

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

SENATE BILL 28

5 By: Joint Budget Committee
6

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
9 SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS
10 STATE MEDICAL BOARD FOR THE FISCAL YEAR ENDING
11 JUNE 30, 2012; AND FOR OTHER PURPOSES.
12
13

Subtitle

14 AN ACT FOR THE ARKANSAS STATE MEDICAL BOARD
15 APPROPRIATION FOR THE 2011-2012 FISCAL
16 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. There is hereby established for the
23 Arkansas State Medical Board for the 2011-2012 fiscal year, the following
24 maximum number of regular employees.
25

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2011-2012
30	(1) U095U	MEDICAL BOARD SECRETARY/TREASURER	1	\$98,828
31	(2) G076C	ADMINISTRATIVE SERVICES MANAGER	1	GRADE C124
32	(3) D030C	INFORMATION SYSTEMS COORDINATOR	1	GRADE C124
33	(4) D062C	DATABASE ANALYST	1	GRADE C119
34	(5) D065C	NETWORK SUPPORT ANALYST	1	GRADE C118
35	(6) D064C	WEBSITE DEVELOPER	1	GRADE C118
36	(7) G187C	CREDENTIALING COORDINATION SUPERVIS	2	GRADE C117



1	(8)	C037C	ADMINISTRATIVE ANALYST	4	GRADE C115
2	(9)	D079C	COMPUTER SUPPORT TECHNICIAN	1	GRADE C115
3	(10)	C045C	LICENSING COORDINATOR	19	GRADE C113
4	(11)	A098C	FISCAL SUPPORT SPECIALIST	4	GRADE C112
5	(12)	C073C	ADMINISTRATIVE SPECIALIST II	<u>5</u>	GRADE C109
6			MAX. NO. OF EMPLOYEES	41	

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8 SECTION 2. EXTRA HELP. There is hereby authorized, for the Arkansas
 9 State Medical Board for the 2011-2012 fiscal year, the following maximum
 10 number of part-time or temporary employees, to be known as "Extra Help",
 11 payable from funds appropriated herein for such purposes: one (1) temporary
 12 or part-time employees, when needed, at rates of pay not to exceed those
 13 provided in the Uniform Classification and Compensation Act, or its
 14 successor, or this act for the appropriate classification.

15

16 SECTION 3. APPROPRIATION - MEDICAL BOARD. There is hereby
 17 appropriated, to the Arkansas State Medical Board, to be payable from cash
 18 funds as defined by Arkansas Code 19-4-801 of the Arkansas State Medical
 19 Board, for personal services and operating expenses of the Arkansas State
 20 Medical Board for the fiscal year ending June 30, 2012, the following:

22	ITEM	FISCAL YEAR
23	<u>NO.</u>	<u>2011-2012</u>
24	(01) REGULAR SALARIES	\$1,557,174
25	(02) EXTRA HELP	15,000
26	(03) PERSONAL SERVICES MATCHING	511,160
27	(04) MAINT. & GEN. OPERATION	
28	(A) OPER. EXPENSE	1,183,180
29	(B) CONF. & TRAVEL	15,000
30	(C) PROF. FEES	387,000
31	(D) CAP. OUTLAY	150,000
32	(E) DATA PROC.	0
33	(05) REFUNDS/REIMBURSEMENTS	<u>7,500</u>
34	TOTAL AMOUNT APPROPRIATED	<u><u>\$3,826,014</u></u>

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36 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

2 EDUCATIONAL PROGRAMS. The State Medical Board is hereby authorized to expend
3 from monies authorized herein, \$25 from each licensed physician licensed by
4 the State Medical Board each year to be paid by the State Medical Board to
5 501(c)(3) Arkansas foundations that have healthcare professionals on their
6 board and provide for identification, treatment and monitoring of healthcare
7 professionals who suffer from alcohol or drug abuse problems, in order to
8 promote the public health and safety and to insure the continued availability
9 of skilled and highly trained medical professionals for the benefit of the
10 public.

