

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1468 of the Regular Session

As Engrossed: S3/3/05 S3/16/05 S3/22/05

A Bill

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

SENATE BILL 578

4
5 By: Senator Horn
6
7

For An Act To Be Entitled

8
9 AN ACT TO PROTECT THE HEALTH OF ARKANSAS CITIZENS
10 IN RURAL COMMUNITIES; TO EXPAND THE OPPORTUNITIES
11 FOR NURSES TO RECEIVE GRADUATE EDUCATION THROUGH
12 THE STUDENT LOAN AND SCHOLARSHIP PROGRAM; AND FOR
13 OTHER PURPOSES.
14

Subtitle

15
16 AN ACT TO EXPAND THE OPPORTUNITIES FOR
17 NURSES TO RECEIVE GRADUATE EDUCATION
18 THROUGH THE STUDENT LOAN AND SCHOLARSHIP
19 PROGRAM.
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 6-81-1201 is amended to read as follows:
25 6-81-1201. Definitions.

26 As used in this subchapter:

27 (1)(A) "Advanced nursing practice" means advanced nursing care
28 provided in one (1) of the following areas of practice:

29 (i) Family practice nursing;

30 (ii) Pediatric nursing;

31 (iii) Women's health nursing;

32 (iv) Nurse midwifery;

33 (v) Gerontology nursing;

34 (vi) Adult nursing;

35 (vii) Nurse anesthesia;



- 1 (viii) Nursing administration;
- 2 (ix) Psychiatric or mental health nursing;
- 3 (x) Acute care nursing;
- 4 (xi) Community or public health nursing; or
- 5 (xii) Nursing education.

6 (B)(i) "Advanced nursing practice" occurs in the context
 7 of practice by a registered nurse who has:

- 8 (a) Completed a master's or doctoral nursing
 9 education program;
- 10 (b) Met the requirements:
 - 11 (1) For national certification; or
 - 12 (2) To teach in an Arkansas-accredited
 13 school of nursing; and
 - 14 (3) To serve as a nurse administrator in
 15 an Arkansas complex health care agency.

16 (ii) "Advanced practice nursing" includes the roles
 17 of:

- 18 (a) Clinical nurse specialist;
- 19 (b) Nurse practitioner;
- 20 (c) Nurse administrator;
- 21 (d) Nurse educator;
- 22 (e) Nurse midwife; and
- 23 (f) Nurse anesthetist;

24 ~~(1) "Arkansas Department of Public Health" means any of~~
 25 ~~Arkansas' public health units;~~

26 (2) "Arkansas school of nursing" means any school or school's
 27 department of nursing located in Arkansas;

28 (3) "Board" means the Graduate Nurse Educator Loan and
 29 Scholarship Board;

30 (4) "Complex Arkansas health care agency" means any hospital,
 31 long-term care facility, large hospital-based clinic, large medical practice,
 32 or the Department of Health;

33 (5) "Department of Health" means the Department of Health and
 34 any of Arkansas' public health units;

35 ~~(4)~~(6) "Master's or doctoral nursing education program" means
 36 Arkansas nursing education programs located in an Arkansas public or private

1 institution of higher education that has a master's nursing program
 2 accredited by a recognized national nursing accreditation organization or a
 3 Doctor of Philosophy in nursing program accredited by the North Central
 4 Association of Colleges and Secondary Schools;

5 (7) "Nurse administrator" means a student enrolled in an
 6 Arkansas master's nursing education program or doctoral program who will
 7 serve as a nurse administrator in an Arkansas health care agency, including,
 8 but not limited to:

9 (A) A hospital;

10 (B) A long-term care facility;

11 (C) A large hospital owned clinic; or

12 (D) A large medical clinic.

13 ~~(5)~~(8) "Nurse educator" means a student enrolled in an Arkansas
 14 master's nursing education program or doctoral nursing education program who
 15 will prepare to teach nursing in an Arkansas school of nursing; and

16 ~~(6)(A) "Primary care nursing" means advanced nursing care~~
 17 ~~provided in one (1) of the following areas of practice:~~

18 ~~(i) Family practice nursing;~~

19 ~~(ii) Pediatric nursing;~~

20 ~~(iii) Women's health nursing;~~

21 ~~(iv) Nurse midwifery;~~

22 ~~(v) Gerontology nursing; and~~

23 ~~(vi) Adult nursing.~~

24 ~~(B) Primary care nursing occurs in the context of the~~
 25 ~~community and is characterized by long term, close relationships between the~~
 26 ~~practitioner and patient in which the primary care provider treats common and~~
 27 ~~episodic illness but refers more complex problems to specialists; and~~

28 (7) "Rural community" means a community within a health
 29 professions shortage area, as determined by the board, or a community having
 30 a population of no more than fifteen thousand (15,000) persons according to
 31 the most recent federal census taken prior to the execution of the loan
 32 contract or the most recent federal census taken prior to the time the
 33 recipient of the loan or loans shall be required to practice full time in
 34 such a ~~rural~~ community as provided in §§ 6-81-1204 and 6-81-1206 [repealed].

