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CHAPTER ONE GENERAL PROVISIONS

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SECTION I PURPOSE AND AUTHORITY

BUREAU OF
LEGISLATIVE RESEARCH

A. PURPOSE

1. **ARKANSAS NURSE PRACTICE ACT** - Requires that any person who practices or offers to practice professional nursing, advanced practice nursing, registered nurse practitioner nursing, practical nursing, or psychiatric technician nursing for compensation be licensed and submit evidence that he or she is qualified to so practice and shall be licensed as hereinafter provided.
2. **ARKANSAS STATE BOARD OF NURSING** - Established by the Arkansas *Nurse Practice Act* for the implementation of the statute by carrying on the licensing or certification, disciplinary, and educational functions for professional, advanced practice, registered nurse practitioner, practical, and psychiatric technician nursing and medication assistants.

B. LEGAL AUTHORITY - The authority of the Board is contained in the ACA §17-87-101 et seq.

SECTION II THE PRACTICE OF NURSING

A. THE PRACTICE OF PROFESSIONAL NURSING

The performance for compensation of any acts involving the observation, care, and counsel of the ill, injured, or infirm; the maintenance of health or prevention of illness of others; the supervision and teaching of other personnel; the delegation of certain nursing practices to other personnel as set forth in rules established by the board; or the administration of medications and treatments as prescribed by practitioners authorized to prescribe and treat according to state law where such acts require substantial specialized judgment and skill based on knowledge and application of the principles of biological, physical, and social sciences.

B. THE PRACTICE OF ADVANCED PRACTICE REGISTERED NURSING

The practice of advanced practice registered nursing means the delivery of health care services for compensation by professional nurses who have gained additional knowledge and skills through successful completion of an organized program of nursing education that certifies nurses for advanced practice roles as certified nurse practitioners, certified registered nurse anesthetists, certified nurse midwives, and clinical nurse specialists.

1. **CERTIFIED NURSE PRACTITIONER** — The practice of certified nurse practitioner nursing means the performance for compensation of nursing skills by a registered nurse who, as demonstrated by national certification, has advanced knowledge and practice skill in the delivery of nursing services.
2. **CERTIFIED REGISTERED NURSE ANESTHETIST** — The practice of certified registered nurse anesthesia means the performance for compensation of advanced nursing skills relevant to the administration of anesthetics in consultation with ~~under the supervision of~~, but not necessarily in the presence of, a licensed physician, licensed dentist, or other person lawfully entitled to order anesthesia.
3. **CERTIFIED NURSE MIDWIFE** — The practice of nurse midwifery means the performance for compensation of nursing skills relevant to the management of women's health care, focusing on pregnancy, childbirth, the postpartum period, care of the newborn, family planning, and gynecological needs of women, and treatment of the male partners for sexually transmitted disease within a health care system that provides for consultation, collaborative management, or referral as indicated by the health status of the client.
4. **CLINICAL NURSE SPECIALIST** — The practice of clinical nurse specialist nursing means the performance for compensation of nursing skills by a registered nurse who, through study and supervised practice at the

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graduate level and as evidenced by national certification, has advanced knowledge and practice skills in a specialized area of nursing practice.

C. THE PRACTICE OF REGISTERED NURSE PRACTITIONER NURSING

The delivery of health care services for compensation in collaboration with and under the direction of a licensed physician or under the direction of protocols developed with a licensed physician. Registered nurse practitioners shall be authorized to engage in activities as recognized by the nursing profession and as authorized by the Board. Nothing in this subdivision is to be deemed to limit a registered nurse practitioner from engaging in those activities which normally constitute the practice of nursing or those which may be performed by persons without the necessity of the license to practice medicine.

D. THE PRACTICE OF PRACTICAL NURSING

The performance for compensation of acts involving the care of the ill, injured, or infirm or the delegation of certain nursing practices to other personnel as set forth in rules established by the board; under the direction of a registered professional nurse, an advanced practice nurse, a licensed physician, or a licensed dentist, which acts do not require the substantial specialized skill, judgment, and knowledge required in professional nursing.

E. THE PRACTICE OF PSYCHIATRIC TECHNICIAN NURSING

The performance for compensation of acts involving the care of the physically and mentally ill, retarded, injured, or infirm or the delegation of certain nursing practices to other personnel as set forth in rules established by the board, and the carrying out of medical orders under the direction of a registered professional nurse, an advanced practice nurse, a licensed physician or a licensed dentist, where such activities do not require the substantial specialized skill, judgment, and knowledge required in professional nursing.

SECTION III **IDENTIFICATION INSIGNIA**

- A. Any person who holds a license to practice nursing in this state shall use the legal title or the abbreviation as set forth in Arkansas Code Annotated Section 17-87-101, et. seq. No other person shall assume any other name, title, or abbreviation or any words, letters, signs, or devices that would cause a reasonable person to believe the user is licensed to practice nursing.
- B. Any person licensed to practice nursing shall wear an insignia to identify himself by his name and appropriate legal title or abbreviation during times when such person is providing health care to the public for compensation.
- C. The insignia shall be prominently displayed and clearly legible such that the person receiving care may readily identify the type of nursing personnel providing such care.

SECTION IV **DEFINITION OF TERMS**

ACCREDITED – The status granted by an accrediting agency through a voluntary process.

ACTIVE PRACTICE – The act of performing for compensation those acts within specified scope of practice and authorized by the board.

ACTIVITIES OF DAILY LIVING – Those self-care activities which must be accomplished each day in order for the client to care for his own needs and participate in society.

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ADVANCED PRACTICE REGISTERED NURSE CATEGORIES — Certified nurse practitioner, certified registered nurse anesthetist, certified nurse midwife, and clinical nurse specialist.

APPROVAL — Recognized by the Board as meeting the education standards for preparing graduates for registered or practical nurse licensure.

APPROVAL TYPES:

PREREQUISITE — Status authorizing a program to proceed in establishing a program of nursing.

INITIAL — Status awarded to a program that has met all initial requirements and authorizes the program to proceed to admission of students and completion of educational standards.

FULL — Status awarded to a program that has met all educational standards.

CONTINUED FULL — Status awarded to a program that continues to maintain the educational standards.

CONDITIONAL — Status of a program that has not maintained the educational standards. Serves as a warning that if the standards are not followed withdrawal of approval may be initiated.

ATD — Alternative to Discipline program.

BOARD — The Arkansas State Board of Nursing.

BOARD-APPROVED EVALUATOR - An individual who meets board approved standards.

BOARD REPRESENTATIVE — A person appointed, hired, or otherwise authorized by the Board to carry out its functions.

