

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: S3/5/99 S4/7/99

A Bill

SENATE BILL 775

5 By: Senator DeLay
6
7

For An Act To Be Entitled

9 "AN ACT TO AMEND VARIOUS SECTIONS OF ARKANSAS CODE
10 TITLE 17, CHAPTER 81 CONCERNING THE ARKANSAS
11 CHIROPRACTIC PRACTICES ACT; TO AMEND ARKANSAS CODE 25-
12 16-905 AND REPEAL ARKANSAS CODE 25-16-903 (17) TO
13 INCREASE THE STIPEND FOR THE BOARD; AND FOR OTHER
14 PURPOSES. "

Subtitle

15
16 "TO AMEND VARIOUS SECTIONS OF ARKANSAS
17 CODE TITLE 17, CHAPTER 81 CONCERNING THE
18 ARKANSAS CHIROPRACTIC PRACTICES ACT; TO
19 AMEND ARKANSAS CODE 25-16-905 AND REPEAL
20 ARKANSAS CODE 25-16-903 (17) TO INCREASE
21 THE STIPEND FOR THE BOARD. "

22
23
24
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

26
27 SECTION 1. Arkansas Code 17-81-102 is amended to read as follows:
28 "17-81-102. Definitions.

29 As used in this chapter, unless the context otherwise requires:

30 (1) 'Board' means the Arkansas State Board of Chiropractic Examiners;

31 (2) 'Chiropractic' means that science and art which utilizes the
32 inherent recuperative powers of the body and deals with the relationship
33 between the nervous system and the spinal column, including its immediate
34 articulations, and the role of its relationship in the restoration and
35 maintenance of health;

36 (3)(A) 'Practice of chiropractic' means the engagement ~~for compensation~~

1 in the diagnosis and analysis of any interference with normal nerve
2 transmission and expression, and the procedure preparatory to and
3 complementary to the correction thereof by an adjustment of the articulations
4 of the vertebral column, its immediate articulations, including spinal
5 adjustments, spinal manipulations, and spinal mobilizations, such as any type
6 of pressure, force, thrust, or passive movement, singular or plural, applied
7 to the spinal vertebrae or their adjacent articulations by hand or mechanical
8 device or by other incidental adjustments, for the restoration and maintenance
9 of health. The practice of chiropractic includes therapy, the normal regimen,
10 and rehabilitation of the patient for the purpose of removing any injury,
11 *deformity, or abnormality of human beings without the use of drugs or surgery.*

12 (B) The practice of chiropractic, as authorized under the
13 provisions of this chapter, shall not include the performance of the duties of
14 a midwife or obstetrician, therapy by the use of ionizing radiation, incisive
15 surgery, prescribing for or administering to any person any drug to be taken
16 internally, or puncturing the skin for the purpose of introducing any
17 substance into the body. Nothing herein shall prevent puncturing the skin for
18 routine blood analysis, including red blood count, white blood count,
19 differential and serology, in the practice of chiropractic for diagnostic
20 purposes;

21 (4) 'Analysis' includes physical examination, the use of X ray and
22 other analytical instruments, and procedures generally used in the practice of
23 chiropractic;

24 (5) 'Spinal manipulation' and 'adjustment' mean the skillful or
25 dexterous treatment whereby a corrective force or passive movement of the
26 joint is made to realign vertebrae or articulations to their normal
27 juxtaposition;

28 (6) 'Chiropractic aide' means an unlicensed member of the chiropractic
29 team who may assist a chiropractic physician in the performance of those
30 procedures and techniques constituting the practice of chiropractic as defined
31 in this chapter with the exception of spinal manipulation and adjustment,
32 provided that such assistance shall be performed under the direct supervision
33 of a licensed chiropractic physician; and

34 (7) 'Physician' means a person authorized or licensed to practice
35 medicine pursuant to the Arkansas Medical Practices Act, § 17-93-201 et seq.,
36 a person authorized or licensed to practice chiropractic pursuant to the

1 provisions of this chapter, and a person authorized to practice osteopathy
2 pursuant to §§ 17-90-101 - 17-90-103.”

