

ARKANSAS STATE BOARD OF HEALTH

BY-LAWS



Arkansas Department of Health
Little Rock, Arkansas

*These Bylaws were adopted by the Board of Health at its January 23, 2020, Meeting.
The Bylaws outline how the Board will conduct business and elect members.*

**ARKANSAS STATE BOARD OF HEALTH
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ARTICLE I

Meetings of Board Members

Section 1. Purposes and Powers.

(a) The Board shall have general supervision and control of all matters pertaining to the health of the citizens of the State of Arkansas. It shall make a study of the causes and prevention of infectious, contagious, and communicable diseases, and, except as otherwise provided by the law of the State of Arkansas, shall have direction and control of all matters of quarantine regulations and enforcement, shall have full power and authority to prevent the entrance of such diseases from points outside of the State of Arkansas, and shall have direction and control over all sanitary and quarantine measures for dealing with all such diseases within the State, and to suppress and prevent their spread.

(b) Power is hereby conferred on the Board to make all necessary and reasonable rules and regulations of a general nature for:

- (1) the protection of the public health;
- (2) the general amelioration of the sanitary and hygienic conditions within the State;
- (3) the suppression and prevention of infectious, contagious, and communicable diseases;
- (4) the proper enforcement of quarantine, isolation and control of such disease; and
- (5) the proper control of chemical exposures that may result in adverse health effects to the public. All rules and regulations promulgated by the

Board shall be reviewed by the House Interim Committee on Public Health, Welfare, and Labor and the Senate Interim Committee on Public Health, Welfare, and Labor. However, the Board shall not regulate the practice of medicine or healing, the practice of any other discipline of the healing arts designated as a learned profession by the laws of the State of Arkansas, nor interfere with the right of any citizen to employ the practitioner of their choice.

(c) The Board shall also be granted such other powers as conferred upon it by the laws of the State of Arkansas.

(d) The mission of the Board is to protect and promote the health of the citizens of Arkansas. The Board acts as an advocate for all Arkansas citizens, particularly those whose health is at greatest risk – the young, elderly, poor, medically underserved, and those exposed to environmental hazards. Through their expertise and knowledge of health problems throughout the State, Board members act to inform the public on major health needs, and serve as spokespersons for the programs of the Department of Health.

(e) The business and affairs of the Board shall be managed by the members of the Board. The members shall be appointed by the Governor of the State of Arkansas, as provided by Arkansas law.

Section 2. Office and Place of Meetings.

(a) The office of the Board shall be in Little Rock, AR. The Board shall be furnished with all necessary equipment, supplies, and office space in a suitable building designated by the Secretary of the Department of Health.

(b) Meetings of the Board may be held at places, within or without the State of Arkansas, as determined by the Board and stated in the notice. The books and records of the Board may be kept at any place or places within the State of Arkansas as the Board determines.

Section 3. Regular Meetings. The Board shall conduct its regular meetings on the fourth Thursday of January, April, July and October of each year. The Board may change the date of the meeting by majority vote. The January meeting shall be the annual meeting. Notice of regular meetings shall be given by the Secretary of the Department of Health to each member of the Board during the first week in January of each year and at least seven (7) days before the date on which each meeting is to be held.

Section 4. Special Meetings. Special meetings of the Board for any purpose or purposes may be called by the President, a majority of the Board, or by the President upon written request of the Secretary of the Department of Health. Such written request shall state the purpose or purposes for which such meeting is to be called.

Section 5. Notice of Special Meetings. Except as otherwise expressly required by law, notice of special meetings of members shall be given, at least seven (7) days before the date on which the meeting is to be held, to each member of the Board by telephone, electronic means, by delivering a notice personally, or by mailing such notice in a postage prepaid envelope directed to the address as it appears on the books of the Board. Notice of any adjourned meeting of the Board shall not be required to be given except where expressly required by law.

Section 6. Agenda. The Secretary of the Board of Health shall have forwarded an Agenda of matters to be discussed at any regular or special meeting to each member of the

Board of Health via physical parcel service or electronic means, at least (7) days prior to the meeting.

Section 7. Quorum and Manner of Acting. Unless otherwise provided by law, the presence of a majority of the Board shall be necessary to constitute a quorum for the transaction of business. In the absence of a quorum, a majority of the Board present may adjourn the meeting until a quorum shall be present. At all meetings of the Board in which a quorum is present, all matters shall be decided by the affirmative vote of a majority of the members present and voting, except as otherwise required by the laws of the State of Arkansas.

Section 8. Resignation. Any member of the Board may resign at any time by giving written notice to the Governor of the State of Arkansas. The resignation of any member shall take effect upon receipt of notice or a later time as specified in the notice. Unless otherwise specified, the acceptance of a resignation shall not be necessary to make it effective.

Section 9. Vacancies. Any vacancy that occurs on the Board by reason of death, resignation, disqualification, removal, or any other cause whatsoever shall be filled by the Governor as provided by law.

Section 10. Compensation of Members. Members of the Board of Health may receive expense reimbursement, specifically per diem expenses and mileage costs, as well as a stipend in accordance with applicable law. No other compensation shall be received by Members for service on the Board. Nothing contained shall be construed to preclude any member from serving the Department of Health in any other capacity and receiving compensation. However, a state employee may not receive a stipend for serving as a member of the State Board of Health.

