

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

SENATE BILL 39

5 By: Senator Bledsoe
6 By: Representative McCollum
7

For An Act To Be Entitled

9 AN ACT TO AUTHORIZE THE ARKANSAS STATE MEDICAL BOARD
10 TO EMPLOY AN EXECUTIVE DIRECTOR OF THE ARKANSAS STATE
11 MEDICAL BOARD AND A DEPUTY DIRECTOR OF THE ARKANSAS
12 STATE MEDICAL BOARD; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 TO AUTHORIZE THE ARKANSAS STATE MEDICAL
16 BOARD TO EMPLOY AN EXECUTIVE DIRECTOR OF
17 THE ARKANSAS STATE MEDICAL BOARD AND A
18 DEPUTY DIRECTOR OF THE ARKANSAS STATE
19 MEDICAL BOARD.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 17-95-301(f), concerning the creation of
26 the Arkansas State Medical Board, is amended to read as follows:

27 (f)(1) The members of the board may receive expense reimbursement and
28 stipends in accordance with § 25-16-901 et seq.

29 (2) The Executive ~~Secretary~~ Director of the Arkansas State
30 Medical Board and the Deputy Director of the Arkansas State Medical Board
31 shall receive such additional salary as may be fixed by the board.
32

33 SECTION 2. Arkansas Code § 17-95-303(3) and (4), concerning the powers
34 and duties of the Arkansas State Medical Board, is amended to read as
35 follows:

36 (3)(A)(i) Have authority to employ attorneys to represent the



1 board in all legal matters ~~at~~ for a compensation approved by the board.

2 (ii) Contracts for employment of attorneys shall be
3 filed by the Executive ~~Secretary~~ Director of the Arkansas State Medical Board
4 with the Legislative Council.

5 (B) The board shall further have authority to request the
6 assistance of the Attorney General and the prosecuting attorneys of Arkansas
7 in such manner as it deems necessary and proper;

8 (4) Have the authority to employ an executive ~~secretary~~ director
9 and a deputy director to carry out the purposes and the mandates of the board
10 and to supervise the other employees of the board;

11
12 SECTION 3. Arkansas Code § 17-95-304(b)(2), concerning inspectors of
13 prescriptions, orders, and records, is amended to read as follows:

14 (2) The inspectors shall have the duty and authority upon
15 written direction by the Executive ~~Secretary~~ Director of the Arkansas State
16 Medical Board to investigate, inspect, and make copies of the records,
17 orders, and prescriptions, wherever located, of all persons licensed by the
18 board in order to determine whether or not the persons have:

19 (A) Violated the laws of the State of Arkansas or of the
20 United States respecting the prescription and use of narcotics and
21 potentially dangerous drugs;

22 (B) Practiced their profession in such a way as to
23 endanger the general health and welfare of the public; or

24 (C) Violated the provisions of the Arkansas Medical
25 Practices Act, § 17-95-201 et seq., § 17-95-301 et seq., and § 17-95-401 et
26 seq.

27
28 SECTION 4. Arkansas Code § 17-95-305(b), concerning disposition of
29 funds of the Arkansas State Medical Board, is amended to read as follows:

30 (b)(1) All moneys received by the board shall be disbursed by the
31 Chair of the Arkansas State Medical Board or the Executive ~~Secretary~~ Director
32 of the Arkansas State Medical Board.

33 (2) The chair or the executive ~~secretary~~ director, or both,
34 shall furnish a surety bond and ~~should~~ shall keep a true and faithful account
35 of all moneys received and all moneys expended.

36 (3) The executive ~~secretary~~ director shall file annually with

1 the Governor a report of all financial transactions duly audited by an
2 independent accountant.

3
4 SECTION 5. Arkansas Code § 17-95-501(b)(3), concerning legislative
5 intent of the subchapter on critical medical shortage areas, is amended to
6 read as follows:

7 (3) It is the further intent of this subchapter that neither the
8 board nor the Executive ~~Secretary~~ Director of the Arkansas State Medical
9 Board, when acting in behalf of the board and under authority granted to him
10 or her by the board, shall be liable, collectively or individually, for civil
11 damages from claims pertaining to the administration of this subchapter.

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13 SECTION 6. Arkansas Code § 17-95-505 is amended to read as follows:
14 17-95-505. Nonliability of board.

15 In the application of the authorities and provisions of this
16 subchapter, ~~neither~~ the Arkansas State Medical Board, either individually or
17 collectively, ~~nor~~ and the Executive ~~Secretary~~ Director of the Arkansas State
18 Medical Board, when acting on behalf of the board, ~~shall be held~~ are not
19 liable for civil damages from claims pertaining to the administration of the
20 provisions of this subchapter.

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22 SECTION 7. Arkansas Code § 17-99-305(a), concerning temporary permits
23 of respiratory care practitioners, is amended to read as follows:

24 (a) In cases of emergency, the Executive ~~Secretary~~ Director of the
25 Arkansas State Medical Board may issue a temporary permit without examination
26 to practice respiratory care to persons who are not licensed in other states,
27 but who otherwise meet the qualifications for licensure set out in this
28 chapter.