

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

SENATE BILL

126

By: Senator Bookout

For An Act To Be Entitled

"AN ACT TO AMEND ARK. CODE ANN. §17-93-505 TO PROVIDE IMMUNITY FOR OFFICIAL ACTS OF THE ARKANSAS STATE MEDICAL BOARD; AND FOR OTHER PURPOSES."

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

SECTION 1. Ark. Code Ann. §17-93-505 is amended to read as follows:

"No member of the Arkansas State Medical Board, either collectively or individually, during the term of his office or thereafter, shall be required to defend any action for damages or be held liable for any damages where it is shown that the damages followed or resulted from any of the official acts of the member of the board in the performance of his duty as a member of the board. The individual member will be reimbursed his expenses to include attorney's fees if litigation is brought against him. Any such action shall, upon motion, be dismissed with prejudice at the cost of the Plaintiff."

SECTION 2. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 4. EMERGENCY. It is hereby found and determined by the General Assembly in the State of Arkansas that existing laws do not provide protection and immunity to members of the Arkansas State Medical Board for their official actions; that a provision to provide immunity to members of the Arkansas State Medical Board for their official actions is necessary to insure the proper enforcement of the provisions governing the practice of medicine in the State

of Arkansas; that there is an emergency need for such provision and that an enactment of this measure will remedy this situation. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.