

1 State of Arkansas  
2 90th General Assembly  
3 Fiscal Session, 2016  
4

As Engrossed: H4/26/16

# A Bill

HOUSE BILL 1128

5 By: Joint Budget Committee  
6

## For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES  
9 AND OPERATING EXPENSES FOR THE ARKANSAS STATE BOARD  
10 OF CHIROPRACTIC EXAMINERS FOR THE FISCAL YEAR ENDING  
11 JUNE 30, 2017; AND FOR OTHER PURPOSES.  
12  
13

## Subtitle

14 AN ACT FOR THE ARKANSAS STATE BOARD OF  
15 CHIROPRACTIC EXAMINERS APPROPRIATION FOR  
16 THE 2016-2017 FISCAL 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 - OPERATIONS. There is hereby established  
23 for the Arkansas State Board of Chiropractic Examiners for the 2016-2017  
24 fiscal year, the following maximum number of regular employees.  
25

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2016-2017
30	(1) X087C	ASBCE EXECUTIVE DIRECTOR	1	GRADE C118
31	(2) C037C	ADMINISTRATIVE ANALYST	<u>1</u>	GRADE C115
32		MAX. NO. OF EMPLOYEES	2	

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34 SECTION 2. APPROPRIATION - OPERATIONS. There is hereby appropriated,  
35 to the Arkansas State Board of Chiropractic Examiners, to be payable from the  
36 cash fund deposited in the State Treasury as determined by the Chief Fiscal



1 Officer of the State, for personal services and operating expenses of the  
 2 Arkansas State Board of Chiropractic Examiners for the fiscal year ending  
 3 June 30, 2017, the following:

5 ITEM	FISCAL YEAR
6 <u>NO.</u>	<u>2016-2017</u>
7 (01) REGULAR SALARIES	\$89,069
8 (02) PERSONAL SERVICES MATCHING	31,244
9 (03) MAINT. & GEN. OPERATION	
10 (A) OPER. EXPENSE	63,236
11 (B) CONF. & TRAVEL	3,746
12 (C) PROF. FEES	21,500
13 (D) CAP. OUTLAY	0
14 (E) DATA PROC.	<u>0</u>
15 TOTAL AMOUNT APPROPRIATED	<u><u>\$208,795</u></u>

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17 SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
 19 INVESTIGATIVE SERVICES FOR CONSUMER COMPLAINTS. Ten thousand dollars  
 20 (\$10,000) of the available appropriation in the Professional Fees Line item  
 21 of this act shall be made available to the board for the purpose of  
 22 contracting an independent or private investigator for investigative services  
 23 regarding complaints submitted by consumers.

24 The provisions of this section shall be in effect only from July 1, ~~2015~~  
 25 2016 through June 30, ~~2016~~ 2017.

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27 SECTION 4. SPECIAL LANGUAGE. - CODE AMENDMENT. Arkansas Code § 17-81-  
 28 304, concerning applications for licensing to practice chiropractic, is  
 29 amended to read as follows:

30 17-81-304. Application – Fees.

31 (a)(1)(A) Applications for license to practice chiropractic in the  
 32 State of Arkansas shall be made to the Executive Director of the Arkansas  
 33 State Board of Chiropractic Examiners in writing on forms furnished by the  
 34 board.

35 (B) The application shall be signed by the applicant in  
 36 his or her own handwriting and acknowledged before an officer authorized to

1 administer oaths.

2 (2) The applicant must submit proof satisfactory to the board of  
3 graduation from a chartered school or college of chiropractic as herein  
4 described and file with his or her application the affidavits of at least two  
5 (2) licensed and reputable doctors of chiropractic showing him or her to be  
6 ~~possessed~~ of good moral character.

7 (3) The application shall be accompanied by the payment of one  
8 hundred fifty dollars (\$150), and fifty dollars (\$50.00) for an orientation  
9 fee.

10 (4) The application shall be filed with the executive director  
11 not less than forty-five (45) days ~~prior to~~ before the next regular meeting  
12 of the board.

