

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4
5 By: Senator D. Sullivan
6

A Bill

SENATE BILL 570

For An Act To Be Entitled

8 AN ACT TO EXPIRE THE TERMS OF THE CURRENT MEMBERSHIP
9 OF THE ARKANSAS STATE MEDICAL BOARD; TO AMEND THE
10 MEMBERSHIP OF THE ARKANSAS STATE MEDICAL BOARD; AND
11 FOR OTHER PURPOSES.
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Subtitle

15 TO EXPIRE THE TERMS OF THE CURRENT
16 MEMBERSHIP OF THE ARKANSAS STATE MEDICAL
17 BOARD; AND TO AMEND THE MEMBERSHIP OF THE
18 ARKANSAS STATE MEDICAL BOARD.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. DO NOT CODIFY. Expiration of terms of current membership
24 of the Arkansas State Medical Board.

25 (a) On or before December 31, 2021, the term of each member serving on
26 the Arkansas State Medical Board shall expire.

27 (b) On or before December 31, 2021, the appropriate appointing
28 authority shall appoint members to the board as described in this act.
29

30 SECTION 2. Arkansas Code § 17-95-301(b) - (d), concerning the
31 membership of the Arkansas State Medical Board, are amended to read as
32 follows:

33 (b)(1)(A) The board shall consist of ~~fourteen (14)~~ fifteen (15)
34 members appointed by the Governor for terms of six (6) years.

35 (B) The Governor, the President Pro Tempore of the Senate,
36 and the Speaker of the House of Representatives shall consider diversity of



1 practice specialties and geographical areas of practice in making
2 appointments to the board.

3 (C) Congressional district representation shall be
4 considered for all selections under this subsection.

5 ~~(2)(A)(i) Ten (10)~~ After consulting with the Arkansas Medical
6 Society, Inc., the appropriate appointing authorities shall appoint three (3)
7 ~~members shall be duly~~ who are qualified, licensed, and active medical
8 practitioners ~~and appointed by the Governor after consulting the Arkansas~~
9 ~~Medical Society, Inc., and subject to confirmation by the Senate.~~

10 ~~(ii) At least two (2) members shall be appointed~~
11 ~~from each of the state's four (4) congressional districts.~~

12 ~~(iii) Two (2) members shall be appointed at large.~~

13 (B) The Governor shall appoint one (1) member.

14 (C) The President Pro Tempore of the Senate shall appoint
15 one (1) member.

16 (D) The Speaker of the House of Representatives shall
17 appoint one (1) member.

18 ~~(B) Congressional district representation required under~~
19 ~~this subdivision (b)(2) shall be achieved by appointment as vacancies occur.~~

20 (3) One (1) member shall be a licensed practicing physician in
21 this state and shall be appointed by the Governor after consulting the
22 Physicians' Section of the Arkansas Medical, Dental, and Pharmaceutical
23 Association, Inc. and subject to confirmation by the Senate.

24 (4)(A) Two (2) members of the board shall not be actively
25 engaged in or retired from the practice of medicine.

26 (B) One (1) member shall represent consumers, and one (1)
27 member shall be sixty (60) years of age or older and shall represent the
28 elderly.

29 ~~(C) Both shall be appointed from the state at large~~
30 ~~subject to confirmation by the Senate~~ The President Pro Tempore of the Senate
31 shall appoint one (1) member and the Speaker of the House of Representatives
32 shall appoint one (1) member.

33 (D) The two (2) positions may not be held by the same
34 person.

35 (E) Both shall be full voting members but shall not
36 participate in the grading of examinations.

1 (5) One (1) member shall be a duly qualified, licensed, and
2 practicing osteopathic physician and appointed by the Governor after
3 consulting the Arkansas Osteopathic Medical Association and subject to
4 confirmation by the Senate.

5 (6) One (1) member shall be a qualified, licensed, and
6 practicing physician assistant appointed by the President Pro Tempore of the
7 Senate after consulting with the Arkansas Academy of Physician Assistants,
8 Inc.

