

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

A Bill

SENATE BILL 41

4
5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

8
9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS
11 STATE MEDICAL BOARD FOR THE FISCAL YEAR ENDING
12 JUNE 30, 2010; AND FOR OTHER PURPOSES.
13

Subtitle

14
15 AN ACT FOR THE ARKANSAS STATE MEDICAL
16 BOARD APPROPRIATION FOR THE 2009-2010
17 FISCAL YEAR.
18
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. REGULAR SALARIES. There is hereby established for the Arkansas
24 State Medical Board for the 2009-2010 fiscal year, the following maximum
25 number of regular employees whose salaries shall be governed by the
26 provisions of the Uniform Classification and Compensation Act (Arkansas Code
27 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
28 Provided, however, that any position to which a specific maximum annual
29 salary is set out herein in dollars, shall be exempt from the provisions of
30 said Uniform Classification and Compensation Act. All persons occupying
31 positions authorized herein are hereby governed by the provisions of the
32 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),
33 or its successor.
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35
36
Maximum Annual
Maximum Salary Rate



Item	Class	No. of	Fiscal Year
No.	Code Title	Employees	2009-2010
(1)	U095U MEDICAL BOARD SECRETARY/TREASURER	1	\$94,843
(2)	D030C INFORMATION SYSTEMS COORDINATOR	1	GRADE C124
(3)	G076C ADMINISTRATIVE SERVICES MANAGER	1	GRADE C124
(4)	D062C DATABASE ANALYST	1	GRADE C119
(5)	D064C WEBSITE DEVELOPER	1	GRADE C118
(6)	D065C NETWORK SUPPORT ANALYST	1	GRADE C118
(7)	G187C CREDENTIALING COORDINATION SUPERVIS	2	GRADE C117
(8)	C037C ADMINISTRATIVE ANALYST	4	GRADE C115
(9)	D079C COMPUTER SUPPORT TECHNICIAN	1	GRADE C115
(10)	C045C LICENSING COORDINATOR	19	GRADE C113
(11)	A098C FISCAL SUPPORT SPECIALIST	4	GRADE C112
(12)	C073C ADMINISTRATIVE SPECIALIST II	<u>5</u>	GRADE C109
	MAX. NO. OF EMPLOYEES	41	

16

17 SECTION 2. EXTRA HELP. There is hereby authorized, for the Arkansas State
 18 Medical Board for the 2009-2010 fiscal year, the following maximum number of
 19 part-time or temporary employees, to be known as "Extra Help", payable from
 20 funds appropriated herein for such purposes: one (1) temporary or part-time
 21 employees, when needed, at rates of pay not to exceed those provided in the
 22 Uniform Classification and Compensation Act, or its successor, or this act
 23 for the appropriate classification.

24

25 SECTION 3. APPROPRIATIONS - MEDICAL BOARD. There is hereby appropriated,
 26 to the Arkansas State Medical Board, to be payable from cash funds as defined
 27 by Arkansas Code 19-4-801 of the Arkansas State Medical Board, for personal
 28 services and operating expenses of the Arkansas State Medical Board for the
 29 fiscal year ending June 30, 2010, the following:

30

ITEM	FISCAL YEAR
NO.	2009-2010
(01) REGULAR SALARIES	\$ 1,592,900
(02) EXTRA HELP	7,000
(03) PERSONAL SERVICES MATCHING	504,495
(04) MAINT. & GEN. OPERATION	

36

1	(A) OPER. EXPENSE	929,180
2	(B) CONF. & TRAVEL	15,000
3	(C) PROF. FEES	136,000
4	(D) CAP. OUTLAY	219,000
5	(E) DATA PROC.	0
6	(05) REFUNDS/REIMBURSEMENTS	<u>7,500</u>
7	TOTAL AMOUNT APPROPRIATED	<u>\$ 3,411,075</u>

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9 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

11 EDUCATIONAL PROGRAMS. The State Medical Board is hereby authorized to expend
 12 from monies authorized herein, no more than \$200,000 each fiscal year for
 13 educational programs, either public or private, for impaired physicians with
 14 alcohol or drug abuse problems.