13 ~~(b) If the applicant is approved, the applicant shall be admitted for~~  
14 ~~examination. Should the applicant pass the examination~~ is approved, no part  
15 of the fee shall be returned, and he or she shall be issued a license to  
16 practice chiropractic in accordance with the provisions of this chapter.

17 (c) If the applicant is not approved, he or she shall be notified of  
18 the reasons for the disapproval.

19 ~~(d) Should an applicant be approved but fail to appear for the~~  
20 ~~examination, no part of his or her fee shall be returned, but he or she shall~~  
21 ~~be eligible for examination at a later date upon at least thirty (30) days'~~  
22 ~~prior notice to the board.~~

23 ~~(e) Should the approved applicant fail the examination, no part of his~~  
24 ~~or her fee shall be returned, and he or she shall be eligible for~~  
25 ~~reexamination at a later date, at the discretion of the board, and upon~~  
26 ~~paying an examination fee of twenty-five dollars (\$25.00) up to seventy-five~~  
27 ~~dollars (\$75.00) per failed subject.~~

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29 SECTION 5. SPECIAL LANGUAGE. CODE AMENDMENT. Arkansas Code § 17-81-  
30 305, concerning qualifications of applicants for licensing to practice  
31 chiropractic, is amended to read as follows:

32 17-81-305. Qualifications of applicants.

33 (a) To qualify ~~to take the examination~~ for licensure, an applicant  
34 shall:

35 (1) Be at least twenty-one (21) years of age;

36 (2) Have successfully completed not less than a minimum of sixty

1 (60) semester credit hours of college education, to include a minimum of  
2 thirty (30) semester credit hours in the field of science;

3 (3) Not have had a license to practice chiropractic in any other  
4 state suspended or revoked nor have been placed on probation for any cause;

5 (4) Possess a valid "doctor of chiropractic" degree from a  
6 chiropractic institution whose requirements include a course of instruction  
7 of not fewer than four (4) years of nine (9) academic months each or not  
8 fewer than four thousand four hundred (4,400) fifty-minute resident class  
9 hours and include one hundred twenty (120) classroom hours of physiological  
10 therapeutics;

11 (5) Possess a valid National Board of Chiropractic Examiners  
12 certificate, to include Parts I, II, ~~and~~ III, and IV and the physiological  
13 therapeutics section;

14 (6) Be of good moral character;

15 (7) Not have been convicted of a felony;

16 (8) Not be an habitual user of intoxicants, drugs, or  
17 hallucinatory preparations;

18 (9) Pay the application fee as provided in § 17-81-304; and

19 (10) Cause a certified chiropractic college transcript or  
20 National Board of Chiropractic Examiners transcript to be submitted directly  
21 from the respective institutions.

22 (b) An applicant graduated, as of July 19, 1971, from a school or  
23 college of chiropractic, the requirements and course of instruction of which  
24 were equal and comparable to other recognized schools or colleges of  
25 chiropractic at the time of his or her attendance, may be acceptable.

26 (c) For students enrolled in any approved chiropractic school or  
27 college which may not, at the passage date of this act, meet the requirements  
28 as set forth in subdivision (a)(4) of this section, the Arkansas State Board  
29 of Chiropractic Examiners may waive the requirement in individual cases at  
30 its discretion.

31 ~~(d) In lieu of the practical examination set out in § 17-81-306, with~~  
32 ~~the exception of subdivision (a)(1)(A) in that section, the applicant may~~  
33 ~~present the board with evidence of passing the National Board of Chiropractic~~  
34 ~~Examiners Part IV with a minimum score of 375 which shall be accepted by the~~  
35 ~~board as a passing grade.~~

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1           SECTION 6. SPECIAL LANGUAGE. CODE AMENDMENT. Arkansas Code § 17-81-  
2 306 is repealed.

