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WILLIAM H. TRICE III (1946-2014)

May 24, 2018

Via Email and US Mail

Mark Martin
Secretary of State
State Capitol Room 026
Little Rock, AR 72201-1094

**Re: My Client: Arkansas State Medical Board
Amendment to Regulation 17- Continuing Education**

To Whom It May Concern:

Enclosed is an Arkansas Register Transmittal Sheet and a copy of the Amendment to Regulation 17 regarding Continuing Education.

Please file this accordingly.

Respectfully,



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

KMO/jab
Enclosure

cc: register@sos.arkansas.gov
Karen Whatley, Executive Director, Arkansas State Medical Board

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



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(2)

Rule Title: Regulation 17 - Continuing Education

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.)

Legal Notice Published	<u>10/17/2017</u>
Final Date for Public Comment	<u>04/04/2018</u>
Reviewed by Legislative Council	<u>05/15/2018</u>
Adopted by State Agency	_____

Electronic Copy of Rule submitted under ACA 25-15-218 by:
 Kevin M. O'Dwyer kodwyer@htolaw.com 5/24/2018
 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. O'Dwyer
Signature

501-296-1802
Phone Number E-mail Address

Executive Director, Arkansas State Medical Board

Title
5/24/2018
Date

REGULATION 17

REGULATION NO. 17

CONTINUING MEDICAL EDUCATION

- A. Pursuant to Ark. Code Ann. 17-80-104, each person holding an active license to practice medicine in the State of Arkansas shall complete twenty (20) credit hours per year of continuing medical education. Fifty (50%) percent of said hours shall be in subjects pertaining to the physician's primary area of practice, and designated as Category I as defined in Paragraph B.4 below. One hour of credit will be allowed for each clock hour of participation and approved continuing education activities, unless otherwise designated in Subsection B below.
- B. Approved continuing medical education activities include the following:
1. Internship, residency or fellowship in a teaching institution approved by the Accreditation Counsel for Graduate Medical Education (ACGME) or programs approved by the American Osteopathic Association Council on Postdoctoral Training or the American Medical Association or the Association of American Medical Colleges or the American Osteopathic Association. One credit hour may be claimed for each full day of training. No other credit may be claimed during the time a physician is in full-time training in an accredited program. Less than full-time study may be claimed on a pro-rata basis.
 2. Education for an advanced degree in a medical or medically related field in a teaching institution approved by the American Medical Association or the Association of American Medical Colleges or the American Osteopathic Association. One credit hour may be claimed for each full day of study. Less than full-time study may be claimed on a pro-rata basis.
 3. Full-time research in a teaching institution approved by the Liaison Committee on Medical Education (LCME) or the American Osteopathic Association Bureau of Professional Education or the American Medical Association or the Association of American Medical Colleges or the American Osteopathic Association. One credit hour may be claimed for each full day of research. Less than full-time study may be claimed on a pro-rata basis.
 4. Activities designated as Category 1 by an organization accredited by the Accreditation Council on Continuing Medical Education or a state medical society or be explicitly approved for Category 1 by American Medical Association, or the Arkansas State Medical Board, or by the Council on Continuing Medical Education of the American Osteopathic Association. Activities designated as prescribed hours by the American Academy of Family Physicians.
 5. Medical education programs may also be claimed for credit if said medical education programs have not been designated for specific categories referred to in Number 4 above, and are designed to provide necessary understanding of current developments, skills, procedures or treatment related to the practice of medicine.
 6. Serving as an instructor of medical students, house staff, other physicians or allied health professionals from a hospital or institution with a formal training program, where the instruction activities are such as will provide the licentiate with necessary understanding of current developments, skills, procedures or treatment related to the practice of medicine.

