

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.
- D. Any request for continuance, subpoenas, or recusal of a board member, or any proposed findings of fact and conclusions of law shall be in writing and must be received by the ~~secretary~~ Executive Director and the Board's attorney no later than ten (10) days before the scheduled hearing date. Fifteen (15) copies shall be given to the ~~secretary~~ Executive Director, who will distribute a copy to each board member, and two (2) copies shall be given to the Board's attorney. A request for subpoenas, however, shall be by letter to the ~~secretary~~ Executive Director and the Board's attorney. Any untimely request or submission may be denied solely on the basis of being untimely.
- 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.