

MARK-UP COPY**CHAPTER FOUR****ADVANCED PRACTICE REGISTERED NURSE APR 06 2022****RECEIVED****SECTION I**
SCOPE OF PRACTICE**BUREAU OF**
LEGISLATIVE RESEARCH

The advanced practice registered nurse shall practice in a manner consistent with the definition of the practice of advanced practice registered nursing set forth in Arkansas Code Annotated §17-87-102 (4)(5)(6)(7)(8), and in accordance with the scope of practice defined by the appropriate national certifying body and the standards set forth in these rules. The advanced practice registered nurse (APRN) may provide health care for which the APRN is educationally prepared and for which competence has been attained and maintained.

SECTION II
QUALIFICATIONS FOR LICENSURE

Advanced practice registered nurse (APRN) licensure shall be designated in one of the four roles below and at least one population focus: Family/Individual Across the Lifespan, Adult-Gerontology, Neonatal, Pediatrics, Women's Health/Gender-Related, or Psychiatric/Mental Health (effective 2015). A current, unencumbered registered nurse license to practice in Arkansas is required for all categories of advanced practice licensure. Effective January 1, 2003, all applicants for advanced practice licensure by examination shall have completed a graduate or post-graduate level advanced practice registered nursing education program. Applicants for advanced practice licensure by endorsement shall have met the educational and certification requirements set forth in *Arkansas State Board of Nursing Rules* at the time of their initial licensure as an advanced practice registered nurse in another jurisdiction. APRN roles and their respective qualifications are:

A. CERTIFIED NURSE PRACTITIONER (CNP)

1. Successful completion of a nationally accredited graduate or post-graduate APRN education program that prepares nurses for the advanced practice role of nurse practitioner; and
2. Hold current certification by a national certifying body recognized by the Board of Nursing in the APRN role and population foci appropriate for educational preparation.

B. CERTIFIED REGISTERED NURSE ANESTHETIST (CRNA)

1. Successful completion of a nationally accredited graduate or post-graduate APRN education program that prepares nurses to perform as nurse anesthetists; and
2. Hold current certification by a national certifying body recognized by the Board of Nursing in the APRN role and population foci appropriate for educational preparation.

C. CERTIFIED NURSE MIDWIFE (CNM)

1. Successful completion of a nationally accredited graduate or post-graduate APRN education program that prepares nurses for the advanced practice role of nurse midwife; and
2. Hold current certification by a national certifying body recognized by the Board of Nursing in the APRN role and population foci appropriate for educational preparation; ~~and~~
3. ~~Written agreement with a consulting physician if providing intrapartum care.~~

D. CLINICAL NURSE SPECIALIST (CNS)

1. Successful completion of a nationally accredited graduate or post-graduate APRN education program that prepares nurses for the advanced practice role of clinical nurse specialist which shall include supervised clinical practice and classroom instruction in a nursing clinical practice specialty; and
2. Hold current certification by a national certifying body recognized by the Board of Nursing in the APRN role and population foci appropriate for educational preparation.

MARK-UP COPY

SECTION III LICENSURE

A. ELIGIBILITY

The applicant shall meet the licensure requirements of the Board including a valid United States Social Security Number (SSN) or has been issued a Federal Form I-766 U.S. Citizenship and Immigration Services-issued Employment Authorization Document.

B. APPLICATION FOR LICENSURE BY EXAMINATION

In addition to a current registered nurse license to practice in Arkansas, the information submitted to the Board shall include:

1. A completed Board application form;
2. Verification of active practice of nursing as a registered nurse for a minimum of two-thousand (2,000) hours, effective July 1, 2019;
3. An official transcript or document from a nursing education program accredited by a nursing accrediting body that is recognized by the U.S. Secretary of Education and/or Council for Higher Education Accreditation (CHEA), as acceptable by the Board and meets the qualifications of Section II of this Chapter in the category of advanced practice nursing for which the applicant is seeking licensure. The transcript or document shall verify the date of graduation, the degree or certificate conferred, clinical hours completed, and the role and population focus of the education program;
4. Evidence of state and federal criminal background checks conducted by the Arkansas State Police and the Federal Bureau of Investigation completed no earlier than twelve (12) months prior to the application for advanced practice licensure;
5. Verification of certification directly from the Board-approved national certifying body evidencing current certification in good standing; and
6. Payment of the nonrefundable fee.

C. APPLICATION FOR LICENSURE BY ENDORSEMENT

1. The Board may issue a license by endorsement to an APRN licensed under the laws of another state if, in the opinion of the Board, the applicant meets the qualifications for licensure in this state.
2. In addition to the requirements set forth in Section II and III. A. and B. of this Chapter, the information submitted to the Board shall include documentation of current unencumbered advanced practice licensure/authority to practice in another jurisdiction.
3. An individual applying for licensure by endorsement who has been out of practice for more than two (2) years shall provide evidence of passing an APRN nursing refresher course approved by the Board or an extensive orientation, which shall include a minimum of 200 hours, in the appropriate advanced practice role and population focus which includes a supervised clinical component by a qualified preceptor who meets the following requirements:
 - a. Holds an active unencumbered APRN or physician license,
 - b. Is in current practice in the advanced role and population focus and
 - c. Functions as a supervisor and teacher and evaluates the individual's performance in the clinical setting.

