

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

# A Bill

HOUSE BILL 1938

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5 By: Representative Flanagin  
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## For An Act To Be Entitled

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9 "AN ACT TO AMEND TO ARKANSAS NURSE PRACTICE ACT, A.C.A. §§  
10 17-87-101, ET SEQ., TO AUTHORIZE THE STATE BOARD OF  
11 NURSING TO ISSUE SUBPOENAS AND SUBPOENAS DUCES TECUM IN  
12 CONNECTION WITH ITS HEARINGS AND INVESTIGATIONS; AND FOR  
13 OTHER PURPOSES."

## Subtitle

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16 "TO AUTHORIZE THE STATE BOARD OF NURSING  
17 TO ISSUE SUBPOENAS AND SUBPOENAS DUCES  
18 TECUM IN CONNECTION WITH ITS HEARINGS  
19 AND INVESTIGATIONS."  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Subchapter 2 of Chapter 87 of Title 17 of the Arkansas Code  
24 Annotated is amended by adding the following section:

25 "17-87-206. Subpoenas and subpoenas duces tecum.

26 (a) The board shall have the power to issue subpoenas and subpoenas  
27 duces tecum in connection with both its investigations and hearings.

28 (b) A subpoena duces tecum may require any book, writing, document, or  
29 other paper or thing which is germane to an investigation or hearing conducted  
30 by the board to be transmitted to the board.

31 (c)(1) Service of a subpoena shall be as provided by law for the  
32 service of subpoenas in civil cases in the circuit courts of this state, and  
33 the fees and mileage of officers serving the subpoenas and of witnesses  
34 appearing in answer to the subpoenas shall be the same as provided by law for  
35 proceedings in civil cases in the circuit courts of this state.

36 (2)(A) The board shall issue a subpoena or subpoena duces tecum

1 upon the request of any party to a hearing before the board.

2 (B) The fees and mileage of the officers serving the  
3 subpoena and of the witness shall be paid by the party at whose request a  
4 witness is subpoenaed.

5 (d)(1) In the event a person shall have been served with a subpoena or  
6 subpoena duces tecum as herein provided and fails to comply therewith, the  
7 board may apply to the circuit court of the county in which the board is  
8 conducting its investigation or hearing for an order causing the arrest of the  
9 person and directing that the person be brought before the court.

10 (2) The court shall have the power to punish the disobedient  
11 person for contempt as provided by law in the trial of civil cases in the  
12 circuit courts of this state."

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

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18 SECTION 3. If any provision of this act or the application thereof to  
19 any person or circumstance is held invalid, such invalidity shall not affect  
20 other provisions or applications of the act which can be given effect without  
21 the invalid provision or application, and to this end the provisions of this  
22 act are declared to be severable.

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24 SECTION 4. All laws and parts of laws in conflict with this act are  
25 hereby repealed.

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