

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

SENATE BILL

127

By: Senator Bookout

For An Act To Be Entitled

"AN ACT TO AMEND ARK. CODE ANN. § 17-93-303 SETTING FORTH THE  
POWERS AND DUTIES OF THE ARKANSAS STATE MEDICAL BOARD; AND  
FOR OTHER PURPOSES."

NOW, THEREFORE,

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

SECTION 1. Ark. Code Ann. §17-93-303 is amended to read as follows:

"The Board shall:

(1) Make and adopt all necessary rules, regulations, and bylaws not inconsistent with the laws of this state or of the United States, necessary or convenient to perform the duties and to transact the business required by law;

(2) Have the authority to promulgate and put into effect such rules and regulations as are necessary to carry out the purposes of subchapters 2-4 of this chapter and the intentions expressed therein;

(3) Have authority to employ attorneys to represent the board in all legal matters at a compensation approved by the board. Contracts for employment of attorneys shall be filed by the secretary of the board with the Legislative Council. The board shall further have authority to request the assistance of the Attorney General and the prosecuting attorneys of Arkansas in such manner as it deems necessary and proper;

(4) Have the power and authority to employ one (1) or more inspectors as may be necessary to carry out the provisions of subchapters 2-4 of this chapter and the duties of the board to protect the people of the State of Arkansas;

(5) Examine, as is provided for by law, all applicants for a license to practice medicine in this state.

(6) The Arkansas State Medical Board, in its name, may sue in the Courts of this State.

(7) (A) In the performance of its duties as herein provided, the board is empowered to issue subpoenas for documents and items and compel the attendance of persons before it for the purpose of examining any facts or conditions properly pending before the board for its action.

(B) All subpoenas issued by the board shall be served in the manner prescribed by law for the service of subpoenas issuing from the courts and all persons so served shall obey the subpoenas or be subject to the penalties provided by law for the disobedience of subpoenas issuing from the courts.

(C) All persons subpoenaed by the board are entitled to their fee and mileage and shall have all other rights now provided by law for persons served with subpoenas issuing from the courts.

(D) The board shall have a seal, and an impression of it shall be attached to all official documents issued by it.

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 regulating the Arkansas State Medical Board do not provide for the board to issue subpoenas; that a provision for the Arkansas State Medical board to issue subpoenas for its hearings 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 a provision and that an enactment of the measure will remedy this situations. Therefore, an emergency is 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.