15 The provisions of this section shall be in effect only from July 1,
 16 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

17

18 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DIRECTOR
 20 QUALIFICATIONS AND LIMITATIONS. The Director of the State Medical Board
 21 shall:

22 (a) have been in full-time clinical practice of medicine in direct patient
 23 care within one (1) year of filling the position of Medical Director;

24 (b) have fifteen (15) years of current continuous full-time medical service
 25 immediately prior to the date of appointment which shall include, but not be
 26 limited to, at least ten (10) years of full-time clinical practice in direct
 27 patient care, five (5) years of which shall have been in full-time clinical
 28 practice in direct patient care in the State of Arkansas;

29 (c) have not served on the Arkansas State Medical Board within the past five
 30 (5) years; and

31 (d) have a comprehensive knowledge of the contemporary, broad-based clinical
 32 practice of medicine with experience in direct patient care.

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34 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
 36 STATE MEDICAL BOARD EMPLOYMENT OF ATTORNEYS. None of the funds appropriated

1 in this Act for Maintenance and General Operation shall be expended in
2 payment for services of attorneys, unless the agency shall first make a
3 request in writing to the Attorney General of the State of Arkansas to
4 provide the required legal services. The Attorney General's Office shall
5 provide the requested legal services, or, if the Attorney General's Office
6 shall determine that sufficient personnel are not available to provide the
7 requested legal services, the Attorney General shall certify the same to the
8 agency and may authorize the agency to employ legal counsel and to expend
9 monies appropriated for Maintenance and General Operations therefore, if:

10 (1) The Attorney General determines, and certifies in writing, that such
11 agency needs the advice or assistance of legal counsel, and

12 (2) The Attorney General consents in writing to the employment of the
13 legal counsel to be retained by the agency, and

14 (3) The Attorney General determines that the agency re-advertises
15 annually for legal counsel if outside legal counsel is hired and that any
16 amount to be paid for outside legal counsel has been reviewed and approved by
17 the Arkansas Legislative Council or Joint Budget Committee.

18 Such certification shall be required with respect to each instance of the
19 employment of special legal counsel, or shall be required annually with
20 respect to legal counsel employed on a retainer basis. A copy of such
21 certification shall be entered in the official minutes of the agency, and
22 shall be retained in the fiscal records of the agency for audit purposes.
23 Determining the maximum number of employees and the maximum amount of
24 appropriation and general revenue funding for a state agency each fiscal year
25 is the prerogative of the General Assembly. This is usually accomplished by
26 delineating such maximums in the appropriation act(s) for a state agency and
27 the general revenue allocations authorized for each fund and fund account by
28 amendment to the Revenue Stabilization law. Further, the General Assembly
29 has determined that the Arkansas State Medical Board may operate more
30 efficiently if some flexibility is provided to the Arkansas State Medical
31 Board authorizing broad powers under this Section. Therefore, it is both
32 necessary and appropriate that the General Assembly maintain oversight by
33 requiring prior approval of the Legislative Council or Joint Budget Committee
34 as provided by this section. The requirement of approval by the Legislative
35 Council or Joint Budget Committee is not a severable part of this section.
36 If the requirement of approval by the Legislative Council or Joint Budget

1 Committee is ruled unconstitutional by a court of competent jurisdiction,
2 this entire section is void.

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4 SECTION 7. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
5 by this act shall be limited to the appropriation for such agency and funds
6 made available by law for the support of such appropriations; and the
7 restrictions of the State Procurement Law, the General Accounting and
8 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
9 Procedures and Restrictions Act, or their successors, and other fiscal
10 control laws of this State, where applicable, and regulations promulgated by
11 the Department of Finance and Administration, as authorized by law, shall be
12 strictly complied with in disbursement of said funds.

13
14 SECTION 8. LEGISLATIVE INTENT. It is the intent of the General Assembly
15 that any funds disbursed under the authority of the appropriations contained
16 in this act shall be in compliance with the stated reasons for which this act
17 was adopted, as evidenced by the Agency Requests, Executive Recommendations
18 and Legislative Recommendations contained in the budget manuals prepared by
19 the Department of Finance and Administration, letters, or summarized oral
20 testimony in the official minutes of the Arkansas Legislative Council or
21 Joint Budget Committee which relate to its passage and adoption.

22
23 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General
24 Assembly, that the Constitution of the State of Arkansas prohibits the
25 appropriation of funds for more than a one (1) year period; that the
26 effectiveness of this Act on July 1, 2009 is essential to the operation of
27 the agency for which the appropriations in this Act are provided, and that in
28 the event of an extension of the Regular Session, the delay in the effective
29 date of this Act beyond July 1, 2009 could work irreparable harm upon the
30 proper administration and provision of essential governmental programs.
31 Therefore, an emergency is hereby declared to exist and this Act being
32 necessary for the immediate preservation of the public peace, health and
33 safety shall be in full force and effect from and after July 1, 2009.