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2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H1/24/17
A Bill

SENATE BILL 118

5 By: Senator Files
6 By: Representative Boyd
7

8 **For An Act To Be Entitled**

9 AN ACT TO CLARIFY THAT CERTAIN SECTIONS IN THE
10 ARKANSAS CODE APPLY TO ALL MEDICAL SCHOOLS IN THE
11 STATE; AND FOR OTHER PURPOSES.
12
13

14 **Subtitle**

15 TO CLARIFY THAT CERTAIN SECTIONS IN THE
16 ARKANSAS CODE APPLY TO ALL MEDICAL
17 SCHOOLS IN THE STATE.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 6-5-803(b), concerning the Arkansas
23 Academic Physician Program, is amended to read as follows:

24 (b) To ensure academic success and completion of medical, pharmacy, or
25 nursing school, the Arkansas Academic Physician Program shall provide
26 academic support for students preparing to matriculate at ~~the University of~~
27 ~~Arkansas for Medical Sciences~~ a medical school in this state accredited by an
28 accrediting agency recognized by the United States Department of Education or
29 approved by the Arkansas Higher Education Coordinating Board to seek
30 accreditation by an accrediting agency recognized by the United States
31 Department of Education.
32

33 SECTION 2. Arkansas Code §§ 12-12-309 and 12-12-310 are amended to
34 read as follows:

35 12-12-309. Utilization of outside personnel.

36 (a) The State Crime Laboratory Board ~~is empowered to~~ may authorize the



1 Executive Director of the State Crime Laboratory to contract with ~~the~~
 2 ~~University of Arkansas for Medical Sciences, University of Arkansas for~~
 3 ~~Medical Sciences Medical Center~~ a medical school in this state accredited by
 4 an accrediting agency recognized by the United States Department of Education
 5 or approved by the Arkansas Higher Education Coordinating Board to seek
 6 accreditation by an accrediting agency recognized by the United States
 7 Department of Education, or with other persons or institutions to obtain
 8 services with which to perform the duties set forth in this subchapter.

9 (b) The participation of ~~the University of Arkansas for Medical~~
 10 ~~Sciences~~ a medical school's faculty or of any other person or institution in
 11 carrying out the provisions of this subchapter shall in no way affect tenure
 12 or any other status with ~~any such~~ the medical school or institution ~~or~~
 13 ~~agency~~.

14
 15 12-12-310. Reimbursement for use of outside faculty.

16 (a) The State Crime Laboratory shall reimburse the University of
 17 Arkansas at Little Rock ~~for Medical Sciences Medical Center and the Graduate~~
 18 ~~Institute of Technology~~ and a medical school in this state accredited by an
 19 accrediting agency recognized by the United States Department of Education or
 20 approved by the Arkansas Higher Education Coordinating Board to seek
 21 accreditation by an accrediting agency recognized by the United States
 22 Department of Education for the use of personnel from ~~those institutions~~ the
 23 institute and the medical school in performing services for the laboratory.

24 (b) The participation of ~~center~~ a medical school's faculty and
 25 institute faculty in carrying out the provisions of this subchapter shall in
 26 no way affect their tenure with ~~their institution~~ the medical school and
 27 institute.

28
 29 SECTION 3. Arkansas Code § 17-95-412(b), concerning the qualifications
 30 for an educational license to practice medicine, is amended to read as
 31 follows:

32 (b)(1) The physician shall:

33 (A) Submit an application to the board;

34 (B) Provide ~~such~~ information as the board may by rule
 35 require;

36 (C) Pay a licensure fee that the board may set by rule to

1 cover the costs of administering the program; and

2 (D) Be serving as a faculty member or ~~shall~~ be affiliated
3 with and under the supervision of a faculty member at an academic medical
4 program established by and under the control of ~~the University of Arkansas~~
5 ~~for Medical Sciences~~ a medical school in this state accredited by an
6 accrediting agency recognized by the United States Department of Education or
7 approved by the Arkansas Higher Education Coordinating Board to seek
8 accreditation by an accrediting agency recognized by the United States
9 Department of Education.

10 (2) The educational license to practice medicine in the State of
11 Arkansas shall authorize the practice of medicine only within the clinical
12 and educational programs established and administered by ~~the University of~~
13 ~~Arkansas for Medical Sciences~~ a medical school in this state accredited by an
14 accrediting agency recognized by the United States Department of Education or
15 approved by the Arkansas Higher Education Coordinating Board to seek
16 accreditation by an accrediting agency recognized by the United States
17 Department of Education.