CASE MANAGER — The ATD Program staff person who monitors participants' compliance.

CLINICAL EXPERIENCE- a faculty planned and guided learning activity that is designed to support students in meeting identified programs educational and course outcomes. The clinical settings include a variety of clinical of clinical practice settings or affiliating agencies, including but not limited to:

ACUTE CARE SETTING- A hospital based clinical site where students provide direct patient care and associated clinical conferences.

NON-ACUTE CARE SETTING- A long term, extended care, or nursing home based clinical site where students provide direct patient care and associated clinical conferences.

COMMUNITY SETTING- Community partner experiences with nurses and or professional staff in settings other than acute and non – acute settings where students provide indirect or direct patient care and associated clinical conferences.

CLINICAL FACILITY — A facility outside the framework of the program which provides educational experiences for the student.

COLLABORATING PHYSICIAN — A physician, licensed under the Arkansas Medical Practices Act, §17-93-201 et seq., who has a practice comparable in scope, specialty or expertise to that of the advanced practice nurse or registered nurse practitioner.

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COLLABORATIVE PRACTICE AGREEMENT — Document setting out how an advanced practice registered nurse and physician intend to cooperate in the delivery of client care.

CONSULTATION – The manner and process utilized between a certified registered nurse anesthetist and a licensed physician, licensed dentist, or other person lawfully entitled to order anesthesia performing the procedure or directly involved with the procedure when working jointly toward a common goal of providing services for the patient.

CONSULTING PHYSICIAN — A physician licensed by the Arkansas Medical Practices Act who has ~~obstetric~~ privileges in a hospital.

CONTRACT — The written agreement executed by a licensee or an applicant for licensure and the Board which establishes the terms for participation in the ATD program.

CONTACT HOUR- A measurement for continuing education; either a 50 or 60-minute clock hour of continuing education.

CONTINUING EDUCATION UNIT (CEU)- A measurement for continuing education; one CEU equals ten (10) contact hours.

CONTROLLED SUBSTANCE — Drug substance or immediate precursor in Schedules I-V.

CO-PRESCRIBE – Provide a prescription for an opioid antagonist when prescribing an opioid.

CREDENTIAL — A license, certificate, or other evidence of qualifications.

DELEGATION — Entrusting the performance of a selected nursing task to an individual who is qualified, competent, and able to perform such tasks. The nurse retains the accountability for the total nursing care of the individual.

DISTANT LEARNING SITE — A location separate from the main campus where course offerings are delivered.

DOCUMENTATION — Written proof or evidence to substantiate factual claims or statements satisfactory to the Board.

DRUG SAMPLE — A unit of a legend drug which is distributed to a practitioner by a manufacturer or a manufacturer's representative at no charge, is not intended to be sold, and is intended to promote the sale of the drug.

EMERGENCY CARE — Unanticipated care provided to a person who is unconscious, ill, or injured, when the circumstances require prompt decisions and actions, and when the necessity of immediate care is so apparent that any delay would seriously worsen the physical condition or endanger the life of the person.

FIRST LEVEL NURSE — A nurse who provides and coordinates patient care after graduating from an approved program of at least two years in length. Regionally, the nurse may be referred to as a professional or a registered nurse (RN).

FAILED DRUG SCREEN- The analysis of a biological specimen which is determined to be dilute, substituted, abnormal, adulterated, or tests positive for controlled substances, abuse potential substances or their metabolites without a valid prescription.

FULL PRACTICE AUTHORITY/FULL INDEPENDENT PRACTICE – The ability of a certified nurse midwife or certified nurse practitioner to practice independently with prescriptive authority without a collaborative practice agreement.

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GRADUATE COMPETENCIES – Educational outcomes expected of the nursing program’s graduates.

IMPAIRED NURSE - A licensee or applicant for licensure who is impaired by alcohol use, a substance use disorder, or co-occurring disorder.

LEGEND DRUG — A drug limited by Section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act to being dispensed by or upon a practitioner’s prescription.

MAY — Indicates permission.

MEDICAL PROCEDURE – a course of action intended to achieve a result in the delivery of health care as consulted by a licensed physician, licensed dentist, or other person lawfully entitled to order anesthesia.

MISSION – Beliefs accepted by the parent institution for the framework of the school’s programs and offerings.

NONCOMPLIANCE – Failure of the ATD participant to comply with the terms and conditions of the contract.

OBSERVATIONAL EXPERIENCE — One in which the nursing student provides no nursing care.

PARENT INSTITUTION – The official institution sponsoring the nursing program.

PARTICIPANT – A licensee who executes a contract with the Board.

PATIENT HARM – Actual or potential physical or mental injury, abuse or neglect of a patient.

PERI-OBSTETRICAL -- preanesthetic preparation or evaluation, anesthesia induction, maintenance or emergence or postanesthesia care of the pregnant female.

PERIOPERATIVE – preanesthetic preparation or evaluation, anesthesia induction, maintenance or emergence, or postanesthesia care of clients.

PERSONAL CARE — Assistance with activities of daily living not requiring a medical prescription.

PHILOSOPHY – Beliefs adopted by the nursing faculty for the framework of the program.

PRACTICE- FOCUSED- Academic study or continuing education targeted to meet the needs of the nurse in his / her nursing practice role.

PRECEPTOR — A currently licensed nurse or physician, meeting the requirements of these rules, who serves as a facilitator of student learning in a practice setting.

PRECEPTORSHIP — Practice under the supervision of a qualified preceptor in the care of consumers of health services while a student in a Board approved program.

PRESCRIPTIVE AUTHORITY — Authorization, given by the Board, for an advanced practice nurse who meets established requirements to prescribe. Prescriptive authority for controlled substances shall only extend to drugs listed in Schedules II through V subject to the provisions of Chapter 4, Section VIII.

PROFESSIONAL BOUNDARIES – Social, physical, and psychological limits in a therapeutic relationship between a nurse and a patient or their family which promotes the client’s dignity, independence, and best interests.

PROGRAM — An education unit that offers courses and learning experiences preparing graduates who are competent

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to practice nursing safely and who are eligible to take the NCLEX-PN or RN® examination. The program is often referred to as a pre-licensure nursing program. Types of pre-licensure nursing education programs are:

ASSOCIATE DEGREE PROGRAM — A professional nursing program leading to an associate degree with a major in nursing.

BACCALAUREATE DEGREE PROGRAM — A professional nursing program leading to a baccalaureate degree with a major in nursing.

DIPLOMA PROGRAM — A professional nursing program leading to a diploma with a major in nursing.

MASTER'S DEGREE PROGRAM — A professional nursing program leading to a master's degree which is an individual's first professional degree in nursing.