3
4 SECTION 2. Arkansas Code 17-81-201 is amended to read as follows:

5 “17-81-201. Creation - Members - Appointment.

6 (a) The Arkansas State Board of Chiropractic Examiners is established.

7 (b) The board shall be composed of seven (7) members appointed by the
8 Governor for terms of five (5) years.

9 (1) Five (5) members shall be qualified chiropractors. At least
10 thirty (30) days prior to the expiration of the term of office of each
11 professional member, the ~~Arkansas Chiropractic Association~~ various chartered
12 chiropractic state organizations may submit to the Governor a list of three
13 (3) names of qualified chiropractors for each position for which a term
14 expires. On or before June 30 of each year, the Governor may appoint a person
15 to fill each position for which the term of office expires from the list.

16 (2) Two (2) members of the board shall not be actively engaged in
17 or retired from the profession of chiropractic. One (1) shall represent
18 consumers, and one (1) shall be sixty (60) years of age or older and shall be
19 the representative of the elderly. Both shall be appointed from the state at
20 large subject to confirmation by the Senate. The two (2) positions may not be
21 held by the same person. Both shall be full voting members but shall not
22 participate in the grading of examinations.

23 (c) When a vacancy occurs on the board for any reason ~~other than the~~
24 ~~normal expiration of a term~~, the vacancy may be filled by appointment by the
25 Governor for the unexpired term. Vacancies of professional members may be
26 filled from a list of three (3) names of qualified chiropractors submitted by
27 the ~~Arkansas Chiropractic Association~~ various chartered chiropractic state
28 organizations.”

29
30 SECTION 3. Arkansas Code 17-81-205 is amended to read as follows:

31 “17-81-205. Minutes - Records.

32 (a) The ~~secretary~~ executive director of the board shall keep a record
33 of the minutes of the meetings of the board and a record of the names of all
34 persons making application for license under the provisions of this chapter
35 together with a record of the action of the board thereon.

36 (b) The ~~secretary~~ executive director shall also keep a roll of the

1 names of all licensed and deceased chiropractors who have been licensed to
2 practice in the State of Arkansas.

3 (c) The record shall at all reasonable times be open for public
4 inspection."

5
6 SECTION 4. Arkansas Code 17-81-206 is amended to read as follows:

7 "17-81-206. Duties and powers.

8 (a)(1) The Arkansas State Board of Chiropractic Examiners is empowered
9 to incur whatever expenses it may deem necessary or expedient in performing
10 its functions. It may employ whatever assistants it may deem necessary or
11 expedient therefor and fix their compensation.

12 (2) ~~Each member of the board shall receive seventy five dollars~~
13 ~~(\$75.00) per day for each day of attendance at regular or special meetings or~~
14 ~~in attending to any proper business of the board. In addition each member is~~
15 ~~entitled to reimbursement for all expense incurred in attending to any proper~~
16 ~~business of the board. Each member of the board may receive expense~~
17 reimbursement and stipends in accordance with § 25-16-901 through 908.

18 (3) All of the disbursements provided for in this section shall
19 be out of the fees and fines collected by the board.

20 (b) The board is authorized to:

21 (1) ~~Make~~ Promulgate suitable ~~by laws~~ rules and regulations for
22 carrying out its duties under the provisions of this chapter;

23 (2) Sue and be sued;

24 (3) Have an official seal which shall bear the words 'Arkansas
25 State Board of Chiropractic Examiners';

26 (4) Provide a secretary's certificate. The certificate of the
27 secretary of the board under seal shall be accepted in the courts of the state
28 as the best evidence as to the minutes of the board and shall likewise be
29 accepted in the courts of the state as the best evidence as to the
30 registration and nonregistration of any person under the requirements of this
31 chapter;

32 (5) Adopt and, from time to time, revise such rules and
33 regulations not inconsistent with the law as may be necessary to enable it to
34 carry into effect the provisions of this chapter;

35 (6) Cause the prosecution of all persons violating this chapter
36 and have power to incur necessary expenses therefor;

- 1 (7) Keep a record of all its proceedings;
- 2 (8) Employ such persons as may be necessary to carry out the work
- 3 of the board; who shall have their duties and compensation prescribed by the
- 4 board within appropriations for that purpose;
- 5 (9) Fix the time for holding its regular meetings for the
- 6 examination of applicants;
- 7 (10) Examine, license, and renew the licenses of duly qualified
- 8 applicants. The board shall have exclusive jurisdiction to determine who shall
- 9 be permitted to practice chiropractic in the State of Arkansas; and
- 10 (11) Conduct disciplinary proceedings as provided in this
- 11 chapter.

