

# ARKANSAS REGISTER

## Transmittal Sheet

\* Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State  
**Mark Martin**  
State Capitol, Suite 026  
Little Rock, Arkansas 72201-1094  
(501) 682-3527  
[www.sos.arkansas.gov](http://www.sos.arkansas.gov)



For Office  
Use Only:

Effective Date \_\_\_\_\_ Code Number \_\_\_\_\_

Name of Agency Arkansas State Medical Board

Department \_\_\_\_\_

Contact Kevin M. O'Dwyer E-mail kodwyer@htolaw.com Phone 501-372-4144

Statutory Authority for Promulgating Rules A.C.A. § 17-95-303 Act 69 of 2017

**Rule Title:** Regulation 1- Changing name of Executive Secretary to Executive Director

**Intended Effective Date**  
(Check One)

- Emergency (ACA 25-15-204)
- 30 Days After Filing (ACA 25-15-204)
- Other \_\_\_\_\_  
(Must be more than 30 days after filing date.)

**Date**

Legal Notice Published 6/27/2017

Final Date for Public Comment 8/3/2017

Reviewed by Legislative Council 9/12/2017

Adopted by State Agency \_\_\_\_\_

Electronic Copy of Rule submitted under ACA 25-15-218 by:

Kevin M. O'Dwyer kodwyer@htolaw.com

Contact Person

E-mail Address

Date

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with Act 434 of 1967 the Arkansas Administrative Procedures Act. (ACA 25-15-201 et. seq.)

Kevin D. Doolley  
Signature

501-296-1802  
Phone Number E-mail Address

Executive Director, Arkansas State Medical Board  
Title

9/20/17  
Date

# Hope, Trice, O'Dwyer & Wilson, P.A.

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CHRISTOPHER B. ARNOLD

Direct Dial: 501-313-4203  
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WILLIAM H. TRICE III (1946-2014)

September 18, 2017

Ms. Donna K. Davis, Committee Staff  
Bureau of Legislative Research  
State Capitol Building, Room 315  
Little Rock, AR 72201

**RE: My Client: Arkansas State Medical Board  
Proposed Regulation 1, Governing the Medical Board**

Dear Ms. Davis:

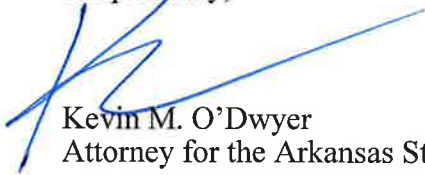
At its meeting on September 12, 2017, the Arkansas State Medical Board approved the proposed Regulation 1 as amended. No-one spoke against the proposal.

Enclosed are the following:

1. Two copies of a mark-up showing the changes to the proposed Regulation
2. Two copies of the approved Regulation 1, governing the Medical Board.

I am also emailing all of this to you at [donna@arkleg.state.ar.us](mailto:donna@arkleg.state.ar.us), and the Secretary of State's office at [statedocs@library.arkansas.gov](mailto:statedocs@library.arkansas.gov).

Respectfully,



Kevin M. O'Dwyer  
Attorney for the Arkansas State Medical Board

KMO/jab

Enclosures

cc: Karen Whatley, Executive Secretary, Arkansas State Medical Board

**REGULATION NO. 1**

The provisions of the Arkansas Medical Practices Act as now written and future amendments and all other relevant Arkansas statutes shall govern all substantive and procedural acts of the Arkansas State Medical Board.

1. A. The Arkansas State Medical Board was established by the Medical Practices Act, Act 65 of 1955 and Act 298 of 1957. The Board is empowered to license and regulate the practice of medicine, occupational therapy, respiratory therapy, and physician assistants.
- B. The Board meets at least quarterly to examine applicants for licensure, hear complaints, and transact other business that comes before it. The dates for quarterly or special meetings shall be determined by the Board. The day to day business of the Board is conducted by the Executive ~~secretary~~ **Director**. All subsequent Regulations referring or using the word(s) executive secretary and/or secretary are hereby changed to Executive Director.
- C. Persons seeking information from or submitting information to the Board may do so by written communication to the ~~Secretary~~ **Executive Director**. Persons seeking copies of documents on file with the Board may be required to remit in advance reasonable payment for the expense of copying the requested documents. The ~~Secretary~~ **Executive Director** has license application forms available for interested persons.
2. A. The Board holds hearings on licensees pursuant to the Administrative Procedure Act. Upon receipt of information indicating a possible violation of a licensing statute, the Board or its designee may investigate the information and report to the full board. If warranted, a complaint and notice of hearing will be issued informing the licensee of the alleged statutory or regulatory violation, the factual basis of the allegation, and the date, time, and place of the hearing. This complaint and notice of hearing shall be sent at least thirty (30) days in advance of the scheduled hearing date and shall contain a copy of this and any other pertinent regulation.
- B. If the Board receives information indicating that the public health, safety, or welfare requires emergency action, the Board may suspend a person's license pending proceedings for revocation or other action. An emergency order of suspension will be issued informing the licensee of the facts or conduct warranting the suspension, and the date, time, and place of the hearing. This emergency order shall contain a copy of this and any other pertinent regulation.
- C. A licensee desiring to contest the allegations in a complaint and notice of hearing or an emergency order of suspension shall submit a written answer responding to the factual and legal assertions in the complaint and notice of hearing or emergency order of suspension. At least fifteen (15) days before the scheduled hearing, fifteen (15) copies of the answer shall be given to the ~~secretary~~ **Executive Director**, who will distribute the additional copies to the board members, and two copies of the answer shall be given to the Board's attorney. If no answer is received fifteen (15) days before the scheduled hearing, the Board may accept as true the allegations in the complaint and notice of hearing or emergency order of suspension and take appropriate action.
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- E. At the scheduled hearing the evidence will be presented to the Board and the licensee or his attorney may cross-examine all witnesses and present witnesses and evidence on his own behalf. The Board may question any witness at any time during the hearing. At the conclusion of all the evidence the Board shall vote on the appropriate action. If any disciplinary action is voted, a written decision and order will be prepared and sent to the licensee.

HISTORY: Adopted November 9, 1967; Amended April 21, 1988.

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