PRACTICAL NURSING PROGRAM — A nursing program leading to a certificate in practical nursing.

PSYCHIATRIC TECHNICIAN NURSING PROGRAM — A nursing program leading to a certificate in psychiatric technician nursing.

PROGRAM DIRECTOR— The individual employed by the board to administer the ATD program or the person responsible for the specific educational unit in nursing, regardless of the official title in the institution.

PROTOCOL — A written statement which delineates agreed-upon approaches in client care and management.

REFRESHER COURSE- A formal course of instruction designed to provide a review and update of nursing theory and practice.

QUALIFIED PROVIDER — Individuals engaged in the treatment of substance use disorder, including alcohol, with sufficient education, training and experience.

RELAPSE —Use of any unauthorized controlled or abuse potential substance including alcohol as reported by the participant or the submission of any confirmed positive drug screen.

SATELLITE CAMPUS — A separate geographic location where a program is offered which has a separate student body and a separate faculty leader/coordinator and/or faculty.

SELF-REPORT — A licensee or an applicant for licensure who provides voluntary written notification to board staff or the ATD program director that the licensee or applicant for licensure is or has been impaired.

SHALL, WILL, MUST — Indicates a mandatory requirement.

SHOULD — Indicates a recommendation.

SUD — Substance Use Disorder is defined by the Substance Abuse and Mental Health Services Administration as the recurrent use of alcohol and/or drugs which causes clinically and functionally significant impairment, such as health problems, disability, and failure to meet major responsibilities at work, school, or home.

SURVEY — A visit to determine compliance with minimum requirements.

THERAPEUTIC DEVICE — An instrument or apparatus, requiring a prescription, that is intended for use in diagnosis or treatment, and in the prevention of disease or maintenance or restoration of health.

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TRANSMITTING — Relaying an order for a medication, treatment, or therapeutic device.

UNDER THE DIRECTION OF A LICENSED PHYSICIAN — The performance of specific acts and procedures which have been authorized by a licensed physician and which may be performed outside the presence of the physician under conditions where a physician is readily available for consultation.

UNENCUMBERED LICENSE — Free of disciplinary limitations.

HISTORY: Amended January 1, 2018
Amended: January 1, 2020; June 4, 2021

SECTION V GENERAL MATTERS

A. OFFICE AND HOURS

The office of the Board is in Little Rock, Arkansas. The office shall be open during business hours each day; Saturday, Sunday, and holidays excepted.

B. EXAMINATION, INQUIRY, OR INVESTIGATION

The Board may, through one or more of its members, or staff especially authorized, conduct at its office in Little Rock, Arkansas, or in any part of the state, any examination, inquiry or investigation, hearing, or other proceeding necessary to perform its duties and functions. The executive director shall have custody of the seal and official records and shall be responsible for the maintenance and custody of the files and records of the Board, including the credentials for all Arkansas licensed nurses, transcripts of testimony and exhibits, the minutes of all actions taken by the Board and all of its findings, determinations, reports, opinions, orders, rules, and approved forms.

C. AUTHENTICATION

All notices and other actions of the Board shall be authenticated or signed by the president, secretary, or such other person as may be authorized by the Board.

D. NOTICE

Upon order of the Board, the president, secretary, or ~~executive~~ director shall issue all notices of hearings and other process as may be directed by the Board.

E. ~~EXECUTIVE~~ DIRECTOR

The ~~executive~~ director of the Board shall be a registered nurse and meet the qualifications required by the Board.

F. BOARD FUNDS AND FEES

1. The Board shall establish and collect fees for services ~~relating to examination, licensing, endorsement, certification for prescriptive authority, temporary permits, license renewal, and other reasonable services as determined by the Board.~~ as follows:

Initial Licensure

APRN

\$125.00

RN/LPN

\$100.00

Medication Assistant-Certified

\$35.00

International Nurse

\$200.00

Endorsement

APRN

\$125.00

RN & LPN

\$125.00

LPTN

\$100.00

Certification to another state

\$30.00

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<u>Medication Assistant-Certified</u>	<u>\$65.00</u>
<u>Renewal of Licensure</u>	
<u>APRN</u>	<u>\$65.00</u>
<u>RN</u>	<u>\$100.00</u>
<u>LPN/LPTN</u>	<u>\$90.00</u>
<u>RNP</u>	<u>\$40.00</u>
<u>Inactive Reinstatement</u>	<u>\$10.00</u>
<u>Lapsed (expired) Reinstatement</u>	<u>\$100.00</u>
<u>Medication Assistant-Certified</u>	<u>\$40.00</u>
<u>Miscellaneous Fees</u>	
<u>Duplicate license</u>	<u>\$30.00</u>
<u>Prescriptive Authority</u>	<u>\$160.00</u>
<u>Temporary permit</u>	<u>\$30.00</u>
<u>Retired License</u>	<u>\$15.00</u>
<u>CE Late Fee</u>	<u>\$50.00/contact hour</u>
<u>CRNA Corporation Registration</u>	<u>\$25.00</u>
<u>CRNA Corporation Renewal</u>	<u>\$10.00</u>
<u>Continuing Education Workshop Registration</u>	<u>\$45.00</u>
<u>Criminal Records Review (prelicensure waiver)</u>	<u>\$75.00</u>
<u>CE Approval Request</u>	<u>\$10.00</u>
<u>Returned Check Fee</u>	<u>\$30.00</u>
<u>VISA Screening</u>	<u>\$30.00</u>

2. All funds received by the Board shall be deposited in the State Treasury to the credit of the Board.
3. Fees paid to the Board may be in the form of cashier checks, credit card or money orders. ~~Personal checks for initial licensure are accepted from in-state residents only.~~
4. Fees paid to the Board are processing fees and are not refundable.

G. WAIVER OF INITIAL LICENSURE FEES

Effective January 1, 2022, application fees shall be waived if the applicant:

1. Is receiving assistance through the Arkansas Medicaid Program, the Supplemental Nutrition Assistance Program, the Special Supplemental Nutrition Program for Women, Infants, and Children, the Temporary Assistance for Needy Families Program, or the Lifeline Assistance Program; or
2. Was approved for unemployment within the last twelve (12) months; or
3. Has an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines, as verified by the Department of Human Services and the Division of Workforce Services.

H. RECORDS

1. Record Maintenance
The ~~executive~~ director shall enter, in permanent form, credentials of all nurses, records of official transactions and proceedings, and keep such records in safekeeping.
2. Tapes
Meetings may be taped ~~by a secretary~~ as necessary for purposes of minute taking. ~~Tapes may be erased after corresponding minutes have been approved.~~
3. Destruction
The ~~executive~~ director may destroy or dispose of records in the office in accord with applicable law.