D. APPLICATION FOR AN INTERNATIONALLY EDUCATED APRN (educated outside the United States)

An internationally educated applicant for licensure in this state as an APRN shall:

1. Graduate from a graduate level APRN program equivalent to an APRN educational program in the United States accepted by the Board.
2. Submit an official transcript directly from the international nursing education program and verified through a qualified credentials evaluation process for the license being sought.
3. Meet all other licensure criteria required of applicants educated in the United States, including English proficiency.

MARK-UP COPY

E. TEMPORARY PERMITS

1. Upon application and payment of the required fee, the Board shall issue a nonrenewable temporary permit to practice in an advanced practice nursing category to a qualified applicant who has no violations as listed in ACA §17-3-102 on the Arkansas State Police criminal background check and:
 - a. Meets the educational requirements set forth in Section II of this Chapter and has been accepted by the appropriate certification body to sit for the national certification exam he or she is eligible to take; or
 - b. Has a current advanced practice registered nurse license or the equivalent from another jurisdiction and has current Board-approved certification in the appropriate advanced practice nursing education category.
2. The temporary permit shall immediately become invalid upon receipt of information obtained from the federal criminal background check indicating any offense listed in ACA §17-3-102 or upon notification to the applicant or ASBN of failure of the certification examination.
3. The temporary permit is not renewable and does not apply to prescriptive authority.
4. In no event shall the permit be valid in excess of six (6) months.

F. RENEWALS

1. The date for renewal of licensure to practice as an advanced practice registered nurse shall coincide with renewal of the applicant's registered nurse license.
2. An applicant for renewal of an advanced practice registered nurse license shall submit to the Board:
 - a. A completed Board renewal application form;
 - b. Documentation of current national certification in the appropriate APRN specialty through a maintenance program of a Board approved certifying body;
 - c. Documentation of current compact state RN licensure if primary state of residence has enacted the Interstate Nurse Licensure Compact; and
 - d. Payment of the nonrefundable renewal fee.
3. Advanced practice registered nurses with prescriptive authority, who do not have full practice authority, shall submit evidence of a current collaborative practice agreement as a prerequisite to license renewal.
4. A certified nurse practitioner who has been granted full independent practice authority shall apply for renewal of the full independent practice authority certificate every three (3) years.
- 4.5 If disciplinary proceedings have been initiated against an individual with a lapsed, inactive, or retired license, the license shall not be renewed until the proceedings have been completed.
5. 6 Continuing education submitted to the certifying body to meet the qualifications for recertification shall be accepted as meeting the statutory requirement for continuing education.
6. 7 Upon request, an APRN shall submit documentation to the Board of continuing education.
7. 8 APRNs with prescriptive authority shall complete five (5) contact hours of pharmacotherapeutics continuing education in the APRN's area of certification each biennium prior to license renewal. Effective January 1, 2017, two (2) of the five (5) hours must contain information related to maintaining professional boundaries and the prescribing rules and laws that apply to APRNs in the State of Arkansas.
8. 9 Pursuant to Act 204 of 2017, upon notification of active duty status and submission of appropriate documentation, the license renewal fee will be waived for members of the military.

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

G. LAPSED APRN LICENSE

The license is lapsed if not renewed or placed on inactive status by the expiration date.

1. The license is lapsed if the RN license or privilege to practice in Arkansas is not current.
2. The license is lapsed when the national certification upon which licensure was granted expires.
3. Failure to receive the renewal notice at the last address of record in the Board office shall not relieve the licensee of the responsibility for renewing the license by the expiration date.
4. Any licensee whose license has lapsed shall submit to the Board:

MARK-UP COPY

- a. A completed Board renewal application form;
 - b. Documentation of current national certification; and
 - c. The renewal fee and the reinstatement fee/late penalty.
5. Fees submitted to the Board are nonrefundable.
 6. Any person engaged in advanced practice nursing during the time his or her license has lapsed shall be considered an illegal practitioner and shall be subject to the penalties provided for violation of the *Nurse Practice Act*.

H. REINSTATEMENT OF APRN LICENSE

1. An individual who applies for licensure reinstatement who has been out of practice for more than two (2) years shall provide evidence of passing an APRN refresher course approved by the Board or an extensive orientation, which shall include a minimum of 200 hours, in the appropriate advanced practice role and population focus which includes a supervised clinical component by a qualified preceptor who meets the following requirements:
 - a. Holds an active unencumbered APRN or physician license
 - b. Is in current practice in the advanced role and population focus; and
 - c. Functions as a supervisor and teacher and evaluates the individual's performance in the clinical setting.
2. For those licensees applying for licensure reinstatement following disciplinary action, compliance with all Board licensure requirements as well as any specified requirements set forth in the Board's discipline order is required.

