

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 *As Engrossed: S3/16/05 S3/17/05 S3/18/05*

2 85th General Assembly

A Bill

3 Regular Session, 2005

SENATE BILL 1195

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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*

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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.

14

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Subtitle

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

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

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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.

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 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) Congressional district representation required under
 35 this subdivision (b)(2) shall be achieved by appointment as vacancies occur.

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

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

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

9 (B) However, this subdivision (c)(2) shall not cut short a
10 term for which a member is serving on the effective date of this subdivision
11 (c)(2).

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13 SECTION 4. Arkansas Code § 17-95-301, concerning the creation and
14 membership of the Arkansas State Medical Board, is amended to add additional
15 subsections to read as follows:

16 “(g) Physicians appointed to the board shall:

17 (1) Remain in active practice for the full term of the
18 appointment; or

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

21 (A) Is no longer actively practicing as a physician; or

22 (B) Moves his or her business or residence out of the
23 district from which he or she was appointed.

24 (h)(1) Members of the board may be removed from the office by the
25 Governor:

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

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

29 (C)(i) For any reason that would justify probation,
30 suspension, or revocation of a physician’s license to practice medicine under
31 the Arkansas Medical Practices Act, § 17-95-401 et seq. which shall be
32 referred directly to the Division of Pharmacy Services and Drug Control of
33 the Department of Health by the Governor for the investigation as provided in
34 § 17-80-106.

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

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

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5 /s/ Faris
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