

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: S3/30/21

A Bill

SENATE BILL 570

5 By: Senator D. Sullivan
6

For An Act To Be Entitled

8 AN ACT TO EXPIRE THE TERMS OF THE CURRENT MEMBERSHIP
9 OF THE ARKANSAS STATE MEDICAL BOARD; TO AMEND THE
10 MEMBERSHIP OF THE ARKANSAS STATE MEDICAL BOARD; AND
11 FOR OTHER PURPOSES.
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Subtitle

15 TO EXPIRE THE TERMS OF THE CURRENT
16 MEMBERSHIP OF THE ARKANSAS STATE MEDICAL
17 BOARD; AND TO AMEND THE MEMBERSHIP OF THE
18 ARKANSAS STATE MEDICAL BOARD.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. DO NOT CODIFY. Expiration of terms of current membership
24 of the Arkansas State Medical Board.

25 (a) On or before December 31, 2021, the term of each member serving on
26 the Arkansas State Medical Board shall expire.

27 (b)(1) On or before December 31, 2021, the appropriate appointing
28 authority shall appoint members to the board as described in this act.

29 (2) The initial appointments of the members appointed under
30 subdivision (b)(1) of this section shall draw lots for terms of two (2), four
31 (4), or six (6) years.

32 (3) An initial term of two (2) or four (4) years shall not count
33 against reappointment.
34

35 SECTION 2. Arkansas Code § 17-95-301(b) - (d), concerning the
36 membership of the Arkansas State Medical Board, are amended to read as



1 follows:

2 (b)(1)(A) The board shall consist of ~~fourteen (14)~~ fifteen (15)
3 members appointed by the Governor for terms of six (6) years.

4 (B) The Governor, the President Pro Tempore of the Senate,
5 and the Speaker of the House of Representatives shall consider diversity of
6 practice specialties and geographical areas of practice in making
7 appointments to the board.

8 (C) Congressional district representation shall be
9 considered for all selections under this subsection.

10 (2)(A)~~(i) Ten (10)~~ After consulting with the Arkansas Medical
11 Society, Inc., the appropriate appointing authorities shall appoint three (3)
12 members shall be duly who are qualified, licensed, and active medical
13 practitioners ~~and appointed by the Governor after consulting the Arkansas~~
14 ~~Medical Society, Inc., and subject to confirmation by the Senate.~~

15 ~~(ii) At least two (2) members shall be appointed~~
16 ~~from each of the state's four (4) congressional districts.~~

17 ~~(iii) Two (2) members shall be appointed at large.~~

18 (B) The Governor shall appoint one (1) member.

19 (C) The President Pro Tempore of the Senate shall appoint
20 one (1) member.

21 (D) The Speaker of the House of Representatives shall
22 appoint one (1) member.

23 ~~(B) Congressional district representation required under~~
24 ~~this subdivision (b)(2) shall be achieved by appointment as vacancies occur.~~

25 (3) One (1) member shall be a licensed practicing physician in
26 this state and shall be appointed by the Governor after consulting the
27 Physicians' Section of the Arkansas Medical, Dental, and Pharmaceutical
28 Association, Inc. and subject to confirmation by the Senate.

29 (4)(A) Two (2) members of the board shall not be actively
30 engaged in or retired from the practice of medicine.

31 (B) One (1) member shall represent consumers, and one (1)
32 member shall be sixty (60) years of age or older and shall represent the
33 elderly.

34 (C) ~~Both shall be appointed from the state at large~~
35 ~~subject to confirmation by the Senate~~ The President Pro Tempore of the Senate
36 shall appoint one (1) member and the Speaker of the House of Representatives

1 shall appoint one (1) member.

2 (D) The two (2) positions may not be held by the same
3 person.

4 (E) Both shall be full voting members but shall not
5 participate in the grading of examinations.

6 (5) One (1) member shall be a duly qualified, licensed, and
7 practicing osteopathic physician and appointed by the Governor after
8 consulting the Arkansas Osteopathic Medical Association and subject to
9 confirmation by the Senate.