I. INACTIVE STATUS

1. Any licensee who desires to temporarily inactivate their advanced practice registered nurse license in this state shall submit a request to the Board.
2. The APRN license may immediately be placed on inactive status when the registered nurse license is placed on inactive status.
3. While the license is inactive, the licensee shall not engage in advanced practice nursing nor be subject to the payment of renewal fees.
4. If the APRN desires to resume practice in this state, he or she shall submit a reinstatement application and meet the continuing education requirements.

J. RETIRED ADVANCED PRACTICE REGISTERED NURSE

1. Any advanced practice registered nurse in good standing, who desires to retire for any length of time from the practice of nursing in this state shall submit a request and their APRN license shall be placed on retired status.
2. While retired, the APRN shall not practice advanced practice nursing; however, an APRN with a retired license may use the title "Advanced Practice Registered Nurse" or the abbreviation "APRN." Retired APRNs that maintain an active RN or RNP license may practice in the role of a Registered Nurse or Registered Nurse Practitioner.
3. When the licensee desires to resume practice, he or she shall submit a reinstatement application, with a reinstatement fee and the active renewal fee. The licensee must also meet those requirements outlined in Section III, F.
4. When disciplinary proceedings have been initiated against a retired licensee, the license shall not be reinstated until the proceedings have been completed.

K. ADDITIONAL CERTIFICATIONS

1. An APRN who has completed post-masters education for an additional nursing specialty shall:
 - a. Submit a request for permission to practice in the new certification area;
 - b. Submit evidence of eligibility to sit for the new certification exam from the Board-approved certifying body;
 - c. Immediately cease practicing in the specialty upon notification of failure of the exam;
 - d. Submit results of the certification in the additional specialty directly from the certifying body;
 - e. Submit an official transcript or document from a nursing education program that meets the qualifications in Section II of this Chapter verifying the date and degree or certificate conferred.

MARK-UP COPY

2. An APRN who has prescriptive authority shall:
 - a. Prescribe only for patients covered by the original specialty while waiting additional specialty results.
 - b. Submit a collaborative practice agreement which includes the additional certification.

HISTORY: Amended: October 1, 2017
Amended: December 29, 2018

SECTION IV DUPLICATE LICENSE

~~A duplicate license or certificate shall be issued when the licensee submits a notarized statement to the Board that the document is lost, stolen, or destroyed, and pays the required fee.~~

SECTION IV CRIMINAL BACKGROUND CHECK

- A. No application for issuance of an initial license will be considered without state and federal criminal background checks by the Arkansas State Police and the Federal Bureau of Investigation.
- B. Federal background checks originating within the State of Arkansas shall be submitted electronically.
- C. Each applicant shall sign a release of information on the criminal background check application and licensure applications and shall be solely responsible for the payment of any fees associated with the state and federal criminal background checks.
- D. Upon completion of the state and federal criminal background checks, the Identification Bureau of the Arkansas State Police shall forward all information obtained concerning the applicant in the commission of any offense listed in ACA §17-3-102.
- E. The state and federal criminal background checks conducted by the Arkansas State Police and the Federal Bureau of Investigation shall have been completed no earlier than twelve (12) months prior to the application for an initial license issued by the ASBN and at any other time thereafter that the Board deems necessary.
- F. The ASBN shall not issue a permanent license until the state and federal criminal background checks conducted by the Arkansas State Police and the Federal Bureau of Investigation have been completed.
- G. Pursuant to Act 990 of 2019, an individual may petition for a pre-licensure determination of whether the individual's criminal record will disqualify the individual from licensure and whether a waiver may be obtained.
 1. A request for a waiver shall be in writing and accompany the completed application and fees.
 2. All decisions of the Board in response to the petition will be determined by the information provided by the individual.
 3. The Board's response shall state the reason(s) for the decision.
 4. Any decision made by the Board in response to a pre-licensure criminal background waiver petition is not subject to appeal.

MARK-UP COPY

- H. A waiver of the denial of licensure pursuant to the provisions of ACA §17-3-102 is not required for individuals who held a valid license on July 24, 2019, an individual who held a valid license on or before July 24, 2019, but failed to renew his or her license for any reason; or, an individual who was a student on or before July 24, 2019, in a nursing school or program.
- I. A request to seek waiver of the denial of licensure pursuant to the provisions of ACA §17-87-312 may be made to the ASBN by:
 - 1. The affected applicant for licensure; or
 - 2. The person holding a license subject to revocation.
- J. The request for a waiver shall be made in writing to the Director or designee within thirty (30) calendar days after notification of denial of a license. The request for waiver shall include, but not be limited to the following:
 - 1. Certified copy of court records indicating grounds for conviction; and
 - 2. Any other pertinent documentation to indicate surrounding circumstances.
- K. If an individual notifies ASBN in writing that he or she desires a hearing regarding their request for a waiver, the ASBN will schedule the individual for a hearing pursuant to the Arkansas Administrative Procedures Act.
- L. In compliance with ACA §17-87-312, whenever a criminal background check is performed on a person under the provisions of the criminal background check requirement contained in the Arkansas Code for licensure, the person may be disqualified for licensure if it is determined that the person committed a violation of any sexual offense formerly proscribed under ACA §§5-14-101 through 5-14-127 that is substantially equivalent to any sexual offense presently listed in ACA §§5-14-101 through 5-14-127 and is an offense screened for in a criminal background check.