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4. Certified Copies
Upon written request and payment of a fee, the ~~executive~~ director shall provide to any nurse holding Arkansas licensure a certified copy of any of his or her records on file in the Board office.
5. Public Inspection
Records shall be open to public inspection except as may be specifically exempted by statute.
6. Request for Copies of Rules
Copies of rules of the Board will be furnished free of charge to any official of a government agency requesting them in the performance of his or her duties.

H.I. EXAMINATION REVIEW

A registered nurse, practical nurse, or psychiatric technician nurse candidate who has failed the licensure examination may review his or her examination and/or challenge examination items according to the policies and procedures of the test development vendor.

HISTORY: Amended

SECTION VI

FAITH A. FIELDS NURSING SCHOLARSHIP/LOAN PROGRAM

A. ELIGIBILITY REQUIREMENTS

As funds are made available, any Arkansas resident who is enrolled in, or has been accepted for admission to, an approved school of nursing in this state or in a nationally accredited school outside the state, in a course of study leading to qualification as a registered nurse, licensed practical nurse, or nurse educator shall be eligible to make application to the Arkansas State Board of Nursing for a nursing educator loan or a nursing practice loan. The Board may, depending upon available funds, make a nursing educator loan or a nursing practice loan to an applicant when it determines that the applicant:

1. Warrants financial assistance to complete his or her nursing studies.
2. Has signed a written agreement to, upon graduation and licensure and for one year for each year a loan is granted:
 - a. Teach in a nursing education program in the State of Arkansas if granted a nursing educator loan; or
 - b. Engage in practice as a registered nurse or licensed practical nurse in the State of Arkansas if granted a nursing practice loan; and
 - c. Repay each loan with interest at the maximum legal rate if the applicant fails to fulfill the requirements of the board.

B. MAINTENANCE REQUIREMENTS

1. Subject to the availability of funds and the limits set out in these rules, each loan made to an applicant shall be renewable annually for the number of years required to complete studies leading to qualification as a registered nurse, license practical nurse, or nursing educator.
2. Any loan made to an applicant subsequent to an initial loan shall be made only upon application of the recipient and upon finding by the Arkansas State Board of Nursing that the applicant:
 - a. Has successfully completed the nursing studies of the preceding academic year and remains in good standing as an enrolled student in the appropriate nursing program;
 - b. Warrants financial assistance to complete his or her nursing studies;
 - c. Has signed a written agreement to, upon graduation and licensure and for one year for each year a loan is granted:
 - i. Teach in a nursing education program in the State of Arkansas; or
 - ii. Engage in practice as a registered nurse or licensed practical nurse in the State of Arkansas; and
 - iii. Repay each loan with interest at the maximum legal rate if the applicant fails to fulfill the requirements of the board; and
 - d. Continues to be a lawful resident of the State of Arkansas.

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3. The total of the loans made to any one (1) student shall not exceed twenty thousand dollars (\$20,000).

C. BORROWER'S LOSS OF GOOD STANDING

If the recipient of a loan ceases to be enrolled in good standing in a recognized nursing program before completing the education requirements to qualify as a registered nurse, licensed practical nurse, or nursing educator,

the principal and interest of all loans made to the recipient shall become due and payable immediately or as provided in the loan agreement.

D. LOAN REPAYMENT

1. A recipient of a loan shall repay each loan together with interest at the maximum rate allowed by Arkansas law if the recipient:
 - a. Ceases to be enrolled in good standing in a recognized nursing program before completing the education requirements to qualify as a registered nurse, licensed practical nurse, or nursing educator;
 - b. Does not, for the period specified in the agreement, teach in an Arkansas nursing education program if granted a nursing educator loan, or engage in practice as a registered nurse or licensed practical nurse in Arkansas if granted a nursing practice loan; or
 - c. Fails to comply with any other requirements of the agreement.
2. Interest shall accrue from the date each payment of funds was received by the recipient.
3. No interest shall accrue and no obligation to repay a loan exists during any period of time that the recipient of the loan serves on active duty in the United States armed forces.
4. If repayment of a loan is required, upon the death of the recipient of the loan all unpaid principal and interest is due and payable.
5. The failure to repay a loan as specified may be considered unprofessional conduct for disciplinary purposes.

E. DEFAULT OR DELINQUENT STUDENT LOANS AND SCHOLARSHIPS

1. Except as provided for rural medical practice, student loans and scholarships under Arkansas Code Annotated § 6-81-701, et seq., the Arkansas State Board of Nursing shall not suspend or revoke a license that has been issued to an individual solely on the basis of that individual being in:
 - a. Default on the repayment obligations required by one (1) or more student loans; or
 - b. Delinquent in the payments of one (1) or more student loans; or
 - c. Default on the satisfaction of the requirements and conditions of a scholarship; or
 - d. Delinquent in the satisfaction of the requirements and conditions of a scholarship.

HISTORY: Amended January 1, 2020

State of Arkansas As Engrossed: H2/25/21 H3/4/21

93rd General Assembly

A Bill

Regular Session, 2021

HOUSE BILL 1258

By: Representative L. Johnson

By: Senator K. Hammer

For An Act To Be Entitled

AN ACT TO AUTHORIZE FULL INDEPENDENT PRACTICE
AUTHORITY FOR CERTIFIED NURSE PRACTITIONERS WHO MEET
CERTAIN REQUIREMENTS; TO CREATE THE FULL INDEPENDENT
PRACTICE CREDENTIALING COMMITTEE TO REVIEW AND
APPROVE APPLICATIONS FOR FULL INDEPENDENT PRACTICE
AUTHORITY FOR CERTIFIED NURSE PRACTITIONERS; AND FOR
OTHER PURPOSES.

Subtitle

TO AUTHORIZE FULL INDEPENDENT PRACTICE
AUTHORITY FOR CERTIFIED NURSE
PRACTITIONERS WHO MEET CERTAIN
REQUIREMENTS; AND TO CREATE THE FULL
INDEPENDENT PRACTICE CREDENTIALING
COMMITTEE.

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

SECTION 1. DO NOT CODIFY. Legislative intent.

It is the intent of the General Assembly to:

(1) Provide a legitimate pathway to full practice authority for
certified nurse practitioners; and

(2) Reevaluate the composition of the Full Independent Practice
Credentialing Committee in three (3) years.

SECTION 2. Arkansas Code Title 17, Chapter 87, Subchapter 3, is



1 amended to add an additional section to read as follows:

2 17-87-314. Full independent practice authority – Full Independent
3 Practice Committee – Members and duties – Definition.