9 (7) One (1) member shall be a qualified, licensed, and
10 practicing occupational therapist appointed by the Speaker of the House of
11 Representatives.

12 (8)(A) Six (6) members shall be appointed from the state at-
13 large.

14 (B) The Governor shall appoint two (2) members from the
15 state at-large.

16 (C) The President Pro Tempore of the Senate shall appoint
17 two (2) members from the state at-large.

18 (D) The Speaker of the House of Representatives shall
19 appoint two (2) members from the state at-large.

20 (c)(1) The term of each member shall expire on December 31 of the year
21 designated, and a successor appointee shall be named by the ~~Governor~~
22 appropriate appointing authority on or before the expiration date of the term
23 so expiring.

24 (2) A member may not serve on the board for more than two (2)
25 full terms or more than thirteen (13) years.

26 (d)(1) Vacancies on the board occurring otherwise than as provided in
27 this section shall be filled by appointment by the ~~Governor~~ appropriate
28 appointing authority within thirty (30) days thereafter.

29 (2) In the event a vacancy exists in the member position of
30 licensed practicing physician appointed upon the advice and recommendation of
31 the Arkansas Medical Society, Inc. due to death, resignation, or other cause,
32 a successor member to the position shall be appointed by the ~~Governor~~
33 appropriate appointing authority for the remainder of the unexpired portion
34 of the term thereof in the same manner as provided in this section for the
35 initial appointment.

36 (3) In the event a vacancy exists in the member position of

1 licensed practicing physician appointed upon the advice and recommendation of
 2 the Physicians' Section of the Arkansas Medical, Dental, and Pharmaceutical
 3 Association, Inc. due to death, resignation, or other cause, a successor
 4 member to the position shall be appointed by the ~~Governor~~ appropriate
 5 appointing authority for the remainder of the unexpired portion of the term
 6 thereof in the same manner as provided in this section for the initial
 7 appointment.

8 (4) In the event a vacancy exists in the member position of the
 9 licensed osteopathic physician appointed upon the advice and recommendation
 10 of the Arkansas Osteopathic Medical Association due to death, resignation, or
 11 other cause, a successor member to the position shall be appointed by the
 12 ~~Governor~~ appropriate appointing authority for the remainder of the unexpired
 13 portion of the term thereof in the same manner as provided in this subchapter
 14 for the initial appointment.

15 (5) In the event that a vacancy exists in the position of the
 16 licensed physician assistant appointed under subsection (b) of this section
 17 due to death, resignation, or other causes, a successor to the position shall
 18 be appointed by the appropriate appointing authority for the remainder of the
 19 term of the licensed physician assistant in the same manner as provided in
 20 this subchapter for the initial appointment.

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 22 SECTION 3. Arkansas Code § 17-95-301(h)(1), concerning the membership
 23 of the Arkansas State Medical Board, is amended to read as follows:

24 (h)(1) Members of the board may be removed from the office by the
 25 ~~Governor~~ appropriate appointing authority:

26 (A) For good cause ~~pursuant to~~ under § 25-16-804;

27 (B) For cause including dishonorable or unprofessional
 28 conduct, abuse of authority, malfeasance, misfeasance, or nonfeasance; or

29 (C)(i) For any reason that would justify probation,
 30 suspension, or revocation of a physician's license to practice medicine under
 31 the Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-95-301 et seq.,
 32 and § 17-95-401 et seq., or for any reason that would justify probation,
 33 suspension, or revocation of a physician assistant's license to practice
 34 under § 17-105-101 et seq., which shall be referred directly to the Division
 35 of Pharmacy Services and Drug Control of the Department of Health by the
 36 ~~Governor~~ appropriate appointing authority for investigation as provided in §

1 17-80-106.

2 (ii) The Division of Pharmacy Services and Drug
3 Control of the Department of Health shall prepare a report for the Secretary
4 of the Department of Health based on its findings.

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