

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 H4/4/05

A Bill

SENATE BILL 1177

5 By: Senator Altes
6 By: Representative Verkamp
7

For An Act To Be Entitled

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9
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
16 AN ACT TO ENSURE THAT ALLEGATIONS OF
17 IMPROPER PRESCRIBING AGAINST PHYSICIANS
18 IN ARKANSAS ARE PRESENTED TO THE PAIN
19 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)(i) 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 (i)(a) However, in exceptional limited substantive
33 instances requiring immediate action to protect the public health an
34 emergency action under § 25-15-111(c) may be implemented.

35 (b) The implementation of an emergency action
36 under § 25-15-111(c) shall in no way be used by the board to circumvent,



1 void, supplant, or otherwise limit the role of the Pain Management Review
 2 Committee as provided in this subchapter.

3 (B) The board shall provide the Pain Management Review
 4 Committee all necessary documentation for the review process in a timely
 5 manner.

6 ~~(2)~~(3) The board shall direct the Pain Management Review
 7 Committee to use the criteria under subsections (d) and (e) of this section
 8 to review a physician's conduct in regard to prescribing, administering,
 9 ordering, or dispensing pain medications and other drugs necessary to treat
 10 chronic intractable pain.

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

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

18
 19 SECTION 2. Arkansas Code § 17-95-705 is amended to read as follows:
 20 17-95-705. Pain Management Review Committee - Membership - Duties.

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

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

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

32 (c) The committee shall:

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

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

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

7 (4) In order to ensure a fair, impartial, and objective board
8 hearing, no board member shall be:

9 (A) Present while the committee reviews allegations of
10 improper prescribing; or

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

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13 /s/ Altes
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