4 (a) As used in this section, "full independent practice authority"
5 means the ability of a certified nurse practitioner to practice with
6 prescriptive authority without a collaborative practice agreement as
7 described in § 17-87-310.

8 (b)(1) The Full Independent Practice Credentialing Committee may grant
9 a certificate of full independent practice authority to a certified nurse
10 practitioner who submits:

11 (A) An application;

12 (B) An appropriate application fee as determined by the
13 Full Independent Practice Credentialing Committee;

14 (C) Proof of successful completion of six thousand two
15 hundred forty (6,240) hours of practice under a collaborative practice
16 agreement with a physician; and

17 (D) Any other relevant information as determined by the
18 Full Independent Practice Credentialing Committee.

19 (2) A certificate of full independent practice authority shall
20 be renewed every three (3) years with an appropriate renewal fee as
21 determined by the Full Independent Practice Credentialing Committee.

22 (c) A certified nurse practitioner with a certificate of full
23 independent practice authority may receive and prescribe drugs, medicines, or
24 therapeutic devices appropriate to the certified nurse practitioner's area of
25 practice.

26 (d)(1) The Full Independent Practice Credentialing Committee is
27 created within the Department of Health.

28 (2) The Full Independent Practice Credentialing Committee shall
29 consist of the following members:

30 (A) The following members appointed by the Governor:

31 (i) Three (3) faculty physicians from each of the
32 following institutions upon consulting with the heads of the institutions:

33 (a) The College of Medicine of the University
34 of Arkansas for Medical Sciences;

35 (b) The Arkansas College of Osteopathic
36 Medicine in Fort Smith; and

1 (c) The New York Institute of Technology
2 College of Osteopathic Medicine at Arkansas State University in Jonesboro;

3 (ii) One (1) physician from the state at large;

4 (iii) Three (3) faculty certified nurse
5 practitioners from nursing schools in this state upon consulting with the
6 heads of the nursing schools; and

7 (iv) One (1) certified nurse practitioner from the
8 state at large;

9 (B) The Director of the Arkansas State Medical Board as an
10 ex officio nonvoting member; and

11 (C) The Director of the Arkansas State Board of Nursing as
12 an ex officio nonvoting member.

13 (3)(A)(i) Committee members shall serve three-year terms.

14 (ii) Committee members shall not serve more than two
15 (2) consecutive terms.

16 (B) A committee member shall serve until a successor is
17 appointed by the appropriate appointing entity.

18 (4)(A) The Full Independent Practice Credentialing Committee
19 shall elect a chair with powers and duties determined by the Full Independent
20 Practice Credentialing Committee.

21 (B) The chair may be elected for no more than two (2)
22 consecutive terms.

23 (5)(A) A quorum of the Full Independent Practice Credentialing
24 Committee shall be five (5) members.

25 (B) The Full Independent Practice Credentialing Committee
26 shall hold a meeting at least quarterly and at other times the Full
27 Independent Practice Credentialing Committee considers advisable to perform
28 the duties described in subsection (e) of this section.

29 (6) The members of the Full Independent Practice Credentialing
30 Committee shall receive mileage and per diem as is now provided to members of
31 the appropriate appointing entity.

32 (e) The Full Independent Practice Credentialing Committee shall:

33 (1)(A) Review and approve or deny all applications for a
34 certificate of full independent practice authority for certified nurse
35 practitioners and for renewal of a certificate of full independent practice
36 authority for a certified nurse practitioner.

1 (B) If the Full Independent Practice Credentialing
2 Committee denies an application for a certificate of full independent
3 practice authority, the Full Independent Practice Credentialing Committee
4 shall explain the reasons for the denial in writing to the applicant;

5 (2) Review complaints made against certified nurse practitioners
6 who has a certificate of full independent practice authority;

7 (3) Review recommendations made by the Arkansas State Medical
8 Board and the Arkansas State Board of Nursing and notify the certified nurse
9 practitioner of any action taken by the Full Independent Practice
10 Credentialing Committee based on the recommendations;

11 (4)(A) If the action taken is suspension or revocation of the
12 certificate of full independent practice authority, hold a hearing providing
13 the certified nurse practitioner who has a certificate of full independent
14 practice authority with ten (10) days' notice in writing to appear before the
15 Full Independent Practice Credentialing Committee, at the time and place as
16 the Full Independent Practice Credentialing Committee may direct, to show
17 cause as to why his or her certificate of full independent practice authority
18 should not be suspended or revoked.

19 (B) At the hearing, the Full Independent Practice
20 Credentialing Committee shall:

21 (i)(a) Have the power to subpoena witnesses.

22 (b) The chair of the Full Independent Practice
23 Credentialing Committee or his or her designee shall sign subpoenas and have
24 the power to administer oaths;

25 (ii) Hear evidence; and

26 (iii)(a) Determine if the certificate of full
27 independent practice authority should be suspended or revoked.

28 (b) If the Full Independent Practice
29 Credentialing Committee determines that the certificate of full independent
30 practice authority should be suspended or revoked, the suspension or
31 revocation shall take place immediately.

32 (C) However, only the Arkansas State Board of Nursing has
33 the authority to suspend or revoke the nursing license of a certified nurse
34 practitioner; and

35 (5) Provide reports quarterly and upon request regarding the
36 number of applicants approved and denied to the Senate Committee on Public

1 Health, Welfare, and Labor and the House Committee on Public Health, Welfare,
2 and Labor.

3 (f)(1) The Full Independent Practice Credentialing Committee may
4 consult with the Arkansas State Medical Board and the Arkansas State Board of
5 Nursing as determined by the Full Independent Practice Credentialing
6 Committee based on the complaint.

7 (2) The Arkansas State Medical Board and the Arkansas State
8 Board of Nursing may make recommendations to the Full Independent Practice
9 Credentialing Committee.

10 (g) A certified nurse practitioner whose certificate of full
11 independent practice authority has been denied, suspended, or revoked by the
12 committee under this section may appeal the action of the committee under the
13 Arkansas Administrative Procedure Act, § 25-15-201 et seq.

14 (h) A certified nurse practitioner with a certificate of full
15 independent practice authority shall conspicuously identify the certificate
16 of full independent practice authority and that the certified nurse
17 practitioner is not required to have a collaborative practice agreement on
18 signage in the office where the certified nurse practitioner practices.