10 (6) One (1) member shall be a qualified, licensed, and
11 practicing physician assistant appointed by the President Pro Tempore of the
12 Senate after consulting with the Arkansas Academy of Physician Assistants,
13 Inc.

14 (7) One (1) member shall be a qualified, licensed, and
15 practicing occupational therapist appointed by the Speaker of the House of
16 Representatives.

17 (8)(A) Six (6) members shall be appointed from the state at-
18 large.

19 (B) The Governor shall appoint two (2) members from the
20 state at-large.

21 (C) The President Pro Tempore of the Senate shall appoint
22 two (2) members from the state at-large.

23 (D) The Speaker of the House of Representatives shall
24 appoint two (2) members from the state at-large.

25 (c)(1) The term of each member shall expire on December 31 of the year
26 designated, and a successor appointee shall be named by the ~~Governor~~
27 appropriate appointing authority on or before the expiration date of the term
28 so expiring.

29 (2) A member may not serve on the board for more than two (2)
30 full terms or more than thirteen (13) years.

31 (d)(1) Vacancies on the board occurring otherwise than as provided in
32 this section shall be filled by appointment by the ~~Governor~~ appropriate
33 appointing authority within thirty (30) days thereafter.

34 (2) In the event a vacancy exists in the member position of
35 licensed practicing physician appointed upon the advice and recommendation of
36 the Arkansas Medical Society, Inc. due to death, resignation, or other cause,

1 a successor member to the position shall be appointed by the ~~Governor~~
2 appropriate appointing authority for the remainder of the unexpired portion
3 of the term thereof in the same manner as provided in this section for the
4 initial appointment.

5 (3) In the event a vacancy exists in the member position of
6 licensed practicing physician appointed upon the advice and recommendation of
7 the Physicians' Section of the Arkansas Medical, Dental, and Pharmaceutical
8 Association, Inc. due to death, resignation, or other cause, a successor
9 member to the position shall be appointed by the ~~Governor~~ appropriate
10 appointing authority for the remainder of the unexpired portion of the term
11 thereof in the same manner as provided in this section for the initial
12 appointment.

13 (4) In the event a vacancy exists in the member position of the
14 licensed osteopathic physician appointed upon the advice and recommendation
15 of the Arkansas Osteopathic Medical Association due to death, resignation, or
16 other cause, a successor member to the position shall be appointed by the
17 ~~Governor~~ appropriate appointing authority for the remainder of the unexpired
18 portion of the term thereof in the same manner as provided in this subchapter
19 for the initial appointment.

20 (5) In the event that a vacancy exists in the position of the
21 licensed physician assistant appointed under subsection (b) of this section
22 due to death, resignation, or other causes, a successor to the position shall
23 be appointed by the appropriate appointing authority for the remainder of the
24 term of the licensed physician assistant in the same manner as provided in
25 this subchapter for the initial appointment.

26
27 SECTION 3. Arkansas Code § 17-95-301(h)(1), concerning the membership
28 of the Arkansas State Medical Board, is amended to read as follows:

29 (h)(1) Members of the board may be removed from the office by the
30 ~~Governor~~ appropriate appointing authority:

31 (A) For good cause ~~pursuant to~~ under § 25-16-804;

32 (B) For cause including dishonorable or unprofessional
33 conduct, abuse of authority, malfeasance, misfeasance, or nonfeasance; or

34 (C)(i) For any reason that would justify probation,
35 suspension, or revocation of a physician's license to practice medicine under
36 the Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-95-301 et seq.,

1 and § 17-95-401 et seq., or for any reason that would justify probation,
2 suspension, or revocation of a physician assistant's license to practice
3 under § 17-105-101 et seq., which shall be referred directly to the Division
4 of Pharmacy Services and Drug Control of the Department of Health by the
5 ~~Governor~~ appropriate appointing authority for investigation as provided in §
6 17-80-106.

7 (ii) The Division of Pharmacy Services and Drug
8 Control of the Department of Health shall prepare a report for the Secretary
9 of the Department of Health based on its findings.

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11
12 /s/D. Sullivan
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