

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **First Extraordinary Session, 1992**  
4 **By: Senator Bookout**

# A Bill

Call Item 29

**SENATE BILL**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANN. §17-93-301, §17-93-  
9 303, AND §17-93-305 (b) REMOVING THE POSITION OF SECRETARY  
10 AS A VOTING MEMBER OF THE ARKANSAS STATE MEDICAL BOARD,  
11 PROVIDING THE AUTHORITY FOR THE BOARD TO HIRE AN EXECUTIVE  
12 SECRETARY AND OTHER PERSONNEL OF THE BOARD, AND TO PROVIDE  
13 FOR THE DUTIES OF THE EXECUTIVE SECRETARY OF THE ARKANSAS  
14 STATE MEDICAL BOARD."

15

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

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18 SECTION 1. Arkansas Code Annotated §17-93-301 is amended to read as  
19 follows:

20 "17-93-301. Creation - Members

21 (a) There is created the Arkansas State Medical Board.

22 (b) The board shall consist of thirteen (13) members appointed by the  
23 Governor for terms of eight (8) years.

24 (1) Nine (9) members shall be duly qualified, licensed, and active  
25 medical practitioners and appointed upon the advice and recommendation of the  
26 Arkansas Medical Society. One (1) member shall be appointed from each of the  
27 six (6) congressional districts established by Acts 1951, No. 297 [repealed].

28 Three (3) members shall be appointed at large.

29 (2) One (1) member shall be a licensed practicing physician in this  
30 state and shall be appointed upon the advice and recommendation of the  
31 Physicians' Section of the Arkansas Medical, Dental, and Pharmaceutical  
32 Association.

33 (3) Two (2) members of the board shall not be actively engaged in  
34 or retired from the practice of medicine. One (1) member shall represent  
35 consumers, and one (1) member shall be sixty (60) years of age or older and

1 shall represent the elderly. Both shall be appointed from the state at large  
2 subject to confirmation by the Senate. The two (2) positions may not be held  
3 by the same person. Both shall be full voting members but shall not  
4 participate in the grading of examinations.

5 (4) One (1) member shall be a duly qualified, licensed, and active  
6 practitioner of osteopathy and appointed upon the recommendation of the  
7 Arkansas Osteopathic Medical Association.

8 (c) The terms of each member shall expire on December 31 of the year  
9 designated, and a successor appointee shall be named by the Governor on or  
10 before the expiration date of the term so expiring.

11 (d) (1) Vacancies on the board occurring otherwise than as  
12 provided in this section shall be filled by appointment by the Governor within  
13 thirty (30) days thereafter.

14 (2) In the event a vacancy exists in the member position of licensed  
15 practicing physician appointed upon the advice and recommendation of the  
16 Arkansas Medical Society due to death, resignation, or other cause, a  
17 successor member to the position shall be appointed by the Governor for the  
18 remainder of the unexpired portion of the term thereof in the same manner as  
19 provided in this section for the initial appointment.

20 (3) In the event a vacancy exists in the member position of licensed  
21 practicing physician appointed upon the advice and recommendation of the  
22 Physicians\_ Section of the Arkansas Medical, Dental, and Pharmaceutical  
23 Association due to death, resignation, or other cause, a successor member to  
24 the position shall be appointed by the Governor for the remainder of the  
25 unexpired portion of the term thereof in the same manner as provided in this  
26 section for the initial appointment.

27 (4) In the event a vacancy exists in the member positions of the  
28 licensed osteopath appointed upon the advice and recommendation of the  
29 Arkansas Osteopathic Medical Association due to death, resignation, or other  
30 cause, a successor member to the position shall be appointed by the Governor  
31 for the remainder of the unexpired portion of the term thereof in the same  
32 manner as provided in this subchapter for the initial appointment.

33 (e) The members of the board shall take the oath prescribed by the  
34 Constitution for state officers before entering upon the discharge of their  
35 duties.

1 (f) (1) The members of the board shall receive as compensation for their  
2 services the sum of one hundred dollars (\$100) per day and expenses for  
3 regular board meetings and one hundred dollars (\$100) per day and expenses for  
4 called meetings.

5 (2) The secretary of the board shall receive such additional salary  
6 as may be fixed by the board."

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8 SECTION 2. Arkansas Code Annotated §17-93-303 is amended to read as  
9 follows:

10 "17-93-303. Powers and Duties. The board shall:

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

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

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

23

24 (4) Have the authority to employ an executive secretary to carry out  
25 the purposes and the mandates of the Arkansas State Medical Board and to  
26 supervise the other employees of the board;

27 (5) Have the power and authority to employ such secretarial and  
28 administrative assistance as may be necessary to carry out the provisions of  
29 subchapters 2-4 of this chapter and the duties of the board to protect the  
30 people of the State of Arkansas;

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

35 (7) Examine, as is provided for by law, all applicants for a license

1 to practice medicine in this state."

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3 SECTION 3. Arkansas Code Annotated §17-93-305(b) is amended to read as  
4 follows:

5 "(b) All moneys received by the board shall be disbursed by the  
6 president and/or executive secretary of the board. The president and/or  
7 executive secretary shall furnish a surety bond and should keep a true and  
8 faithful account of all moneys received and all moneys expended. The executive  
9 secretary shall file, annually with the Governor, a report of all financial  
10 transactions duly audited by an independent accountant."

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12 SECTION 4. All provisions of this act of a general and permanent nature  
13 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
14 Revision Commission shall incorporate the same in the Code.

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16 SECTION 5. If any provision of this act or the application thereof to  
17 any person or circumstance is held invalid, such invalidity shall not affect  
18 other provisions or applications of the act which can be given effect without  
19 the invalid provision or application, and to this end the provisions of this  
20 act are declared to be severable.

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22 SECTION 6. All laws and parts of laws in conflict with this act are  
23 hereby repealed.

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25 SECTION 7. EMERGENCY. It is hereby found and determined by the General  
26 Assembly that existing laws do not accurately reflect the composition of the  
27 Arkansas State Medical Board; and the personnel needs of said Board and the  
28 duties of said personnel; that a provision correctly stating and establishing  
29 the Arkansas State Medical Board and the personnel and powers of the personnel  
30 they are to hire is necessary to ensure the proper enforcement of the  
31 provisions governing the practice of medicine in the State of Arkansas; that  
32 there is an emergency need for such a provision and that an enactment of the  
33 measure will remedy this situation. Therefore, an emergency is hereby  
34 declared to exist and this act being necessary for the preservation of the  
35 public peace, health and safety shall be in full force and effect from and

1 after its passage and approval.

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