

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: S3/30/21

A Bill

SENATE BILL 570

By: Senator D. Sullivan

For An Act To Be Entitled

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

Subtitle

TO EXPIRE THE TERMS OF THE CURRENT MEMBERSHIP OF THE ARKANSAS STATE MEDICAL BOARD; AND TO AMEND THE MEMBERSHIP OF THE ARKANSAS STATE MEDICAL BOARD.

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

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

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

(b)(1) On or before December 31, 2021, the appropriate appointing authority shall appoint members to the board as described in this act.

(2) The initial appointments of the members appointed under subdivision (b)(1) of this section shall draw lots for terms of two (2), four (4), or six (6) years.

(3) An initial term of two (2) or four (4) years shall not count against reappointment.

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



follows:

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

(B) The Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives shall consider diversity of practice specialties and geographical areas of practice in making appointments to the board.

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

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

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

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

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

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

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

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

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

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

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

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

shall appoint one (1) member.

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

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

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

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

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

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

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

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

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

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

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

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

(2) In the event a vacancy exists in the member position of licensed practicing physician appointed upon the advice and recommendation of the Arkansas Medical Society, Inc. due to death, resignation, or other cause,

a successor member to the position shall be appointed by the ~~Governor~~ appropriate appointing authority for the remainder of the unexpired portion of the term thereof in the same manner as provided in this section for the initial appointment.

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

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

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

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

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

- (A) For good cause ~~pursuant to~~ under § 25-16-804;
- (B) For cause including dishonorable or unprofessional conduct, abuse of authority, malfeasance, misfeasance, or nonfeasance; or
- (C)(i) For any reason that would justify probation, suspension, or revocation of a physician's license to practice medicine under the Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-95-301 et seq.,

and § 17-95-401 et seq., or for any reason that would justify probation, suspension, or revocation of a physician assistant's license to practice under § 17-105-101 et seq., which shall be referred directly to the Division of Pharmacy Services and Drug Control of the Department of Health by the ~~Governor~~ appropriate appointing authority for investigation as provided in § 17-80-106.

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

/s/D. Sullivan