18
19 SECTION 4. Arkansas Code Title 20, Chapter 17, Subchapter 7 is amended
20 to read as follows:

21 Subchapter 7 – Unclaimed Bodies

22
23 20-17-701. Definition – Rights of coroner, justice of the peace, or
24 courts unaffected.

25 (a) As used in this subchapter, "medical school" means a medical
26 school in this state:

27 (1) Accredited by an accrediting agency recognized by the United
28 States Department of Education; or

29 (2) Approved by the Arkansas Higher Education Coordinating Board
30 to seek accreditation by an accrediting agency recognized by the United
31 States Department of Education.

32 (b) None of the provisions of this subchapter shall affect the right
33 of a coroner or a justice of the peace to hold the dead body as described
34 under § 20-17-703 for the purpose of investigating the cause of death, nor
35 shall this subchapter affect the right of any court of competent jurisdiction
36 from entering an order affecting the disposition of the body.

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20-17-702. Search for next of kin.

(a)(1) The person who assumes original and lawful possession, charge, or control of any body as described in this subchapter shall conduct a diligent search for relatives or next of kin of the deceased, or that person shall request the county sheriff or such other person as may be required by law to conduct the search.

(2) The person conducting the search under subdivision (a)(1) of this section shall make every effort to find the spouse, if any, of the deceased.

(3) ~~However, if~~ If the person conducting the search is not satisfied that the putative spouse is, in fact, a legal spouse, or it is determined that no spouse exists, then every effort shall be made to find the parents and siblings, if any, of the deceased.

(b) If the identity of the deceased is not known, the investigation shall include, but not be limited to, the taking of fingerprints and sending the fingerprint records to the Federal Bureau of Investigation in Washington, D.C., for identification and filing.

20-17-703. Notice to ~~Department of Anatomy of the University of Arkansas for Medical Sciences~~ medical schools.

(a) Any person in charge of a prison, morgue, hospital, funeral parlor, or mortuary, any person who is a public officer, agent, or employee of the state, any county, or municipality, and all persons coming into possession, charge, or control of any human body which is unclaimed for burial shall notify ~~the head of the Division of Anatomical Education of the Department of Neurobiology and Developmental Sciences of the University of Arkansas for Medical Sciences, or his or her designate, as agent for the University of Arkansas for Medical Sciences,~~ a medical school that the body, if unclaimed, is available for use in the advancement or study of medical science.

(b) For the purpose of notifying ~~the University of Arkansas for Medical Sciences~~ a medical school of its availability, "unclaimed body" means a human body in the possession, charge, or control of the persons named in subsection (a) of this section for a period not to exceed forty-eight (48) hours, during which time a relative, next of kin, friend, representative of a

1 fraternal society of which the deceased was a member, veterans service
2 organization as defined in the Missing in America Project Act, § 20-17-1401
3 et seq., the Department of ~~Veterans~~ Veterans Affairs, the United States
4 Department of Veterans Affairs, or a representative of a charitable or
5 religious group may claim the body for burial purposes.

6
7 20-17-704. Delivery to ~~University of Arkansas for Medical Sciences~~ a
8 medical school.

9 (a) Upon expiration of the forty-eight (48) hours as provided in § 20-
10 17-703, if the dead human body has not been claimed for burial, the person
11 then having possession, charge, or control shall surrender or deliver the
12 body to ~~the University of Arkansas for Medical Sciences~~ a medical school, if
13 so requested by it.

14
15 20-17-705. Wishes of deceased for disposition honored.

16 (a) ~~No~~ An unclaimed dead human body shall not be surrendered under
17 this subchapter to ~~the University of Arkansas for Medical Sciences~~ under this
18 subchapter a medical school if there is proof that the deceased has during
19 his or her last illness expressed his or her desire to be buried or otherwise
20 interred.

21 (b) Any adult may by will or otherwise donate his or her body to ~~the~~
22 ~~University of Arkansas for Medical Sciences~~ a medical school under the
23 Revised Arkansas Anatomical Gift Act, § 20-17-1201 et seq.

24
25 20-17-706. Cost of embalming and transportation.

26 (a) If ~~the University of Arkansas for Medical Sciences~~ a medical
27 school determines that there is a need for the body, that the body is
28 suitable for anatomical science or study, and that the body has not been
29 embalmed, then the ~~university~~ medical school, at its expense, shall
30 immediately arrange for proper embalment of the body by a licensed embalmer,
31 either with the person having possession, charge, or control thereof if the
32 person is a licensed embalmer or licensed funeral director or with any other
33 licensed embalmer or licensed funeral director.