11 The provisions of this section shall be in effect only from July 1, ~~2010~~
12 2011 through June 30, ~~2011~~ 2012.

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14 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DIRECTOR
16 QUALIFICATIONS AND LIMITATIONS. The Director of the State Medical Board
17 shall:

18 (a) have been in full-time clinical practice of medicine in direct patient
19 care within one (1) year of filling the position of Medical Director;

20 (b) have fifteen (15) years of current continuous full-time medical service
21 immediately prior to the date of appointment which shall include, but not be
22 limited to, at least ten (10) years of full-time clinical practice in direct
23 patient care, five (5) years of which shall have been in full-time clinical
24 practice in direct patient care in the State of Arkansas;

25 (c) have not served on the Arkansas State Medical Board within the past five
26 (5) years; and

27 (d) have a comprehensive knowledge of the contemporary, broad-based clinical
28 practice of medicine with experience in direct patient care.

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30 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
32 STATE MEDICAL BOARD EMPLOYMENT OF ATTORNEYS. None of the funds appropriated
33 in this Act for Maintenance and General Operation shall be expended in
34 payment for services of attorneys, unless the agency shall first make a
35 request in writing to the Attorney General of the State of Arkansas to
36 provide the required legal services. The Attorney General's Office shall

1 provide the requested legal services, or, if the Attorney General's Office
2 shall 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 therefore, 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, and

10 (3) The Attorney General determines that the agency re-advertises
11 annually for legal counsel if outside legal counsel is hired and that any
12 amount to be paid for outside legal counsel has ~~been reviewed and approved~~
13 received prior review by the Arkansas Legislative Council or Joint Budget
14 Committee.

15 Such certification shall be required with respect to each instance of
16 the employment of special legal counsel, or shall be required annually with
17 respect to legal counsel employed on a retainer basis. A copy of such
18 certification shall be entered in the official minutes of the agency, and
19 shall be retained in the fiscal records of the agency for audit purposes.
20 ~~Determining the maximum number of employees and the maximum amount of~~
21 ~~appropriation and general revenue funding for a state agency each fiscal year~~
22 ~~is the prerogative of the General Assembly. This is usually accomplished by~~
23 ~~delineating such maximums in the appropriation act(s) for a state agency and~~
24 ~~the general revenue allocations authorized for each fund and fund account by~~
25 ~~amendment to the Revenue Stabilization law. Further, the General Assembly~~
26 ~~has determined that the Arkansas State Medical Board may operate more~~
27 ~~efficiently if some flexibility is provided to the Arkansas State Medical~~
28 ~~Board authorizing broad powers under this Section. Therefore, it is both~~
29 ~~necessary and appropriate that the General Assembly maintain oversight by~~
30 ~~requiring prior approval of the Legislative Council or Joint Budget Committee~~
31 ~~as provided by this section. The requirement of approval by the Legislative~~
32 ~~Council or Joint Budget Committee is not a severable part of this section.~~
33 ~~If the requirement of approval by the Legislative Council or Joint Budget~~
34 ~~Committee is ruled unconstitutional by a court of competent jurisdiction,~~
35 ~~this entire section is void.~~

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1 SECTION 7. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
2 authorized by this act shall be limited to the appropriation for such agency
3 and funds made available by law for the support of such appropriations; and
4 the restrictions of the State Procurement Law, the General Accounting and
5 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
6 Procedures and Restrictions Act, or their successors, and other fiscal
7 control laws of this State, where applicable, and regulations promulgated by
8 the Department of Finance and Administration, as authorized by law, shall be
9 strictly complied with in disbursement of said funds.

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11 SECTION 8. LEGISLATIVE INTENT. It is the intent of the General
12 Assembly that any funds disbursed under the authority of the appropriations
13 contained in this act shall be in compliance with the stated reasons for
14 which this act was adopted, as evidenced by the Agency Requests, Executive
15 Recommendations and Legislative Recommendations contained in the budget
16 manuals prepared by the Department of Finance and Administration, letters, or
17 summarized oral testimony in the official minutes of the Arkansas Legislative
18 Council or Joint Budget Committee which relate to its passage and adoption.

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20 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General
21 Assembly, that the Constitution of the State of Arkansas prohibits the
22 appropriation of funds for more than a one (1) year period; that the
23 effectiveness of this Act on July 1, 2011 is essential to the operation of
24 the agency for which the appropriations in this Act are provided, and that in
25 the event of an extension of the legislative session, the delay in the
26 effective date of this Act beyond July 1, 2011 could work irreparable harm
27 upon the proper administration and provision of essential governmental
28 programs. Therefore, an emergency is hereby declared to exist and this Act
29 being necessary for the immediate preservation of the public peace, health
30 and safety shall be in full force and effect from and after July 1, 2011.