HISTORY: Adopted:

SECTION V NAME OR ADDRESS CHANGE

- A. A licensee, whose name is legally changed, shall ~~submit~~ be issued a replacement license following submission of a name change ~~request form~~, copy of marriage license, or court action, and the required fee.
- B. A licensee whose address changes from the address on file with the Board shall immediately notify the Board in writing of the change.

HISTORY: Amended: June 4, 2021

SECTION VI STANDARDS OF NURSING PRACTICE

- A. **PURPOSE**
 - 1. To establish standards essential for safe practice by the advanced practice registered nurse.
 - 2. To serve as a guide for evaluation of advanced nursing practice.
- B. **STANDARDS FOR ALL CATEGORIES OF ADVANCED PRACTICE REGISTERED NURSING**
 - 1. The advanced practice registered nurse shall assess clients at an advanced level, identify health status including abnormal conditions, establish a diagnosis, develop and implement treatment plans and evaluate client outcomes.
 - 2. The advanced practice registered nurse shall use advanced knowledge and skills in teaching and guiding clients and other health team members.

MARK-UP COPY

3. The advanced practice registered nurse shall use critical thinking and decision making at an advanced level, commensurate with the autonomy, authority, and responsibility of his/her practice category.
4. The advanced practice registered nurse shall have knowledge of the statutes and rules governing advanced nursing practice, and function within the legal boundaries of the appropriate advanced practice registered nursing category.
5. The advanced practice registered nurse is authorized to sign the following official documents:
 - a. Certification of disability for patients to receive disabled parking permits or placards from the Office of Motor Vehicle;
 - b. Sports physicals to authorize student athletes to participate in athletic activities;
 - c. Physicals for bus drivers;
 - d. Forms relating to do-not-resuscitate orders;
 - e. Forms excusing a potential jury member due to an illness;
 - f. Death certificate;
 - g. Workers' compensation forms;
 - h. Forms relating to absenteeism for employment or school purposes; and
 - i. Authorizations for durable medical equipment.
6. The advanced practice registered nurse shall recognize the APRN's limits of knowledge and experience, planning for situations beyond expertise, and collaborating with or referring clients to other health care providers as appropriate.
7. The advanced practice registered nurse shall retain professional accountability for advanced practice nursing care when delegating interventions.
8. The advanced practice registered nurse shall maintain current knowledge and skills in the advanced practice nursing category.
9. Rules which apply to registered nurses are hereby incorporated by reference.
10. The APRN shall comply with the standards for registered nurses as specified in Chapter 1. Standards for a specific role and population focus of APRN supersede standards for registered nurses where conflict between the standards, if any, exists.

- C. In addition to the standards, the advanced practice registered nurse shall practice in accordance with the standards established by the national certifying body from which the APRN holds his or her certification required for licensure. These standards shall have been reviewed and accepted by the Board.

D. ADDITIONAL STANDARDS FOR CRNAs

1. The CRNA, acting in the normal course of his/her professional practice, may be authorized by a hospital or institution to act as their agent or employee to order the administration of controlled substances under the DEA registration of the hospital or institution.
2. The CRNA may order nurses to administer drugs preoperatively and/or postoperatively in connection with an anesthetic and/or other operative or invasive procedure that will be or has been provided.
3. The CRNA may select, obtain, and administer Schedule II drugs only during the perioperative, peri-obstetrical and medical procedure period.
4. The CRNA's order shall be directly related to the administration of drugs preoperatively and/or postoperatively in connection with an anesthetic and/or other operative or invasive procedure that will be or has been provided.
5. A CRNA who has not been granted authority by a DEA registrant as described in Title 21 CFR 1301.22, or its successor to order the administration of controlled substances shall give all orders as verbal orders from the supervising physician, dentist, podiatrist, or other person lawfully entitled to order anesthesia.
6. The CRNA shall be responsible for complying with all applicable state and federal laws and rules related to medications.
7. The consulting individual shall remain immediately available for consultation during the delivery of anesthesia for diagnosis, consultation, and treatment of medical conditions. The hospital's administrative staff, medical staff, and governing body shall determine the guidelines on immediately available for consultation.

