

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

SENATE BILL 39

By: Senator Bledsoe
By: Representative McCollum

For An Act To Be Entitled

AN ACT TO AUTHORIZE THE ARKANSAS STATE MEDICAL BOARD TO EMPLOY AN EXECUTIVE DIRECTOR OF THE ARKANSAS STATE MEDICAL BOARD AND A DEPUTY DIRECTOR OF THE ARKANSAS STATE MEDICAL BOARD; AND FOR OTHER PURPOSES.

Subtitle

TO AUTHORIZE THE ARKANSAS STATE MEDICAL BOARD TO EMPLOY AN EXECUTIVE DIRECTOR OF THE ARKANSAS STATE MEDICAL BOARD AND A DEPUTY DIRECTOR OF THE ARKANSAS STATE MEDICAL BOARD.

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

SECTION 1. Arkansas Code § 17-95-301(f), concerning the creation of the Arkansas State Medical Board, is amended to read as follows:

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPROVED: 01/30/2017