12 (c)(1) In the performance of its duties, the board is empowered to

13 issue subpoenas and thereby compel the attendance of persons before it for the

14 purpose of examining into any facts or conditions properly pending before the

15 board for its action.

16 (2) All subpoenas issued by the board shall be served in the

17 manner prescribed by law for the service of subpoenas issuing from the courts,

18 and all persons so served shall obey the subpoenas or be subject to the

19 penalties provided by law for the disobedience of subpoenas issuing from the

20 courts.

21 (3) All persons subpoenaed by the board are entitled to their pay

22 and mileage and shall have all the other rights now provided by law for

23 persons served with subpoenas issuing from the courts."

24

25 SECTION 5. Arkansas Code 17-81-207 is amended to read as follows:

26 "17-81-207. ~~Treasurer~~ Executive Director.

- 27 ~~(a)(1) The treasurer of the board shall give bond to the State of~~
- 28 ~~Arkansas for the use and benefit of the board in the sum of five thousand~~
- 29 ~~dollars (\$5,000) with sureties to be approved by the board for the faithful~~
- 30 ~~discharge of his duties. However, the board may require bond to be made in a~~
- 31 ~~larger amount should it be justified and approved.~~
- 32 ~~(2) Cost of the surety bond shall be an expense of the board and not of the~~
- 33 ~~treasurer.~~

34 (a) Pursuant to its authority set forth in Section 17-81-206 (b)(8),

35 the board may employ an executive director to maintain and operate its office

36 pursuant to its directions.

1 **(b)(1)** The executive director in consultation with and review of the
2 **board treasurer, shall collect all fees and fines on behalf of the board and**
3 **submit all payment requests on behalf of the board for its state**
4 **appropriations.**

5 **(b)(1)(2)** The ~~treasurer~~ **executive director** shall give in writing at the
6 annual meeting of the board a fully itemized report of his receipts and
7 disbursements for the preceding year showing the amount of money on hand and
8 shall, at other times as may be requested by the board or by any of its
9 members, submit reports for inspection.

10 **(2) (3)** Copies of the annual reports, actions of the board,
11 examinations, and number licensed for the year, certified by the secretary of
12 the board, shall be ~~filed with~~ **submitted by the executive director to the**
13 **Arkansas Chiropractic Association various chiropractic professional**
14 **organizations in Arkansas.**"

15
16 SECTION 6. Arkansas Code 17-81-208 (a) is amended to read as follows:

17 “(a) All fees and fines authorized by this chapter are the property of
18 the board and shall be paid to the office of it's executive director who shall
19 collect and dispose of such funds on behalf of the board ~~its treasurer to be~~
20 ~~disposed of~~ as provided in this chapter. Any surplus in the treasury of the
21 board at the end of the fiscal year shall remain in the treasury and may be
22 expended in succeeding years for the purposes herein set out.”

23
24 SECTION 7. Arkansas Code 17-81-302 is amended to read as follows:

25 “17-81-302. Exempted activities.

26 Nothing herein shall be construed to prohibit or to require a license
27 hereunder with respect to any of the following acts:

28 (1) The performance of services in case of an emergency;

29 (2) The performance of services in this state on an occasional basis,
30 limited to ninety (90) days in each calendar year, by a chiropractor lawfully
31 practicing chiropractic in another state or territory. However, if any such
32 chiropractor performs services on a regular basis, or for his regular use
33 maintains or is provided with any office or other place to meet persons for
34 the performance of such services in the State of Arkansas, he shall obtain a
35 license to practice chiropractic in the State of Arkansas; or

36 (3) The practice of medicine and surgery, osteopathy, dentistry,

1 podiatry, optometry, Christian Science, physical therapy, cosmetology, therapy
2 technology, or any other branch of the healing arts as defined by the laws of
3 this state as now or hereafter enacted, it not being intended by this chapter
4 to limit, restrict, enlarge, or alter the privileges and practices of any of
5 these professions or branches of the healing arts."