MARK-UP COPY

HISTORY: Amended January 1, 2018

Amended July 1, 2020

Amended:

SECTION VII PROFESSIONAL CERTIFICATION PROGRAMS

- A. A national certification program which meets the following criteria shall be recognized by the Board to satisfy Section II of these rules.
- B. The national certification program:
1. Is national in the scope of its credentialing;
 2. Is accredited by a national accreditation body as acceptable by the Board;
 3. Has no requirement for an applicant to be a member of any organization;
 4. Has an application process and credential review which includes documentation that the applicant's education is in the advanced practice nursing category being certified, and that the applicant's clinical practice is in the certification category;
 5. Education requirements are consistent with the requirements of the advanced practice role and population foci.
 6. Uses an examination as a basis for certification in the advanced practice nursing category which meets the following criteria:
 - a. The examination is based upon job analysis studies conducted using standard methodologies acceptable to the testing community;
 - b. The examination represents entry-level practice in the APRN role and population focus;
 - c. The examination represents the knowledge, skills, and abilities essential for the delivery of safe and effective advanced nursing care to clients;
 - d. The examination content and its distribution are specified in a test plan (blueprint), based on the job analysis study, that is available to examinees;
 - e. Examination items are reviewed for content validity and correct scoring using an established mechanism, both before use and periodically;
 - f. Examinations are evaluated for psychometric performance;
 - g. The passing standard is established using acceptable psychometric methods, and is re-evaluated at least every five (5) years;
 - h. Examination security is maintained through established procedures; and
 - i. A retake policy is in place.
 7. Issues certification based upon passing the examination and meeting all other certification requirements;
 8. Provides for periodic recertification which includes review of continued education, qualifications, and continued competence;
 9. Has mechanisms in place for communication to the Board for timely verification of an individual's certification status, changes in certification status, and changes in the certification program, including qualifications, test plan, and scope of practice;
 10. Has an evaluation process to provide quality assurance in its certification program.
- C. The Board will notify the appropriate certifying body when an APRN has disciplinary action taken on their license or privilege to practice which restricts the APRN's ability to practice (eg. suspension or revocation).

Amended: July 1, 2020

HISTORY: Amended December 29, 2018

SECTION VIII PRESCRIPTIVE AUTHORITY

MARK-UP COPY

A. INITIAL APPLICANT

An applicant for an initial certificate of prescriptive authority shall:

1. Be currently licensed as an advanced practice registered nurse in Arkansas.
2. Provide evidence from the national certifying body that differential diagnosis and prescribing practices are recognized as being within the scope of practice for the applicant's certification category.
3. Provide documentation of successful completion of pharmacology coursework which shall include pharmacokinetics principles and their clinical application and the prescription of pharmacological agents in the prevention and treatment of illness, and the restoration and maintenance of health. The coursework shall contain a minimum of:
 - a. Three (3) graduate credit hour pharmacology course offered by an accredited college or university within two years immediately prior to the date of application to the Board; or
 - b. Forty-five (45) contact hours [a contact hour is fifty (50) to sixty (60) minutes] in a pharmacology course which includes a competency component, offered by an accredited college or university, within two (2) years immediately prior to the date of application to the Board; or
 - c. Three (3) graduate credit hours pharmacology course, included as part of an advanced practice nursing education program, within five (5) years immediately prior to the date of application to the Board.
4. Provide documentation of a minimum of three hundred (300) clock hours preceptorial experience in the prescription of drugs, medicines and therapeutic devices with a qualified preceptor, to be initiated with the pharmacology course and to be completed within one year of the beginning of the course. Preceptorial experience completed as a part of the formal educational program in which the pharmacology course is taught will meet the three hundred (300) clock hour requirement.
5. Submit a collaborative practice agreement, unless exempt by Section IX, with a practicing physician who is licensed under the Arkansas Medical Practices Act, §17-95-201 et seq., or a podiatrist licensed by the Arkansas Board of Podiatric Medicine under Arkansas Code Annotated §17-96-101, et. seq., if employed by the podiatrist, and who has training within the scope, specialty or expertise of the advanced practice registered nurse. APRNs who will prescribe controlled substances shall seek a collaborative practice with a physician or podiatrist who has an unrestricted DEA registration number. The collaborative practice agreement shall include, but not be limited to:
 - a. Availability of the collaborating physician(s) or podiatrist for consultation or referral or both;
 - b. Methods of management of the collaborative practice, which shall include the use of protocols for prescriptive authority;
 - c. Plans for coverage of the health care needs of a client in the emergency absence of the advanced practice registered nurse, podiatrist, or physician;
 - d. Provision for quality assurance;
 - e. Authorization for the APRN to prescribe hydrocodone combination products which were reclassified from Schedule III to Schedule II as of October 6, 2014 if expressly authorized by the collaborating physician; and
 - f. Authorization for the APRN to prescribe drugs listed in Schedule II subject to the provisions in Section VIII(D) if expressly authorized by the collaborating physician or podiatrist.
 - g. Signatures of the advanced practice registered nurse and collaborating physician(s) or podiatrist, signifying mutual agreement to the terms of the collaborative practice.
6. Submit the nonrefundable processing fee with the application for a certificate of prescriptive authority.
7. APRNs issued a certificate of prescriptive authority after December 31, 2015 shall obtain a minimum of three (3) hours of prescribing education which includes information on maintaining professional boundaries and the prescribing rules and laws that apply to APRNs in the state of Arkansas within two (2) years of issuance of the prescriptive authority certificate.