ARTICLE II

Committees of the Board

Section 1. Committees. The Board may establish and create committees, as it deems necessary to carry out the affairs and further the purposes of the Board. The standing committees of the Board shall be:

Executive

Nominating

Legislative

Local Grant Trust Fund

Rural Health

Section 2. Executive Committee. The Board shall, by resolution, establish an Executive Committee consisting of members determined by the Board. However, the Executive Committee membership shall always include at least one physician member of the Board. During the intervals between meetings of the Board, the Executive Committee shall meet as frequently as it deems necessary, shall receive reports, conduct routine business, and take official action on behalf of the Board only on issues, which constitute a bona fide emergency requiring a decision prior to the next regular or special meeting of the Board. All actions of the Executive Committee shall be reported at the next regular or special meeting of the Board.

Section 3. Nominating Committee. The Nominating Committee shall consist of four (4) members appointed by the President for a term of one (1) year. It shall prepare and have forwarded to each Board member a list of nominees for each Board office at least thirty (30) days prior to the annual meeting of the Board.

Section 4. Legislative Committee. The Legislative Committee shall consist of four (4) members appointed by the President for a term of one (1) year. It shall monitor all federal and state legislation which impacts the Board or its' functions and shall make recommendations to the Board regarding appropriate action. In addition, the Committee shall, at the instruction of the Board, assist the Department of Health in securing enactment of state legislation, which will benefit the health of the citizens of Arkansas.

Section 5. Local Grant Trust Fund Committee. The Local Grant Trust Fund Committee shall consist of four (4) members appointed by the President for a term of one year. It shall be responsible for conducting reviews and granting approval for the distribution of grants for the construction, renovation, or other expansion of local health unit facilities pursuant to the Arkansas Health Department Building and Local Grant Act, Ark. Code Ann. § 20-7-205 et seq. The Committee shall report to the Board regarding the distribution of funds at the quarterly Board meetings.

Section 6. Rural Health Committee. The Rural Health Committee shall consist of four (4) members appointed by the President for a term of one (1) year.

ARTICLE III

Officers

Section 1. Number. The principal officers of the Board shall be the President, the President-elect, and the Secretary.

Section 2. The Secretary. The Board shall nominate a Secretary who, with the approval of the Governor, shall serve as the Secretary of the Department of Health and shall:

(a) be a licensed medical doctor who is a graduate of a school of medicine recognized by the Arkansas State Medical Board; hold a graduate degree in public health or

a graduate degree in a recognized public health discipline or have equivalent knowledge and experience in public health as determined by the Board; and, have experience in the practice of public health and in leadership and management, the sufficiency of which shall be determined by the Board; or, in the alternative,

(b) hold a doctoral degree in public health or a doctoral degree in a recognized public health discipline from an accredited college or university with at least five (5) years of experience in the practice of public health and at least ten (10) years of experience in the leadership and management of a large complex organization, the sufficiency of which shall be determined by the Board.

(c) The Secretary shall have all the powers of a member of the Board. The Secretary shall send the Notice and agenda for board meetings to all members and shall have authority to sign the rules and regulations on behalf of the Board. The Secretary shall also have authority to issue all Quarantine and Isolation and any other Emergency orders on behalf of the Board in order to protect public health. The Secretary shall also perform such duties as may be required by law or the Board.

Section 3. President and President-elect. The President and President-elect of the Board shall be chosen annually by the Board at the January meeting. The President-elect from the preceding term shall automatically succeed to the office of President. The new President-elect shall be chosen through an election by a majority of the present Board members.

Section 4. Term of Office. Each officer shall hold office until their successor has been chosen and qualified, or until their death, resignation, or removal in the manner hereinafter provided.

Section 5. Subordinate Officers. In addition to the principal officers enumerated in Section 1 of Article III, the Board may have other officers, as it deems necessary. Each subordinate officer shall hold office, have authority, and perform duties in the time and manner as determined by the Board.

Section 6. Removal. Any officer may be removed, with cause, at any time, by a vote of a two-thirds (2/3) majority of the members of the Board present and voting at any regular or special meeting of the Board at which proper notification of such proposed action was made in advance to each member. However, the Secretary shall serve at the pleasure of the Governor.

Section 7. Vacancies. A vacancy in any office may be filled for the unexpired portion of the term in the manner prescribed in these By-Laws for election or appointment to such office for such unexpired time.

Section 8. President. The President shall have general supervision and management of the affairs of the Board subject to the control of the Board. In general, they shall perform all duties incident to the office of President as herein defined and all such other duties as assigned to them by the Board.

Section 9. President-elect. The President-elect shall, in the absence or disability of the President, perform the duties and exercise the powers of President of the Board. The President-elect shall perform such other duties and have such other powers as the President, or the Board, prescribes.

ARTICLE IV

Administrative Hearings

Each administrative hearing regarding licensure or any other matter under the Board's jurisdiction shall be heard by a panel made up of three (3) members of the Board, chosen by the President, based upon their expertise. Each public hearing shall provide due

process to any person or entity entitled to a hearing as a result of actions taken by the Department of Health for which the Board of Health has jurisdiction. The three (3) person panel shall render decisions in the form of Findings of Fact, Conclusions of Law, and Orders consistent with the requirements of the Arkansas Administrative Procedures Act, Ark. Code Ann. § 25-15-201 et seq. After the Order is entered for adoption, the Panel's Orders shall be referred to the full Board of Health at the next quarterly meeting of the Board.

ARTICLE V

Amendments

The By-Laws of the Board may be altered, amended, or repealed by the affirmative vote of a two-thirds (2/3) majority of the members of the Board, provided notice of the proposed action and the substance of the suggested amendment shall be given to each member of the Board as provided herein.

ARTICLE VI

Administrative Year

The administrative year of the Board shall be the calendar year.

ARTICLE VII

Procedural Rules

All meetings and procedural matters of the Board shall be conducted in accordance with "Robert's Rules of Order" except when in conflict with these By-Laws or the laws of the State of Arkansas.