

**ARKANSAS SENATE**  
87th General Assembly - Regular Session, 2009  
**Amendment Form**

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**Subtitle of Senate Bill No. 239**

"AN ACT TO AUTHORIZE PHYSICIANS AND PODIATRISTS TO DELEGATE THE  
PERFORMANCE OF SOME SIMPLE PROCEDURES TO EMPLOYEES."

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**Amendment No. 3 to Senate Bill No. 239.**

Amend Senate Bill No. 239 as engrossed, S2/9/09 (version: 02-09-2009 08:47):

Delete everything after the ENACTING clause in its entirety and substitute the following:

"SECTION 1. Arkansas Code § 17-95-202 is amended to read as follows:  
17-95-202. Definitions.

As used in the Arkansas Medical Practices Act, §§ 17-95-201 et seq.,  
17-95-301 et seq., and 17-95-401 et seq.:

(1) "Active" means actively engaged in the full-time practice of  
medicine;

(2) "Board" means the Arkansas State Medical Board; and

(3) "Practice of medicine" means:

(A) Holding out one's self to the public within this state  
as being able to diagnose, treat, prescribe for, palliate, or prevent any  
human disease, ailment, injury, deformity, or physical or mental condition,  
whether by the use of drugs, surgery, manipulation, electricity, or any  
physical, mechanical, or other means whatsoever;

(B) Suggesting, recommending, prescribing, or  
administering any form of treatment, operation, or healing for the intended  
palliation, relief, or cure of any physical or mental disease, ailment,  
injury, condition, or defect of any person with the intention of receiving,  
either directly or indirectly, any fee, gift, or compensation whatsoever;

(C) Maintaining an office or other place to meet persons  
for the purpose of examining or treating persons afflicted with disease,  
injury, or defect of body or mind;

(D) Using the title "M.D.", "M.B.", "D.O.", "physician",  
"surgeon", or any other word or abbreviation to indicate or induce others to  
believe that one is engaged in the diagnosis or treatment of persons  
afflicted with disease, injury, or defect of body or mind, except as  
otherwise expressly permitted by the laws of this state relating to the  
practice of any limited field of the healing arts; ~~or~~

(E) Performing any kind of surgical operation upon a human  
being; or

(F) Delegating certain medical practices to other



personnel under rules adopted by the board.

SECTION 2. Arkansas Code Title 17, Chapter 95, Subchapter 2 is amended to add an additional section to read as follows:

17-95-208. Rules on physician's authority to delegate.

(a) The Arkansas State Medical Board shall adopt rules that establish standards to be met and procedures to be followed by a physician with respect to the physician's delegation of the performance of medical practices to a qualified and properly trained employee who is not licensed or otherwise specifically authorized by the Arkansas Code to perform the practice.

(b) The rules adopted under subsection (a) of this section shall provide that:

(1) The delegating physician remains responsible for the acts of the employee performing the delegated practice;

(2) The employee performing the delegated practice shall not be represented to the public as a licensed physician, licensed nurse, licensed physician's assistant, or other licensed healthcare provider; and

(3) Medical practices delegated under this section shall be performed under the physician's supervision.

(c) Delegation of medical practices under this section may include administration of drugs that do not require substantial specialized judgment and skill based on knowledge and application of the principles of biological, physical, and social sciences as determined by the board.

(d) Rules adopted regarding the delegation of the administration of drugs shall provide for:

(1) The delegated administration of drugs only within the physical boundaries of the delegating physician's offices;

(2) Evaluation of whether delegation is appropriate according to the acuity of the patient involved;

(3) Training and competency requirements that shall be met by the person administering the drugs; and

(4) Other standards and procedures the board considers relevant.

(e) The board shall not adopt rules that:

(1) Authorize a physician to transfer to a health professional other than another physician the physician's responsibility for supervising a delegated medical practice;

(2) Authorize an individual to whom a medical practice is delegated to delegate the performance of that practice to another individual;

(3) Authorize a physician to delegate the administration of anesthesia; or

(4) Conflict with a provision of the Arkansas Code that specifically authorizes an individual to perform a particular practice.

SECTION 3. Arkansas Code § 17-96-202(a)(3), concerning the authority of the Arkansas Board of Podiatric Medicine to adopt rules, is amended to read as follows:

(3)(A) The board shall make and adopt all necessary rules, regulations, and bylaws necessary or convenient to perform its duties and to transact business as required by law.

(B) The rules adopted under subdivision (a)(3)(A) of this section shall authorize the delegation of certain medical practices to persons other than podiatrists.

SECTION 4. Arkansas Code Title 17, Chapter 96, Subchapter 2 is amended to add an additional section to read as follows:

17-96-204. Rules on podiatrist's authority to delegate.

(a) The Arkansas Board of Podiatric Medicine shall adopt rules that establish standards to be met and procedures to be followed by a podiatrist with respect to the podiatrist's delegation of the performance of simple and routine medical practices to a qualified and properly trained employee who is not licensed or otherwise specifically authorized by the Arkansas Code to perform the practice.

(b) The rules adopted under subsection (a) of this section shall provide that:

(1) The delegating podiatrist is responsible for the acts of the employee performing the delegated practice;

(2) The employee performing the delegated practice shall not be represented to the public as a licensed podiatrist, licensed nurse, licensed podiatrist's assistant, or other licensed healthcare provider; and

(3) Medical practices delegated under this section shall be performed under the podiatrist's supervision.

(c) Delegation of medical practices under this section may include administration of drugs that do not require substantial specialized judgment and skill based on knowledge and application of the principles of biological, physical, and social sciences as determined by the board.

(d) Rules adopted regarding the delegation of the administration of drugs shall provide for:

(1) The delegated administration of drugs only within the physical boundaries of the delegating podiatrist's offices;

(2) Evaluation of whether delegation is appropriate according to the acuity of the patient involved;

(3) Training and competency requirements that shall be met by the person administering the drugs; and

(4) Other standards and procedures the board considers relevant.

(e) The board shall not adopt rules that:

(1) Authorize a podiatrist to transfer to a health professional other than another physician the podiatrist's responsibility for supervising a person who is performing a delegated medical practice;

(2) Authorize an individual to whom a medical practice is delegated to delegate the performance of that practice to another individual;

(3) Authorize a podiatrist to delegate the administration of anesthesia; or

(4) Conflict with a provision of the Arkansas Code that specifically authorizes an individual to perform a particular practice."

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator Bledsoe

MGF/KSW - 03-02-2009 09:39

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Secretary