6
7 SECTION 8. Arkansas Code 17-81-304 is amended to read as follows:

8 "17-81-304. Application - Fees.

9 (a)(1) Applications for license to practice chiropractic in the State
10 of Arkansas shall be made to the ~~secretary~~ executive director of the board in
11 writing on forms furnished by the board. The application shall be signed by
12 the applicant in his or her own handwriting and acknowledged before an officer
13 authorized to administer oaths.

14 (2) The applicant must submit proof, satisfactory to the board,
15 of graduation from a chartered school or college of chiropractic as herein
16 described and file with his application the affidavits of at least two (2)
17 licensed and reputable doctors of chiropractic showing him to be possessed of
18 good moral character.

19 (3) The application shall be accompanied by the payment of one
20 hundred fifty dollars (\$150), and fifty dollars (\$50.00) orientation fee.

21 (4) The application shall be filed with the ~~secretary~~ executive
22 director of the board not less than forty-five (45) days prior to the next
23 regular meeting of the board.

24 (b) If the applicant is approved, the applicant shall be admitted for
25 examination. Should the applicant pass the examination, no part of the fee
26 shall be returned and he shall be issued a license to practice chiropractic in
27 accordance with the provisions of this chapter.

28 (c) If the applicant is not approved, ~~the application and one-half~~
29 ~~(1/2) of the examination fee shall be returned to him with~~ he or she shall be
30 notified the reasons for the disapproval ~~fully stated.~~

31 (d) Should an applicant be approved but fail to appear for the
32 examination, no part of his fee shall be returned, but he shall be eligible
33 for examination at a later date upon at least thirty (30) days prior notice to
34 the board.

35 (e) Should the approved applicant fail the examination, no part of his
36 fee shall be returned, and he shall be eligible for reexamination at a later

1 date, at the discretion of the board, and upon paying an examination fee of
2 twenty-five dollars (\$25.00) per failed subject up to seventy-five dollars
3 (\$75.00). "

4
5 SECTION 9. Arkansas Code 17-81-305 is amended to read as follows:

6 "17-81-305. Qualifications of applicants.

7 (a) To qualify to take the examination, an applicant must:

8 (1) Be at least twenty-one (21) years of age;

9 (2) Have successfully completed not less than a minimum of sixty
10 (60) semester credit hours of college education, to include a minimum of
11 thirty (30) semester credit hours in the field of science;

12 (3) Not have had a license to practice chiropractic in any other
13 state suspended or revoked nor have been placed on probation for any cause;

14 (4) Possess a valid 'doctor of chiropractic' degree from a
15 chiropractic institution whose requirements include a course of instruction of
16 not less than four (4) years of nine (9) academic months each or not less than
17 four thousand four hundred (4,400) fifty-minute resident class hours and
18 include one hundred twenty (120) classroom hours of physiological
19 therapeutics;

20 (5) Possess a valid National Board certificate, to include Parts
21 I, II, and III, and the physiological therapeutics section;

22 (6) Be of good moral character;

23 (7) Not have been convicted of a felony; and

24 (8) Not be an habitual user of intoxicants, drugs, or
25 hallucinatory preparations.

26 (9) Pay the application fee as provided in Arkansas Practices Act
27 17-81-304; and

28 (10) Cause a certified chiropractic college transcript or
29 National Board transcript to be submitted directly from the respective
30 institutions.

31 (b) An applicant graduated, as of July 19, 1971, from a school or
32 college of chiropractic, the requirements and course of instruction of which
33 were equal and comparable to other recognized schools or colleges of
34 chiropractic at the time of his or her attendance, may be acceptable.

