

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: S3/15/05

A Bill

SENATE BILL 1177

5 By: Senator Altes
6 By: Representative Verkamp
7

For An Act To Be Entitled

10 AN ACT TO ENSURE THAT ALLEGATIONS OF IMPROPER
11 PRESCRIBING AGAINST PHYSICIANS IN ARKANSAS ARE
12 PRESENTED TO THE PAIN MANAGEMENT REVIEW
13 COMMITTEE; AND FOR OTHER PURPOSES.
14

Subtitle

15 AN ACT TO ENSURE THAT ALLEGATIONS OF
16 IMPROPER PRESCRIBING AGAINST PHYSICIANS
17 IN ARKANSAS ARE PRESENTED TO THE PAIN
18 MANAGEMENT REVIEW COMMITTEE.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 17-95-704(a), concerning treatment of
25 chronic intractable pain, is amended to read as follows:

26 (a)(1) A physician shall not be subject to disciplinary action by the
27 Arkansas State Medical Board solely for prescribing dangerous or controlled
28 drugs for the relief of chronic intractable pain.

29 (2)(A) Any allegation of improper prescribing determined to
30 require a board hearing shall be referred to the Pain Management Review
31 Committee before any board hearing or action.

32 (B) The board shall provide the Pain Management Review
33 Committee all necessary documentation for the review process in a timely
34 manner.

35 ~~(2)(3)~~ The board shall direct the Pain Management Review
36 Committee to use the criteria under subsections (d) and (e) of this section



1 to review a physician's conduct in regard to prescribing, administering,
2 ordering, or dispensing pain medications and other drugs necessary to treat
3 chronic intractable pain.

4 (4)(A) If the board determines that an allegation or a question
5 regarding a physician's prescribing does not justify a board hearing, in lieu
6 of a board hearing, the board may refer a physician to the Pain Review
7 Committee for review and recommendations to the board.

8 (B) The review and recommendations under subdivision
9 (a)(4)(A) of this section shall not adversely affect the physician's license
10 or licensure status.

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12 SECTION 2. Arkansas Code § 17-95-705 is amended to read as follows:

13 17-95-705. Pain Management Review Committee - Membership - Duties.

14 (a)~~(1)~~ There is created the Pain Management Review Committee,
15 appointed by the Arkansas State Medical Board.

16 ~~(2) In lieu of a disciplinary hearing, the board may refer a~~
17 ~~physician to the committee for review and recommendations.~~

18 (b) The committee shall consist of five (5) members who are full-time
19 active physicians in direct patient care, two (2) of whom may be board-
20 certified pain management specialists and three (3) of whom may be physicians
21 with significant pain management in their practices or with a degree in
22 pharmacy, appointed by the board from a list provided by the Arkansas
23 Osteopathic Medical Association, the Arkansas Medical Society, and the
24 Arkansas Pain Society.

25 (c) The committee shall:

26 (1) ~~In cooperation with~~ Have committee representation from the
27 Arkansas Osteopathic Medical Association, the Arkansas Medical Society, and
28 the Arkansas Pain Society, to develop guidelines for investigations of
29 complaints regarding conduct in violation of this subchapter;

30 (2) Review complaints on an individual patient-needs basis
31 regarding physicians treating chronic intractable pain in violation of this
32 subchapter; and

33 (3) Provide an objective critique to the board for board
34 determination in a timely manner and if so determined, before the board's
35 disciplinary hearing.

36 (4) In order to ensure a fair, impartial, and objective board

1 hearing, no board member shall be:

2 (A) Present while the committee reviews allegations of
3 improper prescribing; or

4 (B) Involved in any way in the committee's deliberations.

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/s/ Altes

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