34 (b) If the body has been embalmed prior to the claim of the ~~University~~
35 ~~of Arkansas for Medical Sciences~~ medical school, as is customary, or the body
36 is embalmed by its direction according to the provisions of this subchapter,

1 the ~~University of Arkansas for Medical Sciences~~ medical school shall pay
2 twenty-five dollars (\$25.00) as a reimbursement of embalming expenses and
3 shall assume costs for transportation of the body when shipment is at its
4 direction.

5 (c) Should the body be embalmed prior to legal claim, any person or
6 organization asserting legal claim to the body within forty-eight (48) hours
7 after death as provided in this subchapter shall assume responsibility for at
8 least twenty-five dollars (\$25.00) of the cost thereof, together with
9 reasonable costs for transportation of the body which may have been incurred.

10 (d) If the deceased had provided for the use of his or her body for
11 medical science under the Revised Arkansas Anatomical Gift Act, § 20-17-1201
12 et seq., and provided funds in his or her estate for burial, the ~~University~~
13 ~~of Arkansas for Medical Sciences~~ medical school shall be free of all claims
14 for the expenses as ordinarily provided under subsections (a)-(c) of this
15 section.

16

17 20-17-707. Holding period for the ~~University of Arkansas for Medical~~
18 ~~Sciences~~ medical school.

19 (a) The ~~University of Arkansas for Medical Sciences~~ medical school
20 shall cause any body accepted under this subchapter to be retained in a
21 proper state of preservation for ninety (90) days after the date the body is
22 received by it.

23 (b) During this time a relative, next of kin, friend, a representative
24 of a fraternal society of which the deceased was a member, a veterans service
25 organization as defined in the Missing in America Project Act, § 20-17-1401
26 et seq., the Department of ~~Veterans~~² Veterans Affairs, the United States
27 Department of Veterans Affairs, or a representative of a charitable or
28 religious group may claim the body for burial at his or her or its expense as
29 stated in § 20-17-706(a)-(c).

30 (c) If a claim is made, the ~~University of Arkansas for Medical~~
31 ~~Sciences~~ medical school shall be reimbursed by the claimant for the embalming
32 fee and transportation charges that have been incurred by it in favor of the
33 body claimed.

34 (d) If the body is not claimed by any person or organization within
35 ninety (90) days from the date of arrival at the ~~University of Arkansas for~~
36 ~~Medical Sciences~~ medical school, then all right, title, and interest in the

1 body shall be deemed to vest in the state for the benefit of the ~~University~~
2 ~~of Arkansas for Medical Sciences~~ medical school, and any living relative,
3 next of kin, friend, or organization shall be deemed to have consented
4 irrevocably to use of the body for the advancement or study of medical
5 science.

6
7 20-17-708. Disposition after use.

8 (a) At any time when a body as described in this subchapter ~~shall have~~
9 has been used and deemed of no further value to medical science or study, the
10 ~~University of Arkansas for Medical Sciences~~ medical school shall cause the
11 body to be buried or otherwise disposed of according to law, or the remains
12 may be claimed by a member of the family of the deceased for burial at his ~~or~~
13 or her expense if the body had been willed to the ~~University of Arkansas for~~
14 ~~Medical Sciences~~ medical school ~~under provisions of Acts 1949, No. 283~~
15 ~~{repealed}~~.

16 (b) If the body as described in § 20-17-703 is deemed unsuitable for
17 anatomical study or research, the person having possession, charge, or
18 control of the body shall be notified, and the body shall then be disposed of
19 in accordance with existing laws, rules, and practices for disposing of
20 unclaimed bodies.

21
22 20-17-709. Records.

23 The ~~University of Arkansas for Medical Sciences~~ medical school shall
24 cause a complete record to be kept of all bodies received under this
25 subchapter, and the record shall be open to inspection by any municipal,
26 county, or state officer.

27
28 *SECTION 5. EMERGENCY CLAUSE. It is found and determined by the*
29 *General Assembly of the State of Arkansas that current law that generally*
30 *applies to medical schools only references the University of Arkansas for*
31 *Medical Sciences; that the establishment of additional medical schools in*
32 *this state requires clarification that these laws apply to any medical*
33 *schools in this state; and that this act is immediately necessary to ensure*
34 *that the additional medical schools and their faculty can operate fully and*
35 *efficiently to protect the well-being of Arkansans. Therefore, an emergency*
36 *is declared to exist, and this act being immediately necessary for the*

1 preservation of the public peace, health, and safety shall become effective
2 on:

3 (1) The date of its approval by the Governor;

4 (2) If the bill is neither approved nor vetoed by the Governor,
5 the expiration of the period of time during which the Governor may veto the
6 bill; or

7 (3) If the bill is vetoed by the Governor and the veto is
8 overridden, the date the last house overrides the veto.

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/s/Files

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