B. ENDORSEMENT APPLICANT

1. An applicant for endorsement of prescriptive authority shall:
 - a. Provide documentation of a three (3) graduate credit hour pharmacology course offered by an accredited college or university or a forty-five (45) contact hour [a contact hour is fifty (50) to sixty (60) minutes] pharmacology course which includes a competency component offered by an accredited

MARK-UP COPY

- college or university;
 - b. Provide evidence that prescriptive authority is current and unencumbered in the jurisdiction from which the applicant is moving;
 - c. Provide evidence of prescribing in a clinical setting for at least 500 hours in the year prior to application for a certificate of prescriptive authority;
 - d. Have an unencumbered advanced practice registered nurse license to practice or the equivalent in the jurisdiction from which the applicant is moving;
 - e. Provide a copy of current DEA registration (if prescriber has DEA number) and history of registration status; and
 - f. Meet requirements in Section VIII.A.1, 2, 5, 6, 7.
2. Endorsement applicants who do not meet all requirements established herein shall be required to submit documentation acceptable to the Board according to Section VIII.A.

C. PROTOCOLS FOR PRESCRIPTIVE AUTHORITY

- 1. Protocols are required for all APRNs practicing under a collaborative practice agreement.
- 2. Protocols shall be made available upon request of the Board. Such protocols shall, at a minimum, include:
 - a. Indications for and classifications of legend drugs, controlled substances (if prescriber holds a DEA registration number), and therapeutic devices which will be prescribed or administered by the APRN;
 - b. Date the protocol was adopted or last reviewed, which shall be at least annually.

D. PRESCRIBING PRIVILEGES

- 1. The APRN, applying for a certificate of prescriptive authority, shall acknowledge in the application that he or she is familiar with all state and federal laws and rules regarding prescribing, and shall agree to comply with these laws and rules.
- 2. An advanced practice registered nurse with a certificate of prescriptive authority may receive and prescribe legend drugs, medicines or therapeutic devices appropriate to the APRN's area of practice. The prescriptive authority for controlled drugs shall extend to drugs listed in Schedules II through V and hydrocodone combination products which were reclassified from Schedule III to Schedule II as of October 6, 2014.
- 3. Prescribing stipulations are as follows:
 - a. Legend drugs, therapeutic devices, and controlled substances (Schedules II-V), and hydrocodone combination products, which were reclassified from Schedule III to Schedule II as of October 6, 2014, will be prescribed, administered, or ordered as established in protocols provided that the APRN has an assigned DEA registration number which is entered on each written prescription for a controlled substance.
 - b. Except as provided below, the APRN shall provide a prescription for an opioid antagonist when prescribing or dispensing an opioid when:
 - (1) the patient doesn't have an existing prescription for an opioid antagonist; and
 - (2) the opioid dosage prescribed is equal to or in excess of fifty morphine milligram equivalents (50 MME) per day; or
 - (3) a benzodiazepine has been prescribed for the patient in the past or will be prescribed at the same time as the opioid; or
 - (4) the patient has a history of opioid use disorder or drug overdose.
 - c. The APRN shall provide patient counseling that addresses the use of an opioid antagonist for overdose prevention.
 - d. Prescribing an opioid antagonist does not apply to a patient receiving hospice or other end-of-life care.
 - e. If a healthcare professional does not believe that it is in the best interest of a patient to coprescribe an opioid antagonist, the APRN shall document in the medical record the reasons for not coprescribing the opioid antagonist.
 - b. f. Except for hydrocodone combination products, the APRN shall not prescribe Schedule II opioids for ~~acute pain~~ for more than a five (5) day period. If additional Schedule II opioids are needed for management of ~~acute~~ pain, the patient shall be referred to ~~the collaborating~~ a physician.

MARK-UP COPY

- e.g. The APRN is authorized to prescribe Schedule II drugs that are classified as stimulants once the following criteria are met:
 - (1) The prescription was originally initiated by a physician;
 - (2) The physician has evaluated the patient within six (6) months before the APRN issues a prescription;
 - (3) The prescription by the APRN is to treat the same condition as the original prescription.
 - d.h. The APRN shall not prescribe Schedule II controlled substances for his/her own use or for the use of his/her immediate family.
 - e.i. The APRN shall file his/her DEA registration number with the Board upon receipt.
 - f.i. Advanced practice registered nurses shall not delegate to unlicensed ancillary staff the calling in of prescriptions to the pharmacy.
 - g.k. The APRN who does not have full practice authority shall notify the Board in writing within seven (7) days following termination of the collaborative practice agreement. A new collaborative practice agreement is required to be on file prior to reactivating prescriptive authority.
4. The APRN who does not have full practice authority may prescribe a legend drug, medicine or therapeutic devices not included in the written protocols only as follows:
 - a. Upon a specific written or verbal order obtained from ~~the collaborating a~~ physician or podiatrist before the prescription or order is issued by the APRN; and
 - b. Include documentation of consultation as described above in the client's medical record to be signed by the APRN;
 - c. Schedule I controlled substances shall not be prescribed under the APRN's certificate of prescriptive authority.
 5. The APRN shall note prescriptions on the client's medical record and include the following information:
 - a. Medication and strength;
 - b. Dose;
 - c. Amount prescribed;
 - d. Directions for use;
 - e. Number of refills; and
 - f. Initials or signature of APRN.
 6. The APRN will keep accurate records to include the medical history, physical examination, other evaluations and consultations, treatment plan objective, informed consent noted in the patient record, treatment, medications given, agreements with the patient and periodic reviews.
 7. The APRN will periodically review the course of scheduled drug treatment of the patient and any new information about etiology of the pain. If the patient has not improved, the APRN may assess the appropriateness of continued prescribing of scheduled medications or dangerous drugs, or trial of other modalities.
 8. The APRN will obtain written informed consent from those patients he or she is concerned may abuse controlled substances and discuss the risks and benefits of the use of controlled substances with the patient, his or her guardian, or authorized representatives.
 9. Advanced practice registered nurses in the category of certified registered nurse anesthetists shall not be required to have prescriptive authority to provide anesthesia care, including the administration of drugs or medicines necessary for such care.
 10. Advanced practice registered nurses who prescribe prior to obtaining a certificate of prescriptive shall be considered illegal practitioners and shall be subject to the penalties provided for violation of the *Nurse Practice Act*.

