

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: S3/16/05

# A Bill

SENATE BILL 1195

5 By: Senators Faris, J. Bookout, Critcher, B. Johnson, Womack, Horn, Altes  
6 By: Representatives Verkamp, Bradford, Elliott, S. Prater, Reep, Thyer, McDaniel, *J. Johnson*  
7

## For An Act To Be Entitled

10 AN ACT TO CLARIFY ELIGIBILITY FOR AND SERVICE ON  
11 THE ARKANSAS STATE MEDICAL BOARD; TO PROVIDE FOR  
12 GEOGRAPHIC REPRESENTATION ON THE BOARD; AND FOR  
13 OTHER PURPOSES.

### Subtitle

16 AN ACT TO CLARIFY ELIGIBILITY FOR AND  
17 SERVICE ON THE ARKANSAS STATE MEDICAL  
18 BOARD.

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

23 SECTION 1. Arkansas Code § 17-95-202 is amended to read as follows:  
24 17-95-202. Definitions.

25 As used in the Arkansas Medical Practices Act, §§ 17-95-201 - 17-95-  
26 207, 17-95-301 - 17-95-305, and 17-95-401 - 17-95-411, unless the context  
27 otherwise requires:

28 (1) "Active" means a physician actively engaged in the full-time  
29 clinical practice of medicine;

30 ~~(1)~~(2) "Board" means the Arkansas State Medical Board; and

31 ~~(2)~~(3) "Practice of medicine" means:

32 (A) Holding out one's self to the public within this state  
33 as being able to diagnose, treat, prescribe for, palliate, or prevent any  
34 human disease, ailment, injury, deformity, or physical or mental condition,  
35 whether by the use of drugs, surgery, manipulation, electricity, or any  
36 physical, mechanical, or other means whatsoever;



1 (B) Suggesting, recommending, prescribing, or  
 2 administering any form of treatment, operation, or healing for the intended  
 3 palliation, relief, or cure of any physical or mental disease, ailment,  
 4 injury, condition, or defect of any person with the intention of receiving,  
 5 either directly or indirectly, any fee, gift, or compensation whatsoever;

6 (C) Maintaining an office or other place to meet persons  
 7 for the purpose of examining or treating persons afflicted with disease,  
 8 injury, or defect of body or mind;

9 (D) Using the title "M.D.", "M.B.", "D.O.", "physician",  
 10 "surgeon", or any other word or abbreviation to indicate or induce others to  
 11 believe that one is engaged in the diagnosis or treatment of persons  
 12 afflicted with disease, injury, or defect of body or mind, except as  
 13 otherwise expressly permitted by the laws of this state relating to the  
 14 practice of any limited field of the healing arts; or

15 (E) Performing any kind of surgical operation upon a human  
 16 being.

17  
 18 SECTION 2. Arkansas Code § 17-95-301(b)(1) and (2), concerning the  
 19 creation and membership of the Arkansas State Medical Board, are amended to  
 20 read as follows:

21 (b)(1)(A) The board shall consist of thirteen (13) members appointed  
 22 by the Governor for terms of ~~eight (8)~~ five (5) years.

23 (B) The Governor shall consider diversity of practice  
 24 specialties and geographical areas of practice in making appointments to the  
 25 board.

26 (2)(A)(i) Nine (9) members shall be duly qualified, licensed,  
 27 and active medical practitioners and appointed upon the advice and  
 28 recommendation of the Arkansas Medical Society.

29 (ii) ~~One (1) member~~ At least two (2) members shall  
 30 be appointed from each of the ~~six (6)~~ state's four (4) congressional  
 31 districts ~~established by Acts 1951, No. 297 [repealed].~~

32 (iii) ~~Three (3) members~~ One (1) member shall be  
 33 appointed at large.

34 (B) Physicians appointed to an active member position  
 35 under subdivision (b)(2)(A) of this section shall:

36 (i) Remain in active practice for the full term of

1 the appointment; or

2 (ii) Resign if, with more than one (1) year  
3 remaining on the appointed term, the physician:

4 (a) Is no longer actively practicing as a  
5 physician; or

6 (b) Moves his or her business or residence out  
7 of the district from which he or she was appointed.

8  
9 SECTION 3. Arkansas Code § 17-95-301(c), concerning the terms of  
10 membership on the Arkansas State Medical Board, is amended to read as  
11 follows:

12 (c)(1) The term of each member shall expire on December 31 of the year  
13 designated, and a successor appointee shall be named by the Governor on or  
14 before the expiration date of the term so expiring.

15 (2) No member may serve on the board for more than two (2) full  
16 terms or more than twelve (12) years.

17  
18 SECTION 4. Arkansas Code § 17-95-301, concerning the creation and  
19 membership of the Arkansas State Medical Board, is amended to add an  
20 additional subsection to read as follows:

21 (g)(1) Members of the board may be removed from the office by the  
22 Governor:

23 (A) For good cause pursuant to § 25-16-804;

24 (B) For cause including dishonorable or unprofessional  
25 conduct, abuse of authority, malfeasance, misfeasance, or nonfeasance; or

26 (C)(i) For any reason that would justify probation,  
27 suspension, or revocation of a physician's license to practice medicine under  
28 the Arkansas Medical Practices Act, § 17-95-401 et seq. which shall be  
29 referred directly to the Division of Pharmacy Services and Drug Control of  
30 the Department of Health by the Governor for the investigation as provided in  
31 § 17-80-106.

32 (ii) The division shall prepare a report for the  
33 Governor based on their findings.

34 (2) No member of the board may be involved in the conduct of the  
35 investigation except to cooperate with the investigation as required by the  
36 investigator.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

*/s/ Faris*