

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 86th General Assembly
3 Regular Session, 2007
4

A Bill

HOUSE BILL 1216

5 By: Representatives S. Prater, Berry, Kidd
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For An Act To Be Entitled

9 AN ACT TO CLARIFY THE PROCESS FOR REVIEWING
10 COMPLAINTS CONCERNING SCOPE OF PRACTICE THAT
11 INVOLVE MORE THAN ONE (1) BOARD OF THE HEALING
12 ARTS; AND FOR OTHER PURPOSES.
13

Subtitle

14 AN ACT TO CLARIFY THE PROCESS FOR
15 REVIEWING COMPLAINTS CONCERNING SCOPE OF
16 PRACTICE THAT INVOLVE MORE THAN ONE (1)
17 BOARD OF THE HEALING ARTS.
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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 § 17-80-114 is amended to read as follows:
24 17-80-114. Scope of practice - Complaints.

25 (a) As used in this section, "healing arts" means the practice of any
26 type of profession requiring special education and skill that promotes
27 healing of the human body or that relates to the prevention of illness or
28 disease.

29 (b) No board of the healing arts may take disciplinary action at the
30 board level against a licensee of another board of the healing arts except as
31 provided in subsections (c) and (d) of this section.

32 (c)(1) If a licensee or a member of a board of the healing arts
33 believes that a licensee of another board of the healing arts is practicing
34 outside that licensee's proper scope of practice, the licensee or member may
35 file a complaint with his or her own board but may not file the complaint
36 with any other board of the healing arts.



1 (2) A board of the healing arts that receives a complaint
 2 regarding the proper scope of practice of a licensee of another board of the
 3 healing arts may file the complaint with that other board.

4 (3) A board of the healing arts receiving a complaint from
 5 another board of the healing arts shall:

6 (A) Investigate the complaint;

7 (B) Take whatever action that board considers appropriate
 8 pursuant to its practice act and the Arkansas Administrative Procedure Act, §
 9 25-15-201 et seq., to determine whether the licensee was practicing outside
 10 the licensee's proper scope of practice; and

11 (C) Communicate the final disposition of the complaint to:

12 (i) The licensee who is the subject of the
 13 complaint; and

14 (ii) The board of the healing arts that filed the
 15 complaint.

16 ~~(4) If the disposition of the complaint under subdivision (c)(3)~~
 17 ~~of this section does not satisfy the board that filed the complaint under~~
 18 ~~subdivision (c)(2) of this section, the board that filed the complaint may,~~
 19 ~~and is encouraged to, file an action, declaratory judgment, or injunctive~~
 20 ~~relief against the licensee regarding the complaint in the circuit court of~~
 21 ~~the county in which the alleged violation occurred or in the Pulaski County~~
 22 ~~Circuit Court.~~

23 (d)(1) With respect to the scope of practice issue, in any subsequent
 24 proceeding before the board of the healing arts that filed the complaint and
 25 in any subsequent judicial proceeding, the determination of the board of the
 26 healing arts that received the complaint shall be dispositive unless the
 27 findings, inferences, conclusions, or decisions of the board of the healing
 28 arts that received the complaint are:

29 (A) In violation of constitutional or statutory
 30 provisions;

31 (B) In excess of the board's statutory authority;

32 (C) Made upon unlawful procedure;

33 (D) Affected by other error or law;

34 (E) Not supported by substantial evidence of record; or

35 (F) Arbitrary, capricious, or characterized by abuse of
 36 discretion.

1 (2) This subsection (d) applies to judicial review under § 25-
2 15-212 of action taken by the board of the healing arts that filed the
3 complaint.

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