19
20 SECTION 3. Arkansas Code § 17-87-310(a), concerning prescriptive
21 authority for advanced practice registered nurses, is amended to read as
22 follows:

23 (a) The Arkansas State Board of Nursing may grant a certificate of
24 prescriptive authority to an advanced practice registered nurse who:

25 (1) Submits proof of successful completion of an Arkansas State
26 Board of Nursing-approved advanced pharmacology course that shall include
27 preceptorial experience in the prescription of drugs, medicines, and
28 therapeutic devices; and

29 (2) Has either:

30 (A) A certificate of full independent practice authority
31 under § 17-87-314; or

32 (B) A ~~Has a~~ collaborative practice agreement with a
33 practicing physician who is licensed under the Arkansas Medical Practices
34 Act, § 17-95-201 et seq., § 17-95-301 et seq., and § 17-95-401 et seq., or a
35 podiatrist licensed by the Arkansas Board of Podiatric Medicine under § 17-
36 96-101 et seq., if employed by the podiatrist, and who has training in scope,

1 *specialty, or expertise to that of the advanced practice registered nurse on*
2 *file with the Arkansas State Board of Nursing.*

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4 /s/L. Johnson

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7 **APPROVED: 3/22/21**
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State of Arkansas

As Engrossed: H3/4/21

93rd General Assembly

A Bill

Regular Session, 2021

HOUSE BILL 1198

By: Representatives Penzo, Brown, Bragg, Evans, Lowery, Miller, *Eubanks*

By: Senators D. Wallace, J. English

For An Act To Be Entitled

AN ACT TO AMEND THE DEFINITION OF "PRACTICE OF
CERTIFIED REGISTERED NURSE ANESTHESIA" BY REMOVING
SUPERVISION REQUIREMENTS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE DEFINITION OF "PRACTICE OF
CERTIFIED REGISTERED NURSE ANESTHESIA" BY
REMOVING SUPERVISION REQUIREMENTS.

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

SECTION 1. Arkansas Code § 17-87-102(7), concerning the definition of
"practice of certified registered nurse anesthesia" regarding the practice of
nursing, is amended to read as follows:

(7)(A) "Practice of certified registered nurse anesthesia" means
the performance for compensation of advanced nursing practices by a certified
registered nurse anesthetist that are relevant to the administration of
anesthetics ~~under the supervision of~~ in consultation with, but not
necessarily in the presence of, a licensed physician, licensed dentist, or
other person lawfully entitled to order anesthesia.

(B)(i) A certified registered nurse anesthetist may order
nurses, within his or her scope of practice, to administer drugs
preoperatively and postoperatively in connection with an anesthetic or other
operative or invasive procedure, or both, that will be or has been provided.

(ii) A certified registered nurse anesthetist may select,
obtain, and administer Schedule II drugs only during the perioperative, peri-



1 obstetrical, and medical procedure period.

2 (C) As used in this subdivision (7):

3 (i)(a) "Consultation" means the manner and process
4 utilized between a certified registered nurse anesthetist and a licensed
5 physician, licensed dentist, or other person lawfully entitled to order
6 anesthesia performing the procedure or directly involved with the procedure
7 when working jointly toward a common goal of providing services for the
8 patient.

9 (b) In consultation, the consulting party
10 shall remain immediately available for consultation during the delivery of
11 anesthesia for diagnosis, consultation, and treatment of medical conditions.

12 (c) The hospital's administrative staff,
13 medical staff, and governing body shall determine the guidelines on
14 immediately available for consultation;

15 (ii) "Medical procedure" means a course of action
16 intended to achieve a result in the delivery of healthcare as consulted by a
17 licensed physician, licensed dentist, or other person lawfully entitled to
18 order anesthesia;

19 (iii) "Peri-obstetrical" means preanesthetic
20 preparation or evaluation, anesthesia induction, maintenance or emergence, or
21 postanesthesia care of the pregnant female; and

22 (iv) "Perioperative" means preanesthetic preparation
23 or evaluation, anesthesia induction, maintenance or emergence, or
24 postanesthesia care of clients.

25 (D) For purposes of this subdivision (7), a licensed
26 physician, licensed dentist, or other person lawfully entitled to order
27 anesthesia is not liable for any act or omission of a certified registered
28 nurse anesthetist who orders or administers anesthetics;

29
30 SECTION 2. DO NOT CODIFY. Construction.

31 This act does not limit and should not be interpreted to limit the
32 right or authority, or both, of the healthcare facility to choose an
33 anesthesia practice model.

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35 **APPROVED 03/24/2021**

State of Arkansas *As Engrossed: H2/24/21 S3/3/21*
93rd General Assembly **A Bill**
Regular Session, 2021

HOUSE BILL 1215

By: Representative Bentley
By: Senator K. Hammer

For An Act To Be Entitled

AN ACT TO GRANT FULL PRACTICE AUTHORITY TO CERTIFIED
NURSE MIDWIVES; AND FOR OTHER PURPOSES.

Subtitle

TO GRANT FULL PRACTICE AUTHORITY TO
CERTIFIED NURSE MIDWIVES.

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

SECTION 1. Arkansas Code § 17-87-302(a)(3), concerning the
qualifications to be licensed as an advanced practice registered nurse, is
amended to read as follows:

(3) Certified Nurse Midwife. To qualify as a certified nurse
midwife, an applicant shall:

(A) Hold current certification by a national certifying
body recognized by the board in the advanced practice registered nurse role
and population foci appropriate to educational preparation; and

(B) Have ~~an agreement with a consulting physician if~~
~~providing intrapartum care~~ full practice authority under § 17-87-314; or

SECTION 2. Arkansas Code Title 17, Chapter 87, Subchapter 3, is
amended to add an additional section to read as follows:

17-87-314. Full practice authority for certified nurse midwives –
Definition.

(a)(1) The General Assembly finds that:

(A)(i) Certified nurse midwives are advanced practice



1 registered nurses who are national certified after completing post-graduate
2 specialty education in an accredited program.

3 (ii) The scope of nurse midwifery includes care of
4 gynecological and family planning services, preconception care, care during
5 pregnancy, childbirth and postpartum care, care of a normal newborn during
6 the first twenty-eight (28) days of life, and treatment of male partners for
7 sexually transmitted infections;

8 (B) When women and infants do not have access to routine,
9 quality health care, there is an increased risk of maternal and infant
10 mortality and morbidity, including infant mortality and morbidity resulting
11 from low birth weight and preterm birth;

12 (C) Certified nurse midwives are often underutilized in
13 helping provide maternity, prenatal, postnatal, intrapartum, and reproductive
14 healthcare services in this state;

15 (D) In 2018, less than one percent (1%) of births in
16 Arkansas were attended by a certified nurse midwife;

17 (E) Integrating certified nurse midwives into maternity
18 care could help improve women's access to healthcare providers and quality of
19 care;

20 (F) Midwifery-led models of care have been proven to
21 improve maternal and infant outcomes for socially at-risk communities and
22 achieve good maternal and infant outcomes on a large scale; and

23 (G) To increase healthcare provider choices for women and
24 access to maternity, prenatal, postnatal, intrapartum, and reproductive
25 healthcare services, the certified nurse midwives of this state should be
26 granted full authority to practice to the extent of their education, clinical
27 training, and certification.

