

1 State of Arkansas
2 88th General Assembly
3 Fiscal Session, 2012
4

A Bill

SENATE BILL 30

5 By: Joint Budget Committee
6

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, 2013; AND FOR OTHER PURPOSES.
12
13

Subtitle

14 AN ACT FOR THE ARKANSAS STATE MEDICAL BOARD
15 APPROPRIATION FOR THE 2012-2013 FISCAL
16 YEAR.
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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 2012-2013 fiscal year, the following
24 maximum number of regular employees.
25

| Item No. | Class Code | Title | Maximum No. of Employees | Maximum Annual Salary Rate Fiscal Year 2012-2013 |
|----------|------------|-------------------------------------|--------------------------|--|
| 30 | (1) U095U | MEDICAL BOARD SECRETARY/TREASURER | 1 | \$101,180 |
| 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 |



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|---|------|-------|------------------------------|----------|------------|
| 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 2012-2013 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, 2013, the following:

21

| 22 | ITEM | FISCAL YEAR |
|----|---------------------------------|---------------------------|
| 23 | <u>NO.</u> | <u>2012-2013</u> |
| 24 | (01) REGULAR SALARIES | \$1,594,491 |
| 25 | (02) EXTRA HELP | 15,000 |
| 26 | (03) PERSONAL SERVICES MATCHING | 518,652 |
| 27 | (04) MAINT. & GEN. OPERATION | |
| 28 | (A) OPER. EXPENSE | 1,185,180 |
| 29 | (B) CONF. & TRAVEL | 15,000 |
| 30 | (C) PROF. FEES | 162,000 |
| 31 | (D) CAP. OUTLAY | 5,000 |
| 32 | (E) DATA PROC. | 0 |
| 33 | (05) REFUNDS/REIMBURSEMENTS | <u>7,500</u> |
| 34 | TOTAL AMOUNT APPROPRIATED | <u><u>\$3,502,823</u></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, ~~2011~~
12 2012 through June 30, ~~2012~~ 2013.

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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 received prior review by the
13 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, 2012 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, 2012 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, 2012.