

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

As Engrossed: S2/16/11  
**A Bill**

SENATE BILL 28

5 By: Joint Budget Committee  
6

7 **For An Act To Be Entitled**

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL  
9 SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS  
10 STATE MEDICAL BOARD FOR THE FISCAL YEAR ENDING  
11 JUNE 30, 2012; AND FOR OTHER PURPOSES.  
12  
13

14 **Subtitle**

15 AN ACT FOR THE ARKANSAS STATE MEDICAL BOARD  
16 APPROPRIATION FOR THE 2011-2012 FISCAL  
17 YEAR.  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. REGULAR SALARIES. There is hereby established for the  
23 Arkansas State Medical Board for the 2011-2012 fiscal year, the following  
24 maximum number of regular employees.  
25

26				Maximum Annual	
27				Salary Rate	
28	Item	Class	No. of	Fiscal Year	
29	No.	Code	Title	Employees	2011-2012
30	(1)	U095U	MEDICAL BOARD SECRETARY/TREASURER	1	\$98,828
31	(2)	G076C	ADMINISTRATIVE SERVICES MANAGER	1	GRADE C124
32	(3)	D030C	INFORMATION SYSTEMS COORDINATOR	1	GRADE C124
33	(4)	D062C	DATABASE ANALYST	1	GRADE C119
34	(5)	D065C	NETWORK SUPPORT ANALYST	1	GRADE C118
35	(6)	D064C	WEBSITE DEVELOPER	1	GRADE C118
36	(7)	G187C	CREDENTIALING COORDINATION SUPERVIS	2	GRADE C117



1	(8)	C037C	ADMINISTRATIVE ANALYST	4	GRADE C115
2	(9)	D079C	COMPUTER SUPPORT TECHNICIAN	1	GRADE C115
3	(10)	C045C	LICENSING COORDINATOR	19	GRADE C113
4	(11)	A098C	FISCAL SUPPORT SPECIALIST	4	GRADE C112
5	(12)	C073C	ADMINISTRATIVE SPECIALIST II	<u>5</u>	GRADE C109
6			MAX. NO. OF EMPLOYEES	41	

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8 SECTION 2. EXTRA HELP. There is hereby authorized, for the Arkansas  
9 State Medical Board for the 2011-2012 fiscal year, the following maximum  
10 number of part-time or temporary employees, to be known as "Extra Help",  
11 payable from funds appropriated herein for such purposes: one (1) temporary  
12 or part-time employees, when needed, at rates of pay not to exceed those  
13 provided in the Uniform Classification and Compensation Act, or its  
14 successor, or this act for the appropriate classification.

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16 SECTION 3. APPROPRIATION - MEDICAL BOARD. There is hereby  
17 appropriated, to the Arkansas State Medical Board, to be payable from cash  
18 funds as defined by Arkansas Code 19-4-801 of the Arkansas State Medical  
19 Board, for personal services and operating expenses of the Arkansas State  
20 Medical Board for the fiscal year ending June 30, 2012, the following:

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22	ITEM	FISCAL YEAR
23	<u>NO.</u>	<u>2011-2012</u>
24	(01) REGULAR SALARIES	\$1,557,174
25	(02) EXTRA HELP	15,000
26	(03) PERSONAL SERVICES MATCHING	511,160
27	(04) MAINT. & GEN. OPERATION	
28	(A) OPER. EXPENSE	1,183,180
29	(B) CONF. & TRAVEL	15,000
30	(C) PROF. FEES	387,000
31	(D) CAP. OUTLAY	150,000
32	(E) DATA PROC.	0
33	(05) REFUNDS/REIMBURSEMENTS	<u>7,500</u>
34	TOTAL AMOUNT APPROPRIATED	<u>\$3,826,014</u>

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36 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
2 EDUCATIONAL PROGRAMS. The State Medical Board is hereby authorized to expend  
3 from monies authorized herein, \$25 from each licensed physician licensed by  
4 the State Medical Board each year to be paid by the State Medical Board to  
5 501(c)(3) Arkansas foundations that have healthcare professionals on their  
6 board and provide for identification, treatment and monitoring of healthcare  
7 professionals who suffer from alcohol or drug abuse problems, in order to  
8 promote the public health and safety and to insure the continued availability  
9 of skilled and highly trained medical professionals for the benefit of the  
10 public.

11 The provisions of this section shall be in effect only from July 1, ~~2010~~  
12 2011 through June 30, ~~2011~~ 2012.

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

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

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

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

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

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30 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS  
32 STATE MEDICAL BOARD EMPLOYMENT OF ATTORNEYS. *None of the funds appropriated*  
33 *in this Act for Maintenance and General Operation shall be expended in*  
34 *payment for services of attorneys, unless the agency shall first make a*  
35 *request in writing to the Attorney General of the State of Arkansas to*  
36 *provide the required legal services. The Attorney General's Office shall*

1 provide the requested legal services, or, if the Attorney General's Office  
2 shall determine that sufficient personnel are not available to provide the  
3 requested legal services, the Attorney General shall certify the same to the  
4 agency and may authorize the agency to employ legal counsel and to expend  
5 monies appropriated for Maintenance and General Operations therefore, if:

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

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

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

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

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36 SECTION 7. COMPLIANCE WITH OTHER LAWS. Disbursement of funds

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

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

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19 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General  
20 Assembly, that the Constitution of the State of Arkansas prohibits the  
21 appropriation of funds for more than a one (1) year period; that the  
22 effectiveness of this Act on July 1, 2011 is essential to the operation of  
23 the agency for which the appropriations in this Act are provided, and that in  
24 the event of an extension of the legislative session, the delay in the  
25 effective date of this Act beyond July 1, 2011 could work irreparable harm  
26 upon the proper administration and provision of essential governmental  
27 programs. Therefore, an emergency is hereby declared to exist and this Act  
28 being necessary for the immediate preservation of the public peace, health  
29 and safety shall be in full force and effect from and after July 1, 2011.

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31 */s/ Joint Budget Committee*  
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