35 (c) For students enrolled in any approved chiropractic school or
36 college which may not, at the passage date of this act, meet the requirements

1 as set forth in subdivision (a)(4) of this section, the board may waive the
2 requirement, in individual cases, at its discretion.

3 ~~(d) An applicant for licensing who has been licensed to practice~~
4 ~~chiropractic by another state and who has five (5) years or more of practice~~
5 ~~experience shall qualify for licensing in this state by being examined in a~~
6 ~~practical manner as provided for under practice experience rules and~~
7 ~~regulations.~~

8 (d) In lieu of the practical examination set out in Section 17-81-306,
9 with the exception of (a)(1)(A) in that section, the applicant may present the
10 board with evidence of passing the National Board Part IV with a minimum score
11 of 375 which shall be accepted by the board as a passing grade."

12
13 SECTION 10. Arkansas Code 17-81-306(a)(1) is amended to read as
14 follows:

15 "(a)(1) Examinations shall be given in English and in writing, except
16 for certain applicants with disabilities such as blind persons, and shall
17 include the following subjects:

- 18 ~~(A) Chiropractic principle and practice;~~
- 19 ~~(B)(A) Practice management, ethics, and jurisprudence;~~
- 20 ~~(C)(B) Physical and clinical diagnosis;~~
- 21 ~~(D) Physiological therapeutics;~~
- 22 ~~(E) Nutritional associated chiropractic examination procedures;~~
- 23 ~~(F) Roentgenological principle and practice;~~
- 24 ~~(G)(C) Chiropractic examination procedures;~~
- 25 ~~(H)(D) Chiropractic adjustive and manipulative therapeutics;~~
- 26 ~~(I) Physical and clinical diagnostic methods; and~~
- 27 ~~(J)(E) X ray interpretations; and~~
- 28 (F) Chiropractic philosophy."

29
30 SECTION 11. Arkansas Code 17-81-307 is amended to read as follows:

31 "17-81-307. Issuance and recording of licenses.

32 (a) The board shall issue licenses to all applicants who have been
33 approved, paid all the required fees, and gained a satisfactory grade on
34 examination, with a general average of seventy-five percent (75%) with no
35 subject falling below sixty percent (60%).

36 (b)(1) Each person receiving a license from the board, prior to

1 practicing chiropractic, shall have the certificate recorded in the office of
2 the county clerk of the county where he proposes to practice.

3 (2) When the licensee moves to another county for the purpose of
4 continuing the practice of chiropractic, he shall file for record, with the
5 county clerk of the county to which he moves, a certified copy of his license.

6 (3) The fee for each recording of each license shall be two
7 dollars (\$2.00).

8 (4) Each licensee shall display conspicuously in his or her
9 principal place of business or place of employment the license issued by this
10 board. The annual renewal certificate shall be displayed in connection with
11 the original license."

12
13 SECTION 12. Arkansas Code 17-81-310 is amended to read as follows:

14 "17-81-310. Orientation class.

15 (a) The Arkansas State Board of Chiropractic Examiners is authorized to
16 conduct an orientation class for all new licensees.

17 (b) The board is authorized to include in the orientation class
18 instruction relating to office procedures, the filing of insurance claims, and
19 such other matters as the board may deem necessary or appropriate to equip new
20 licensees to establish and maintain a practice and to effectively and
21 efficiently operate and manage their offices and other facilities related to
22 their practice of chiropractic ~~medicine~~ practice."

23
24 SECTION 13. Arkansas Code 17-81-311 is amended to read as follows:

25 "17-81-311. Renewal - Fee.

26 (a)(1) The board may charge an annual renewal fee not to exceed three
27 hundred dollars (\$300) for the license. However, in its discretion, the board
28 may set the renewal fee for license holders not practicing in this state, or
29 for those inactive, at a lower fee than for those practicing in this state.

30 (2) The board may waive the renewal fee for all licentiates who
31 are serving in the armed services at the time the fee is due.

32 (b) If the license renewal fee is not paid by January 1 of each year or
33 within sixty (60) days from the mailing of notice by the board, whichever is
34 the later date, the license shall automatically expire and be forfeited. The
35 license can only be reinstated upon payment of all sums due, and, in its
36 discretion, the board may assess the delinquent holder an additional sum as a

1 penal ty.