28 (2) It is the intent of the General Assembly to grant certified
29 nurse midwives full practice authority.

30 (b) As used in this section, "full practice authority" means the
31 authority of a healthcare professional to:

32 (1) Evaluate patients;

33 (2) Diagnose medical conditions;

34 (3) Order and interpret diagnostic tests;

35 (4) Initiate and manage treatment and care plans, including
36 appropriate comanagement or transfer of high-risk patients to other

1 healthcare professionals as needed; and

2 (5) Prescribe and administer drugs listed in Schedules III – V
3 without a collaborative practice agreement or supervision of another
4 healthcare professional when performing healthcare services.

5 (c)(1) A certified nurse midwife with full practice authority is not
6 subject to the collaborative practice agreement requirements in § 17-87-310
7 if providing prescriptions of medications that are in Schedules III – V.

8 (2) A collaborative practice agreement under § 17-87-310 is
9 required to provide prescriptions of medications that are in Schedule II.

10 (d) For a delivery outside of an accredited facility, the certified
11 nurse midwife shall identify a licensed physician or facility, or both, with
12 which an arrangement has been made for referral and consultation in the event
13 of a medical complication.

14 (e) This section does not authorize a certified nurse midwife to
15 perform an abortion or provide abortion counseling or abortion referrals.

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17 /s/Bentley

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20 **APPROVED: 4/7/21**
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State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

SENATE BILL 505

By: Senator Bledsoe
By: Representative L. Johnson

For An Act To Be Entitled

AN ACT TO MANDATE THE COPRESCRIPTION OF AN OPIOID
ANTAGONIST UNDER CERTAIN CONDITIONS; TO AMEND THE
NALOXONE ACCESS ACT; AND FOR OTHER PURPOSES.

Subtitle

TO MANDATE THE COPRESCRIPTION OF AN
OPIOID ANTAGONIST UNDER CERTAIN
CONDITIONS; AND TO AMEND THE NALOXONE
ACCESS ACT.

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

SECTION 1. Arkansas Code Title 20, Chapter 13, Subchapter 18, is
amended to add an additional section to read as follows:

20-13-1805. Opioid antagonist – Mandatory prescription.

(a) As used in this section:

(1) "Coprescribe" means to provide a prescription for an opioid
antagonist when prescribing or dispensing an opioid;

(2) "Healthcare professional" means a person who is licensed,
certified, or otherwise authorized by the laws of this state to administer
health care in the ordinary course of the practice of his or her profession;
and

(3) "Opioid antagonist" means naloxone hydrochloride or another
drug approved by the United States Food and Drug Administration for the
complete or partial reversal of opioid depression.

(b)(1) Except as provided under subdivision (b)(2) of this section, a



1 healthcare professional shall coprescribe an opioid antagonist to a patient
2 who does not have an existing prescription for an opioid antagonist when
3 prescribing or dispensing an opioid if:

4 (A) The opioid dosage prescribed or dispensed is equal to
5 or in excess of fifty morphine milligram equivalents (50 MME) per day;

6 (B) A benzodiazepine has been prescribed or dispensed for
7 the patient in the past or will be prescribed or dispensed at the same time
8 as the opioid; or

9 (C) The patient has a history of opioid use disorder or
10 drug overdose.

11 (2) If a healthcare professional does not believe that it is in
12 the best interest of a patient to coprescribe an opioid antagonist, the
13 healthcare professional shall make documentation to that effect as provided
14 in the guidance or rules of the appropriate licensing entity.

15 (c) A healthcare professional who coprescribes an opioid antagonist as
16 required under subdivision (b)(1) of this section shall provide counseling
17 and patient education to a patient, or a patient's parent or guardian if the
18 patient is less than eighteen (18) years of age, as provided in the guidance
19 or rules of the appropriate licensing entity.

20 (d) A healthcare professional who fails to coprescribe an opioid
21 antagonist as required under this section may be referred to the appropriate
22 licensing board for administrative sanctions or disciplinary action.

23 (e)(1)(A) No later than six (6) months after the effective date of
24 this act, the Arkansas State Medical Board and the Arkansas State Board of
25 Pharmacy shall jointly develop and publish guidance or rules that address the
26 circumstances in which a healthcare professional is required to prescribe or
27 dispense, or both, an opioid antagonist to a patient when prescribing or
28 dispensing an opioid.

29 (B) The guidance or rules described in subdivision
30 (e)(1)(A) of this section shall:

31 (i) At a minimum, establish coprescribing
32 requirements based on:

33 (a) The daily dosage specified in subdivision
34 (b)(1)(A) of this section;

35 (b) The number of days for which the opioid
36 prescription is written or dispensed;

1 (c) A patient's past or current history of
2 benzodiazepine prescriptions; and

3 (d) A patient's history of substance use
4 disorder or overdose; and

5 (ii) Include provisions for documentation and
6 patient counseling that address use of an opioid antagonist, overdose
7 prevention, and situations in which the healthcare professional determines
8 coprescribing is inappropriate for a particular patient.

9 (C) Counseling and patient education shall utilize
10 guidelines and recommendations from nationally recognized organizations such
11 as the United States Food and Drug Administration and the Centers for Disease
12 Control and Prevention.

13 (2) A licensing entity that is authorized to license an
14 individual to prescribe opioids shall promulgate guidance or rules concerning
15 the coprescribing of an opioid antagonist that are no less restrictive than
16 those adopted by the Arkansas State Medical Board and the Arkansas State
17 Board of Pharmacy.

18 (3) A licensing entity described in subdivision (e)(2) of this
19 section includes without limitation:

20 (A) The Arkansas State Board of Nursing;

21 (B) The Arkansas State Board of Dental Examiners;

22 (C) The State Board of Optometry; and

23 (D) The Arkansas Board of Podiatric Medicine.

24 (f) This section does not:

25 (1) Apply to a patient receiving hospice or other end-of-life
26 care;

27 (2) Create a private right of action against a healthcare
28 provider; or

29 (3) Limit liability of a healthcare provider for failure to
30 properly diagnose or treat a patient.

