conclusions, or decisions of the board of the healing  
 29 arts that received the complaint are:

30 (A) In violation of constitutional or statutory  
 31 provisions;

32 (B) In excess of the board's statutory authority;

33 (C) Made upon unlawful procedure;

34 (D) Affected by other error or law;

35 (E) Not supported by substantial evidence of record; or

36 (F) Arbitrary, capricious, or characterized by abuse of

1 discretion.

2 (2) This subsection (d) applies to judicial review under § 25-  
3 15-212 of action taken by the board of the healing arts that filed the  
4 complaint.

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APPROVED: 2/8/2007