

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 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: S2/9/09
A Bill

SENATE BILL 239

5 By: Senator Bledsoe
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8 **For An Act To Be Entitled**

9 AN ACT TO AUTHORIZE *PHYSICIANS AND PODIATRISTS* TO
10 DELEGATE THE PERFORMANCE OF SOME SIMPLE
11 PROCEDURES TO EMPLOYEES; AND FOR OTHER PURPOSES.
12

13 **Subtitle**

14 AN ACT TO AUTHORIZE *PHYSICIANS AND*
15 *PODIATRISTS* TO DELEGATE THE PERFORMANCE
16 OF SOME SIMPLE PROCEDURES TO EMPLOYEES.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 17, Chapter 95, Subchapter 2 is amended
22 to add an additional section to read as follows:

23 17-95-208. General authority of physician to delegate.

24 (a)(1) A physician may delegate to a qualified and properly trained
25 employee under the physician's supervision the performance of tasks that do
26 not require substantial specialized judgment and skill based on knowledge and
27 applications of principles of biological, physical, and social sciences, as
28 determined by the Arkansas State Medical Board, if in the opinion of the
29 delegating physician, the task:

30 (A) Can be properly and safely performed by the employee
31 to whom the task is delegated;

32 (B) Is performed in its customary manner; and

33 (C) Is performed within the physical boundaries of the
34 delegating physician's offices.

35 (2) The employee to whom the delegation of the task is made
36 shall not be represented to the public as a licensed physician, licensed



1 nurse, licensed physician’s assistant, or other licensed healthcare provider.

2 (b) The delegating physician remains responsible for the acts of the
3 employee performing the delegated task.

4 (c) This section does not authorize the Arkansas State Medical Board
5 to permit nor shall it repeal other acts that deal with specific tasks of
6 licensed health care providers.

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8 *SECTION 2. Arkansas Code Title 17, Chapter 96, Subchapter 2 is amended*
9 *to add an additional section to read as follows:*

10 17-95-204. General authority of podiatrist to delegate.

11 (a)(1) A podiatrist may delegate to a qualified and properly trained
12 employee under the podiatrist’s supervision the performance of tasks that do
13 not require substantial specialized judgment and skill based on knowledge and
14 applications of principles of biological, physical, and social sciences, as
15 determined by the Arkansas Board of Podiatric Medicine, if in the opinion of
16 the delegating podiatrist, the task:

17 (A) Can be properly and safely performed by the employee
18 to whom the task is delegated;

19 (B) Is performed in its customary manner; and

20 (C) Is performed within the physical boundaries of the
21 delegating podiatrist’s offices.

22 (2) The employee to whom the delegation of the task is made
23 shall not be represented to the public as a licensed podiatrist, licensed
24 nurse, licensed podiatrist’s assistant, or other licensed healthcare
25 provider.

26 (b) The delegating podiatrist remains responsible for the acts of the
27 employee performing the delegated task.

28 (c) This section does not authorize the Arkansas State Medical Board
29 to permit nor shall it repeal other acts that deal with specific tasks of
30 licensed health care providers.

31 /s/ Bledsoe