3           ~~17-81-306.—Examination.~~

4           ~~(a)(1) Examinations shall be given in English and in writing, except~~  
5 ~~for certain applicants with disabilities such as blind persons, and shall~~  
6 ~~include the following subjects:~~

7                     ~~(A) Practice management, ethics, and jurisprudence;~~

8                     ~~(B) Physical and clinical diagnosis;~~

9                     ~~(C) Chiropractic examination procedures;~~

10                    ~~(D) Chiropractic adjustive and manipulative therapeutics;~~

11                    ~~(E) X-ray interpretations; and~~

12                    ~~(F) Chiropractic philosophy.~~

13           ~~(2) Examinations for applicants having passed Part III on the~~  
14 ~~National Board of Chiropractic Examiners shall include only the following~~  
15 ~~subjects:~~

16                    ~~(A) Practice, ethics, and jurisprudence;~~

17                    ~~(B) Chiropractic examination procedures;~~

18                    ~~(C) Chiropractic adjustive and manipulative therapeutics;~~

19 ~~and~~

20                    ~~(D) Physical and clinical diagnostic methods.~~

21           ~~(b) The Arkansas State Board of Chiropractic Examiners shall grade all~~  
22 ~~papers and notify all applicants of the results within forty five (45) days~~  
23 ~~of the examination.~~

24           ~~(c) Each applicant failing the examination shall be furnished a list~~  
25 ~~of his or her grades. He or she shall be eligible for reexamination, as put~~  
26 ~~forth in the rules and regulations of the board, upon request and the payment~~  
27 ~~of the required fee.~~

28           ~~(d) All examination papers shall be retained by the board for a~~  
29 ~~minimum period of two (2) years and shall be available for inspection, by~~  
30 ~~appointment, by any aggrieved applicant.~~

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32           SECTION 7. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in  
33 this Act for Maintenance and General Operation shall be expended in payment  
34 for services of attorneys, unless the agency shall first make a request in  
35 writing to the Attorney General of the State of Arkansas to provide the  
36 required legal services. The Attorney General's Office shall provide the

1 requested legal services, or, if the Attorney General's Office shall  
2 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 therefor, 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.

10 Such certification shall be required with respect to each instance of  
11 the employment of special legal counsel, or shall be required annually with  
12 respect to legal counsel employed on a retainer basis. A copy of such  
13 certification shall be entered in the official minutes of the agency, and  
14 shall be retained in the fiscal records of the agency for audit purposes.  
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16 SECTION 8. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
17 authorized by this act shall be limited to the appropriation for such agency  
18 and funds made available by law for the support of such appropriations; and  
19 the restrictions of the State Procurement Law, the General Accounting and  
20 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
21 Procedures and Restrictions Act, or their successors, and other fiscal  
22 control laws of this State, where applicable, and regulations promulgated by  
23 the Department of Finance and Administration, as authorized by law, shall be  
24 strictly complied with in disbursement of said funds.  
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26 SECTION 9. LEGISLATIVE INTENT. It is the intent of the General  
27 Assembly that any funds disbursed under the authority of the appropriations  
28 contained in this act shall be in compliance with the stated reasons for  
29 which this act was adopted, as evidenced by the Agency Requests, Executive  
30 Recommendations and Legislative Recommendations contained in the budget  
31 manuals prepared by the Department of Finance and Administration, letters, or  
32 summarized oral testimony in the official minutes of the Arkansas Legislative  
33 Council or Joint Budget Committee which relate to its passage and adoption.  
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35 SECTION 10. EMERGENCY CLAUSE. It is found and determined by the  
36 General Assembly, that the Constitution of the State of Arkansas prohibits

1 the appropriation of funds for more than a one (1) year period; that the  
2 effectiveness of this Act on July 1, 2016 is essential to the operation of  
3 the agency for which the appropriations in this Act are provided, and that in  
4 the event of an extension of the legislative session, the delay in the  
5 effective date of this Act beyond July 1, 2016 could work irreparable harm  
6 upon the proper administration and provision of essential governmental  
7 programs. Therefore, an emergency is hereby declared to exist and this Act  
8 being necessary for the immediate preservation of the public peace, health  
9 and safety shall be in full force and effect from and after July 1, 2016.

10  
11 */s/Joint Budget Committee*  
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