2 (c) A renewal fee will be considered 'paid' pursuant to § 17-81-311 if
3 it is received in the board office or postmarked on or before the date the fee
4 is due. If a license expires and is forfeited because the renewal fee is not
5 paid on time, the license may be reinstated upon payment of the delinquent fee
6 due, payment of a penalty of two hundred dollars (\$200) and complying with the
7 continuing education requirements of § 17-81-312.

8 (d) Failure of the licensee to receive the renewal form shall not
9 relieve him of the duty to renew his license and pay the fee required by this
10 chapter."

11
12 SECTION 14. Arkansas Code 17-81-312 is amended to read as follows:

13 "17-81-312. Renewal - Education requirement.

14 (a) The board shall not renew the license of any person actively
15 engaged in practice within the State of Arkansas unless the person presents to
16 the board evidence of attendance, during the preceding twelve (12) months, at:

17 (1) An approved educational session or sessions of not less than
18 twenty-four (24) hours' duration conducted by an approved chiropractic
19 institution of learning or by some association approved by the board for the
20 teaching of chiropractic philosophy and scientific courses pertaining to the
21 profession; or

22 (2) An educational course conducted by the board.

23 (b)(1) The board may waive the requirement upon being presented a
24 certificate from the doctor in charge that the license holder was physically
25 unable on account of sickness or injury, or upon a showing that the license
26 holder was in military service, when the course was conducted within this
27 state during the preceding twelve (12) months.

28 (2) The board may waive the requirement for any other valid
29 reason.

30 (3) Any person who is initially licensed in January shall be
31 required to complete twenty-four (24) hours of continuing education by
32 December 31 of that year, and each year thereafter comply with § 17-81-312

33 (a)(1).

34 (4) Any person who is initially licensed in July shall submit a
35 certificate of attendance of a minimum of twelve (12) hours of continuing
36 education program approval by the board. Each year thereafter the doctor

1 shall submit a certificate of attendance of completion of twenty-four (24)
2 hours of continuing education seminars by December 31 of each year.

3 (c) The presentation of a fraudulent or forged evidence of attendance
4 at an educational session shall be a cause for suspension or revocation of the
5 holder's license."

6
7 SECTION 15. Arkansas Code 17-81-313 is amended to read as follows:
8 "17-81-313. Disciplinary proceedings - Revocation or suspension.

9 (a)~~(1)~~ The board shall have sole authority over licensed chiropractors
10 to levy a civil penalty of not more than five thousand dollars (\$5,000) nor
11 less than one thousand dollars (\$1,000) for each violation, to deny, place
12 under probation, suspend, or revoke any license to practice chiropractic
13 issued by the board or applied for in accordance with the provisions of this
14 chapter or otherwise to discipline a licensee upon proof that the person:

15 ~~(A)(1)~~ Is guilty of fraud or deceit in procuring or attempting to
16 procure a license to practice chiropractic;

17 ~~(B)(2)~~ Is guilty of crime or gross immorality;

18 ~~(C)(3)~~ Is unfit or incompetent by reason of negligence, habits,
19 or other causes;

20 ~~(D)(4)~~ Is habitually intemperate or is addicted to the use of
21 habit-forming drugs;

22 ~~(E)(5)~~ Is mentally incompetent;

23 ~~(F)(6)~~ Is guilty of unprofessional conduct;

24 ~~(G)(7)~~ Is guilty of fraud or deceit in filing insurance forms,
25 documents, or information pertaining to the health or welfare of a patient; or

26 ~~(H)(8)~~ Has willfully or repeatedly violated any of the provisions
27 of this chapter.

28 ~~(2)(b) The board may levy a fine of up to five thousand dollars~~
29 ~~(\$5,000) for each such violation or for each day that such violation occurs or~~
30 ~~continues. Proceedings under this section shall comply be as provided in the~~
31 with the Arkansas Administrative Procedure Act, ~~as amended,~~ beginning at § 25-
32 15-201 ~~et seq.~~"

33
34 SECTION 16. Arkansas Code 17-81-315 is amended to read as follows:
35 "17-81-315. Professional titles.