7. Publication or presentation of a medical paper, report, book, that is authored and published, and deals with current developments, skills, procedures or treatment related to the practice of medicine. Credits may be claimed only once for materials, presented. Credits may be claimed as of the date of the publication or presentation. One credit hour may be reported per hour of preparation, writing and/or presentation.
 8. Credit hours may be earned for any of the following activities which provide necessary understanding of current developments, skills, procedures or treatment related to the practice of medicine; (a) completion of a medical education program based on self-instruction which utilized videotapes, audiotapes, films, filmstrips, slides, radio broadcasts and computers; (b) independent reading of scientific journals and books; (c) preparation of the specialty Board certification or recertification examinations; (d) participation on a staff committee or quality of care and/or utilization review in a hospital or institution or government agency.
- C. Each year, each physician and physician assistant shall obtain at least one (1) hour of CME credit specifically regarding the prescribing of opioids and benzodiazepines. The one hour may be included in the twenty (20) credit hours per year of continuing medical education required in Paragraph A of this regulation and shall not constitute an additional hour of CME per year.
 - D. If a person holding an active license to practice medicine in this State fails to meet the foregoing requirements because of illness, military service, medical or religious missionary activity, residence in a foreign country, or other extenuating circumstances, the Board upon appropriate written application may grant an extension of time to complete same on an individual basis.
 - E. Each year, with the application for renewal of an active license to practice medicine in this State, the Board will include a form which requires the person holding the license to certify by signature, under penalty of perjury, that he or she has met the stipulated continuing medical education requirements. In addition, the Board may randomly require physicians submitting such a certification to demonstrate, prior to renewal of license, satisfaction of the continuing medical education requirements stated in his or her certification. A copy of an American Medical Association Physicians Recognition Award (AMA PRA) certificate awarded to the physician and covering the reporting period shall be bona fide evidence of meeting the requirements of the Arkansas State Medical Board. A copy of the American Osteopathic Association or the State Osteopathic Association certificate of continuing medical education completion or the American Osteopathic Association's individual activity report shall be bona fide evidence of meeting the requirements of the Arkansas State Medical Board.
 - F. Continuing medical education records must be kept by the licensee in an orderly manner. All records relative to continuing medical education must be maintained by the licensee for at least three (3) years from the end of the reporting period. The records or copies of the forms must be provided or made available to the Arkansas State Medical Board upon request.
 - G. Failure to complete continuing medical education hours as required or failure to be able to produce records reflecting that one has completed the required minimum continuing medical education hours shall be a violation of the Medical Practices Act and may result in the licensee having his license suspended and/or revoked.

REGULATION MARKUP

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 2. Education for an advanced degree in a medical or medically related field in a teaching institution approved by the American Medical Association or the Association of American Medical Colleges or the American Osteopathic Association. One credit hour may be claimed for each full day of study. Less than full-time study may be claimed on a pro-rata basis.
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 4. Activities designated as Category 1 by an organization accredited by the Accreditation Council on Continuing Medical Education or a state medical society or be explicitly approved for Category 1 by American Medical Association, or the Arkansas State Medical Board, or by the Council on Continuing Medical Education of the American Osteopathic Association. Activities designated as prescribed hours by the American Academy of Family Physicians.
 5. Medical education programs may also be claimed for credit if said medical education programs have not been designated for specific categories referred to in Number 4 above, and are designed to provide necessary understanding of current developments, skills, procedures or treatment related to the practice of medicine.
 6. Serving as an instructor of medical students, house staff, other physicians or allied health professionals from a hospital or institution with a formal training program, where the instruction activities are such as will provide the licentiate with necessary understanding of current developments, skills, procedures or treatment related to the practice of medicine.

7. Publication or presentation of a medical paper, report, book, that is authored and published, and deals with current developments, skills, procedures or treatment related to the practice of medicine. Credits may be claimed only once for materials, presented. Credits may be claimed as of the date of the publication or presentation. One credit hour may be reported per hour of preparation, writing and/or presentation.
8. Credit hours may be earned for any of the following activities which provide necessary understanding of current developments, skills, procedures or treatment related to the practice of medicine; (a) completion of a medical education program based on self-instruction which utilized videotapes, audiotapes, films, filmstrips, slides, radio broadcasts and computers; (b) independent reading of scientific journals and books; (c) preparation of the specialty Board certification or recertification examinations; (d) participation on a staff committee or quality of care and/or utilization review in a hospital or institution or government agency.

C. Each year, each physician and physician assistant shall obtain at least one (1) hour of CME credit specifically regarding the prescribing of opioids and benzodiazepines. The one hour may be included in the twenty (20) credit hours per year of continuing medical education required in Paragraph A of this regulation and shall not constitute an additional hour of CME per year.

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