E. PRESCRIPTION FORMAT

1. All prescriptions issued by the APRN shall contain the name of the client, and the APRN's name, title, address, telephone number, signature with the initials "APRN" and shall include information contained in Subsection D.5.a-f of this Section.
2. All prescriptions for controlled substances shall be in accordance with federal rules. The APRN's assigned DEA registration number shall be included on the prescription when a controlled substance is prescribed.

MARK-UP COPY

F. RECEIVING PREPACKAGED DRUG SAMPLES

1. APRNs who have an active prescriptive authority certificate may receive legend drug samples and therapeutic devices appropriate to their area of practice, including controlled substances contained in Schedules III through V and only hydrocodone combination products, which were reclassified from Schedule III to Schedule II as of October 6, 2014, which have been prepared, packaged, or fabricated by a pharmaceutical manufacturer in accordance with the Arkansas pharmacy laws and rules.
2. Records must comply with all applicable federal and state laws and rules.

G. TERMINATION OF PRESCRIPTIVE AUTHORITY

1. Prescriptive authority may be terminated by the Board when the prescriber:
 - a. Fails to maintain current active licensure as an advanced practice registered nurse;
 - b. Violates provisions of this *Act* and/or *Rules* established by the Arkansas Department of Health, Nursing or Pharmacy Boards;
 - c. Violates any state or federal law or rules applicable to prescriptions; or
 - d. Fails to follow any conditions imposed.
2. To reinstate prescriptive authority, the APRN must meet requirements of the Board at the time of reinstatement.

H. LAPSED CERTIFICATE OF PRESCRIPTIVE AUTHORITY

1. The certificate of prescriptive authority is lapsed if:
 - a. The licensee's active advanced practice registered nurse license is not renewed by the expiration date;
 - b. The national certification upon which licensure is based expires;
 - ~~e. There is not a current collaborative practice agreement on file with the board; or~~
 - ~~d c.~~ The advanced practice license is placed on inactive or retired status or
 - d. There is not a current collaborative practice agreement, if required, on file with the board
2. ~~After reinstating a lapsed advanced practice registered nurse license, the licensee shall submit to the Board a current collaborative practice agreement to reactivate the certificate of prescriptive authority.~~
3. Any person engaged in prescribing during the time his or her certificate of prescriptive authority has lapsed shall be considered an illegal practitioner and shall be subject to the penalties provided for violation of the *Nurse Practice Act*.

I. INACTIVE STATUS

1. A certificate of prescriptive authority will automatically be considered lapsed and subject to the requirements of these rules when a licensee places his or her advanced practice registered nurse license on inactive status.
2. While the certificate of prescriptive authority or advanced practice registered nurse license is inactive, the licensee shall not engage in any practice within the scope of the certificate of prescriptive authority.
3. If the nurse desires to resume practice in this state, he or she shall request a renewal application which shall be completed and submitted with a renewal fee and the reinstatement fee. Fees are nonrefundable.
4. All certification requirements for renewal shall apply.
5. If disciplinary proceedings on an inactive licensee have been initiated, the license shall not be reinstated until the proceedings have been completed.

J. REACTIVATION OF PRESCRIPTIVE AUTHORITY

APRNs whose prescriptive authority is inactive shall complete:

1. Five (5) contact hours of pharmacotherapeutics continuing education in the APRN's area of certification for each 12 months of non-prescribing activity in addition to the five (5) contact hours required for APRN license renewal, as noted in Chapter 4, III(F)(7), prior to reactivation of prescriptive authority.
2. Two (2) contact hours shall include information on maintaining professional boundaries and the prescribing rules and laws that apply to the APRNs in the state of Arkansas

K. PRESCRIPTION DRUG MONITORING PROGRAM

MARK-UP COPY

1. APRNs may delegate access to the Prescription Drug Monitoring Program (PDMP) for running requested reports to no more than two licensed nurses under his or her supervision or employment at each practice location.
2. APRNs with prescriptive authority shall review PDMP report from the Prescription Drug Monitoring Program prior to prescribing:
 - a. An opioid from Schedule II or Schedule III every time prescribing the medication to a patient; and
 - b. A benzodiazepine medication for the first time and every six (6) months thereafter prescribing for a patient.
3. Review of the PDMP report shall be documented in the patient's medical record.
4. Mandatory checking of the PDMP does not apply when prescribing a controlled substance to a patient;
 - a. Immediately before or during surgery; or
 - b. During recovery from surgery while in a healthcare facility; or
 - c. In a healthcare facility; or
 - d. When necessary to treat a patient in an emergency situation at the scene of an emergency, in a licensed ground ambulance or air ambulance, or in the intensive care unit of a licensed hospital; or
 - e. In palliative care or hospice; or
 - f. In a licensed nursing home facility; or
 - g. In situations in which the PDMP is not accessible due to technological or electrical failure.