35
 36 SECTION 2. Arkansas Code § 6-81-1202 is amended to read as follows:

1 6-81-1202. Graduate Nurse Educator Loan and Scholarship Board.

2 (a) There is established the Graduate Nurse Educator Loan and
3 Scholarship Board composed of:

4 (1) The dean, chair, or director of each of the accredited
5 *graduate nursing programs in the state that offers a nurse*
6 *practitioner/clinical nurse specialist, ~~specialty in primary care nurse~~*
7 *midwife, nurse anesthesia, or nursing administration graduate preparation or*
8 *preparation for nurse educators at the master's or doctoral levels;*

9 (2) The President of the Council of Nurse Administrators of
10 Nursing Education Programs in Arkansas;

11 (3) *The President of the Arkansas State Board of Nursing or the*
12 *president's designee;*

13 (4) The Director of the Department of Health or the director's
14 designee; and

15 (5) One (1) consumer, to be appointed by the Governor.

16 (b) The board shall:

17 (1) Promulgate reasonable rules and regulations as may be
18 necessary to execute the provisions of this subchapter, including regulations
19 addressing:

20 (A) The requirements for ~~a health professions shortage~~
21 ~~area~~ ensuring a pool of advanced nursing practitioners to serve the state
22 with a priority on health professions shortage areas;

23 (B) The requirements for an Arkansas school of nursing;

24 (C) The requirements for a community having a population
25 of no more than fifteen thousand (15,000) persons according to the most
26 recent census;

27 (D) The requirements of the Department of Health;

28 (E) The establishment of a minimum scholastic standing
29 which a baccalaureate or master's nursing graduate must have achieved and the
30 academic or scholastic standing a student must maintain in an accredited
31 school of nursing in this state as a condition of receiving scholarship funds
32 or financial aid under the provisions of § 6-81-1208 [repealed];

33 (F) The establishment of standards for a determination of
34 the financial needs of the applicant for scholarship funds or financial aid
35 under § 6-81-1208 [repealed], including the ability of the applicant or the
36 spouse or the parents or guardian of such applicant to furnish a part of the

1 funds necessary to pay the expenses of the applicant while attending a school
2 of nursing; and

3 (G) All matters relating directly to the agreement for
4 providing these scholarship funds or financial aid, including the terms and
5 conditions of providing financial aid to the student and relating to the
6 obligation of the recipient of financial aid to engage in the nursing
7 profession in a rural community or as a nurse educator in an Arkansas school
8 of nursing;

9 (2) Prescribe forms for and regulate the submission of
10 applications for financial assistance;

11 (3) Determine eligibility of applicants;

12 (4) Allow or disallow applications for financial assistance;

13 (5) Contract, increase, decrease, terminate, and otherwise
14 regulate all grants for this purpose and receipt for their repayment and
15 convert loans to scholarships;

16 (6) Manage, operate, and control all funds and property
17 appropriated or otherwise contributed for this purpose;

18 (7) Accept gifts, grants, and bequests or devises and apply them
19 as a part of this program;

20 (8) Sue and be sued as the board; and

21 (9) Accept moneys from federal programs which may be used for
22 furtherance of the purposes of this subchapter.

23 (c) The members of the board may receive expense reimbursement in
24 accordance with § 25-16-901 et seq.

25

26 SECTION 3. Arkansas Code § 6-81-1203(a), concerning granting of loans
27 for graduate nurse studies, is amended to read as follows:

28 (a) The Graduate Nurse Educator Loan and Scholarship Board may make
29 ~~rural advanced nursing practice~~ or nurse educator loans to an applicant, each
30 ~~rural advanced nursing practice~~ or nurse educator loan being expressly made
31 subject to the provisions of § 6-81-1204 if it finds that:

32 (1) The applicant is a bona fide resident of Arkansas;

33 (2) The applicant has been accepted for admission to or is
34 enrolled in good standing in an accredited master's ~~nurse educator, master's~~
35 ~~nurse practitioner, nursing program~~ or Doctor of Philosophy in Nursing
36 program in the state leading to a graduate degree in nursing;

1 (3) The applicant is or will be a full-time ~~graduate nursing~~
 2 ~~student~~ or a part-time graduate student ~~who is employed full time in an~~
 3 ~~Arkansas school of nursing;~~

4 (4) The applicant needs financial assistance to complete his or
 5 her nursing studies;

6 (5) *The applicant desires to practice ~~primary care~~ advanced*
 7 *nursing practice in a ~~rural~~ an Arkansas community or teach nursing in an*
 8 *Arkansas school of nursing; and*

9 (6) The applicant is a person of good moral character and one
 10 who has the talent and capacity to profit by graduate nursing studies.

