

State of Arkansas
87th General Assembly
Fiscal Session, 2010

A Bill

SENATE BILL 7

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS
STATE MEDICAL BOARD FOR THE FISCAL YEAR ENDING
JUNE 30, 2011; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE ARKANSAS STATE MEDICAL
BOARD APPROPRIATION FOR THE 2010-2011
FISCAL YEAR.

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

SECTION 1. REGULAR SALARIES. There is hereby established for the Arkansas State Medical Board for the 2010-2011 fiscal year, the following maximum number of regular employees whose salaries shall be governed by the provisions of the Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory thereto. Provided, however, that any position to which a specific maximum annual salary is set out herein in dollars, shall be exempt from the provisions of said Uniform Classification and Compensation Act. All persons occupying positions authorized herein are hereby governed by the provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its successor.

	Maximum Annual
Maximum	Salary Rate



Item	Class	No. of	Fiscal Year
No.	Code Title	Employees	2010-2011
(1)	U095U MEDICAL BOARD SECRETARY/TREASURER	1	\$97,024
(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	5	GRADE C109
MAX. NO. OF EMPLOYEES		41	

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SECTION 2. EXTRA HELP. There is hereby authorized, for the Arkansas State Medical Board for the 2010-2011 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: one (1) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, or this act for the appropriate classification.

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SECTION 3. APPROPRIATIONS - MEDICAL BOARD. There is hereby appropriated, to the Arkansas State Medical Board, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Arkansas State Medical Board, for personal services and operating expenses of the Arkansas State Medical Board for the fiscal year ending June 30, 2011, the following:

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ITEM	FISCAL YEAR
NO.	2010-2011
(01) REGULAR SALARIES	\$ 1,628,643
(02) EXTRA HELP	7,000
(03) PERSONAL SERVICES MATCHING	511,210
(04) MAINT. & GEN. OPERATION	

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1	(A) OPER. EXPENSE	894,180
2	(B) CONF. & TRAVEL	15,000
3	(C) PROF. FEES	152,000
4	(D) CAP. OUTLAY	52,000
5	(E) DATA PROC.	0
6	(05) REFUNDS/REIMBURSEMENTS	<u>7,500</u>
7	TOTAL AMOUNT APPROPRIATED	<u>\$ 3,267,533</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, \$25 from each licensed physician licensed by
13 the State Medical Board each year to be paid by the State Medical Board to
14 501(c)(3) Arkansas foundations that have healthcare professionals on their
15 board and provide for identification, treatment and monitoring of healthcare
16 professionals who suffer from alcohol or drug abuse problems, in order to
17 promote the public health and safety and to insure the continued availability
18 of skilled and highly trained medical professionals for the benefit of the
19 public.

20 The provisions of this section shall be in effect only from July 1,
21 ~~2007~~ 2010 through June 30, ~~2009~~ 2011.

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

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

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

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

36 (d) have a comprehensive knowledge of the contemporary, broad-based clinical

1 practice of medicine with experience in direct patient care.

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3 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
5 STATE MEDICAL BOARD EMPLOYMENT OF ATTORNEYS. None of the funds appropriated
6 in this Act for Maintenance and General Operation shall be expended in
7 payment for services of attorneys, unless the agency shall first make a
8 request in writing to the Attorney General of the State of Arkansas to
9 provide the required legal services. The Attorney General's Office shall
10 provide the requested legal services, or, if the Attorney General's Office
11 shall determine that sufficient personnel are not available to provide the
12 requested legal services, the Attorney General shall certify the same to the
13 agency and may authorize the agency to employ legal counsel and to expend
14 monies appropriated for Maintenance and General Operations therefore, if:

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

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

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

23 Such certification shall be required with respect to each instance of the
24 employment of special legal counsel, or shall be required annually with
25 respect to legal counsel employed on a retainer basis. A copy of such
26 certification shall be entered in the official minutes of the agency, and
27 shall be retained in the fiscal records of the agency for audit purposes.
28 Determining the maximum number of employees and the maximum amount of
29 appropriation and general revenue funding for a state agency each fiscal year
30 is the prerogative of the General Assembly. This is usually accomplished by
31 delineating such maximums in the appropriation act(s) for a state agency and
32 the general revenue allocations authorized for each fund and fund account by
33 amendment to the Revenue Stabilization law. Further, the General Assembly
34 has determined that the Arkansas State Medical Board may operate more
35 efficiently if some flexibility is provided to the Arkansas State Medical
36 Board authorizing broad powers under this Section. Therefore, it is both

1 necessary and appropriate that the General Assembly maintain oversight by
2 requiring prior approval of the Legislative Council or Joint Budget Committee
3 as provided by this section. The requirement of approval by the Legislative
4 Council or Joint Budget Committee is not a severable part of this section.
5 If the requirement of approval by the Legislative Council or Joint Budget
6 Committee is ruled unconstitutional by a court of competent jurisdiction,
7 this entire section is void.

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

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

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28 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General
29 Assembly, that the Constitution of the State of Arkansas prohibits the
30 appropriation of funds for more than a one (1) year period; that the
31 effectiveness of this Act on July 1, 2010 is essential to the operation of
32 the agency for which the appropriations in this Act are provided, and that in
33 the event of an extension of the legislative session, the delay in the
34 effective date of this Act beyond July 1, 2010 could work irreparable harm
35 upon the proper administration and provision of essential governmental
36 programs. Therefore, an emergency is hereby declared to exist and this Act

1 being necessary for the immediate preservation of the public peace, health
2 and safety shall be in full force and effect from and after July 1, 2010.
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