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33 **APPROVED: 4/12/21**
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State of Arkansas

As Engrossed: S3/10/21

93rd General Assembly

A Bill

Regular Session, 2021

SENATE BILL 153

By: Senators Gilmore, *B. Ballinger, Beckham, Bledsoe, B. Davis, Flipppo, T. Garner, K. Hammer, Hester, B. Johnson, D. Sullivan, C. Tucker, D. Wallace*
By: Representatives Ray, *Beaty Jr., M. Berry, Boyd, Brooks, Brown, Furman, Haak, McCollum, Underwood, Wardlaw*

For An Act To Be Entitled

AN ACT TO CREATE THE WORKFORCE EXPANSION ACT OF 2021;
AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE WORKFORCE EXPANSION ACT OF
2021.

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

SECTION 1. Arkansas Code Title 4, Chapter 25, Subchapter 1, is amended
to add an additional section to read as follows:

4-25-110. Fee waiver for certain individuals.

(a) Notwithstanding any law to the contrary, the initial filing fees, permit fees, and licensing fees associated with the formation of a business in this state shall be waived for applicants who meet the requirements in the Workforce Expansion Act of 2021, § 17-4-101 et seq.

(b) Appropriate state entities shall:

(1) Publish notice of the fee waiver on:

(A) The website maintained by the appropriate state entity; and

(B) Any relevant forms that an applicant is required to complete; and

(2) Promulgate any necessary rules to implement this section.



SECTION 2. Arkansas Code Title 17, is amended to add an additional chapter to read as follows:

Chapter 4 – Workforce Expansion Act of 2021

17-4-101. Title.

This chapter shall be known and may be cited as the "Workforce Expansion Act of 2021".

17-4-102. Legislative findings – Purpose.

(a) The General Assembly finds that:

(1) Entrepreneurs and workers must pay various fees in order to work in a government-regulated profession or occupation or to start a small business in Arkansas;

(2) Families trying to break the cycle of government dependency should not have to pay the state to earn a living; and

(3) Arkansas should waive initial fees associated with occupational and professional regulations and the formation of a business for low-income individuals.

(b) It is the purpose of this chapter to increase access to professional and occupational licenses that would otherwise be cost prohibitive for certain individuals.

17-4-103. Definitions.

As used in this chapter:

(1) "License" means a license, certificate, registration, permit, or other form of authorization required by law or rule that is required for an individual to engage in a particular occupation or profession; and

(2)(A) "Licensing entity" means an office, board, commission, department, council, bureau, or other agency of state government having authority to license, certify, register, permit, or otherwise authorize an individual to engage in a particular occupation or profession.

(B) "Licensing entity" does not include a political subdivision of the state or any other local or regional governmental entity, including without limitation a city of the first class, a city of the second class, an incorporated town, or a county.

1 17-4-104. Fee waiver.

2 (a) Notwithstanding any law to the contrary, a licensing entity shall
3 not require an initial fee for individuals who are seeking to receive a
4 license in this state if the applicant:

5 (1) Is receiving assistance through the Arkansas Medicaid
6 Program, the Supplemental Nutrition Assistance Program, the Special
7 Supplemental Nutrition Program for Women, Infants, and Children, the
8 Temporary Assistance for Needy Families Program, or the Lifeline Assistance
9 Program;

10 (2) Was approved for unemployment within the last twelve (12)
11 months; or

12 (3) Has an income that does not exceed two hundred percent
13 (200%) of the federal poverty income guidelines.

14 (b) The waiver of the initial fee does not include fees for:

15 (1) A criminal background check;

16 (2) An examination or a test; or

17 (3) A medical or drug test.

18 (c) The Department of Human Services and the Division of Workforce
19 Services shall collaborate with a licensing entity concerning verification of
20 eligibility for public benefits for applicants, which may include obtaining a
21 signed consent form from the applicant.

22
23 17-4-105. Licensing entity duties.

24 A licensing entity shall:

25 (1) Publish notice of the fee waiver on:

26 (A) The website maintained by the licensing entity; and

27 (B) Any relevant forms that an applicant is required to
28 complete; and

29 (2) Promulgate any necessary rules to implement this chapter.
30

31 SECTION 3. EFFECTIVE DATE.

32 SECTIONS 1 and 2 of this act shall be effective on and after January 1,
33 2022.
34

35 /s/Gilmore

36 **APPROVED: 4/15/21**

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1937

5 By: Representative Gonzales
6

For An Act To Be Entitled

8 AN ACT TO AMEND ARKANSAS LAW CONCERNING
9 ADMINISTRATIVE FEES AND PENALTIES; TO AMEND THE LAW
10 CONCERNING REVIEW OF AGENCY RULES BY THE LEGISLATIVE
11 COUNCIL; AND FOR OTHER PURPOSES.
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Subtitle

14 TO AMEND ARKANSAS LAW CONCERNING
15 ADMINISTRATIVE FEES AND PENALTIES; AND TO
16 AMEND THE LAW CONCERNING REVIEW OF AGENCY
17 RULES BY THE LEGISLATIVE COUNCIL.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 10-3-309(f), concerning review and approval
24 of state agency rules, is amended to add an additional subdivision read as
25 follows:

26 (4) A committee or subcommittee under this section considering a
27 rule containing a fee or penalty submitted in accordance with § 25-15-105 is
28 not required to state the grounds under subdivision (f)(1) of this section
29 when not approving a rule containing a fee or penalty, and may choose not to
30 approve a rule containing a fee or penalty submitted under § 25-15-105 for
31 any reason.
32

33 SECTION 2. Arkansas Code § 25-15-105 is amended to read as follows:
34 25-15-105. Administrative fees and penalties.

35 (a) As used in this section, "agency" means the same as defined at §
36 25-15-202.



1 (b)(1) An agency shall not assess a fee or penalty without specific
2 statutory authority to:

3 (A) Assess a certain type and amount of fee or penalty; or

4 (B) Impose a fee or penalty in general.

5 (2)(A) ~~A fee or penalty established in the rules of an agency~~
6 ~~before the effective date of this section that does not comply with~~
7 ~~subdivision (b)(1) of this section may remain in effect until July 1, 2013,~~
8 ~~but shall not be increased above the amount established by the agency for~~
9 ~~that fee or penalty as of the effective date of this section~~ An agency
10 assessing or imposing a fee or penalty shall promulgate the fee or penalty by
11 rule.

12 (B) An agency is not required to promulgate a fee or
13 penalty by rule if the specific amount of the fee or penalty is set by
14 statute; and

15 (C) A rule assessing or imposing a fee or penalty shall be
16 submitted to Legislative Council for review and approval before a fee or
17 penalty may be assessed or imposed by the agency.

18 (c) Subsection (b) of this section does not affect an agency's
19 authority to deny, suspend, and revoke licenses within its regulatory
20 authority.

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23 **APPROVED: 5/3/21**
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