11
 12 SECTION 4. Arkansas Code § 6-81-1204(c), concerning advanced nursing
 13 practice or nurse educator loan contracts, is amended to read as follows:

14 (c) Each applicant to whom a ~~rural~~ *advanced nursing practice* or nurse
 15 educator loan or loans is granted by the board shall execute a written loan
 16 contract which shall incorporate the following obligations and conditions:

17 (1)(A)(i) *The recipient of a ~~rural~~ an advanced nursing practice*
 18 *or nurse educator loan or loans shall bindingly contract that, upon*
 19 *completion of his or her graduate degree in nursing and upon national*
 20 *certification as a nurse practitioner, nurse anesthetist, nurse midwife,*
 21 *clinical nurse specialist, or nursing supervisor in the case of recipients of*
 22 *a ~~rural~~ advanced nursing practice ~~loan~~ loans, he or she shall practice as an*
 23 *advanced nursing practitioner full time in an Arkansas rural community or the*
 24 *Department of Health.*

25 (ii) In the case of the nurse educator recipient, he
 26 or she shall teach full time during the academic year in an Arkansas school
 27 *of nursing or as a nurse administrator or work as a nursing administrator in*
 28 *an Arkansas complex health care agency for one (1) year.*

29 (B) *For each continuous whole calendar year of advanced*
 30 *~~primary care~~ nursing or academic calendar year for teaching or calendar year*
 31 *for nursing administration in accordance with subdivision (c)(1)(A) of this*
 32 *section, the board shall cancel, by converting to a scholarship grant, the*
 33 *full amount of one (1) year's loan, plus accrued interest; and*

34 (2)(A) *In the event that any ~~rural~~ advanced nursing practice or*
 35 *nurse educator loan recipient under this subchapter does not engage in the*
 36 *practice of advanced ~~practice~~ nursing practice or teach in an Arkansas school*

1 of nursing or serve as a nursing administrator in Arkansas complex health
 2 care agency in accordance with the terms of this section and of his or her
 3 loan contract in order to have the loan contract recognized as a scholarship,
 4 the recipient shall remain obligated to repay the loan or loans received
 5 together with interest thereon at the maximum rate allowed by Arkansas law or
 6 the federal discount rate plus five percent (5%) per annum, whichever is the
 7 lesser, the interest to accrue from the date each payment of funds was
 8 received by the recipient.

9 (B) No interest shall accrue nor obligation to repay the
 10 principal sums accrued during any ~~one (1)~~ period of time that the recipient
 11 involuntarily serves on active duty in the United States armed forces.

12 (C) Repayment of principal with interest shall be due and
 13 payable in full at the earliest to occur of the following events:

14 (i) Failure to remain enrolled continuously and in
 15 good academic standing to completion of a graduate nursing degree for any
 16 reason other than temporary personal illness;

17 (ii)(a) Failure to practice as an advanced ~~nurse~~
 18 nursing practitioner on a regularly sustained basis while residing in an
 19 Arkansas rural community or working in an Arkansas a Department of Public
 20 Health unit, as defined in § 6-81-1201, or to serve as a nursing faculty in
 21 an Arkansas school of nursing or serve as a nursing administrator in an
 22 Arkansas complex health care agency.

23 (b) ~~Provided, however, that~~ However, the board
 24 may waive the residency requirement on a case-by-case basis; or

25 (iii) Failure to establish a ~~primary care~~ an
 26 advanced nursing practice within six (6) months following graduation from an
 27 accredited graduate nursing program or within six (6) months after receiving
 28 national certification, whichever is later, or failure to assume a nurse
 29 faculty position in an Arkansas school of nursing or assume a nursing
 30 administrator position in an Arkansas complex health care agency within six
 31 (6) months following graduation, unless otherwise deferred by approval of the
 32 board.

33 (D) In the event of the death of the recipient, all loans
 34 unpaid shall be due and payable.

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 36 APPROVED: 3/31/2005

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/s/ Horn