36 (a) Each holder of a license under the provisions of this chapter shall

1 be privileged to use after his name any of the following terms: 'Doctor of
 2 Chiropractic'; 'Chiropractic Physician'; 'Chiropractor'; and 'D.C.' and the
 3 use of titles from any special certification issued through courses or
 4 seminars of instruction for professional learning by colleges, conducting or
 5 sponsoring such courses or seminars, holding status with the Council on
 6 Chiropractic Education (CCE) or those titles issued in like manner, not
 7 excluding honorary titles, by instruction and sponsored by the International
 8 Chiropractors' Association or the American Chiropractic Association.

9 (b) Nothing in this section shall exclude the use of titles issued by
 10 colleges or universities accredited by the United States Department of
 11 Education (USDE) granting degrees such as B.S., M.S., M.A., Ph.D. or other
 12 similar degrees."

13
 14 SECTION 17. Title 17, Chapter 81, Subchapter 3 of the Arkansas Code is
 15 amended to add the following section to be numbered by the Arkansas Code
 16 Revision Commission:

17 "Reactivation of lapsed license.

18 Any licensee who allows his or her license to lapse by failing to renew
 19 the license as provided under §17-81-311 may apply to the board for a
 20 reinstatement of his or her license and must submit to the board a
 21 reinstatement fee of twenty-five dollars (\$25.00) together with all back fees,
 22 plus continuing education hours. The delinquent licensee must obtain
 23 verification from all states in which he or she has practiced indicating
 24 whether or not disciplinary action has been taken against the licensee during
 25 that period. If the licensee's license has been inactive for a period of five
 26 (5) years, as a condition of reactivation, the board may require the licensee
 27 to enroll in and pass a refresher course approved by the board at an
 28 accredited chiropractic college or to pass a competency exam given by the
 29 board."

30
 31 SECTION 18. Arkansas Code 25-16-905 is amended to read as follows:

32 "25-16-905. Stipend - Authorization for \$100.

33 Each of the following state boards may, by a majority vote of the total
 34 membership of the board cast during its first regularly scheduled meeting of
 35 each calendar year, authorize payment to its members of a stipend not to
 36 exceed one hundred dollars (\$100) per meeting attended, and the board members

1 shall receive no other compensation, expense reimbursement, or in-lieu-of
2 payments except as provided in § 25-16-902:

- 3 (1) Arkansas State Board of Dental Examiners; and
- 4 (2) Arkansas State Medical Board; and
- 5 (3) Arkansas State Board of Chiropractic Examiners."

6
7 SECTION 19. Arkansas Code 25-16-903 (17) which provided for a stipend
8 of fifty dollars (\$50.00) for the Arkansas State Board of Chiropractic
9 Examiners is repealed.

10 ~~(17) Arkansas State Board of Chiropractic Examiners;~~

11
12 SECTION 20. All provisions of this act of a general and permanent
13 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
14 Code Revision Commission shall incorporate the same in the Code.

15
16 SECTION 21. 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.

21
22 SECTION 22. All laws and parts of laws in conflict with this act are
23 hereby repealed.

24
25 SECTION 23. EMERGENCY CLAUSE. It is hereby found and determined by the
26 Eighty-second General Assembly that regular examinations for licensure under
27 the Arkansas Chiropractic Practices Act are held in January and July; that
28 brochures containing Arkansas law must be prepared for applicants; that for
29 the effective administration of the Arkansas Chiropractic Practices Act, this
30 act should become effective immediately. Therefore, an emergency is declared
31 to exist and this act being immediately necessary for the preservation of the
32 public peace, health and safety shall become effective on the date of its
33 approval by the Governor. If the bill is neither approved nor vetoed by the
34 Governor, it shall become effective on the expiration of the period of time
35 during which the Governor may veto the bill. If the bill is vetoed by the
36 Governor and the veto is overridden, it shall become effective on the date the

1 last house overrides the veto.

2 /s/ DeLay

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