HISTORY: Amended January 1, 2018
Amended July 1, 2020

SECTION IX FULL PRACTICE AUTHORITY

A. Certified Nurse Midwife

1. A collaborative practice agreement is not required unless the Certified Nurse Midwife prescribes Schedule II controlled substances.
2. If delivering infants outside an accredited facility the Certified Nurse Midwife shall have an agreement, with a licensed physician or facility, or both, which identifies an arrangement for referral and consultation in the event of a medical complication. The agreement shall be made available to the Board upon request.
3. A certificate of prescriptive authority shall be issued prior to prescribing any legend drug, medicine or therapeutic device.

B. Certified Nurse Practitioner

1. Qualifications
 - a. Currently be licensed as a Certified Nurse Practitioner in Arkansas.
 - b. Have no encumbrance on any nursing license in any jurisdiction.
 - c. Completed a minimum of six thousand two hundred (6,240) hours of practice under a collaborative practice agreement, and
 - d. Hold an active prescriptive authority certificate.
2. Scope of Practice
 - a. Receive and prescribe drugs, medications or therapeutic devices appropriate for area(s) of approved population foci.
 - b. Prescribing legend drugs and controlled substances shall follow the provisions in ASBN Rules, Chapter 4, Section VIII(D).
3. An applicant for initial full independent practice authority shall submit:
 - a. An application and applicable fees;
 - b. An affidavit of successful completion of six thousand two hundred (6,240) hours of practice under a collaborative practice agreement; and
 - c. Any other relevant information requested by the Board or Full Independent Practice Credentialing Committee.

MARK-UP COPY

4. Certificates of full independent practice authority shall be renewed every three (3) years. The applicant shall:
 - a. Submit an application and applicable fees, and
 - b. Any other relevant information requested by the Board or Full Independent Practice Credentialing Committee
5. Lapsed full independent practice authority certificate
 - a. The certificate of full independent practice authority is lapsed if:
 - i. The licensee's certificate of prescriptive authority is lapsed; or
 - ii. The renewal application for full independent practice authority has not been approved.
 - b. The Certified Nurse Practitioner may practice under a collaborative practice agreement until the full independent practice certificate is renewed.
6. Complaints against a Certified Nurse Practitioner with full independent practice authority shall be referred to the Full Independent Practice Credentialing Committee for review and action on the certificate of full independent practice authority.
7. In the office of practice, the Certified Nurse Practitioner shall conspicuously display the current certificate of full independent practice authority with notation the practitioner is not required to have a collaborative practice agreement with a physician.

HISTORY: Adopted

SECTION IX PRESCRIBING GUIDELINES FOR ANOREXIC DRUGS

An Advanced Practice Registered Nurse (APRN) must maintain prescribing medication practices that are within the APRN's educational preparation and certification. An APRN will be in violation of the *Arkansas Nurse Practice Act* if he/she prescribes Schedule III and/or Schedule IV drugs under the Uniform Controlled Substance Act for short-term treatment of obesity, except in conformity with the requirements as set below.

A. PRESCRIBING GUIDELINES

1. An established APRN/patient relationship shall exist. The patient shall be age 18 or older, or have written consent from a parent or guardian. The medication shall only be an adjunct to a comprehensive weight loss program focused on appropriate nutrition education, a change in lifestyle, counseling, and an individualized exercise program. The APRN shall determine whether or not the patient has made a substantial good faith effort to lose weight through diet and alteration of lifestyle prior to beginning drug therapy.
2. The treating APRN shall take a complete history of the patient, including a detailed family history, dietary history, and shall perform a complete physical examination. The physical examination shall include a minimum of checking the blood pressure and pulse, examining the heart and lungs, recording height and weight, and administering any other appropriate diagnostic tests to evaluate for a metabolic disorder. The history and examination shall be sufficient to determine if the patient has previously been drug dependent, to determine if there is a metabolic cause of the obesity which would make anorexic drugs inappropriate, and to determine if there are other contraindications to use of anorexic drugs exists.
3. The APRN shall discuss with the patient different approaches to the treatment of obesity, and the risks and benefits associated with each approach. Risks shall include potential side effects, such as cardiovascular and pulmonary complications, as well as the potential for lack of success with weight loss. The APRN shall be aware of potential drug interactions between anorexics, and other centrally acting drugs. The treating APRN shall prescribe a diet for weight loss and appropriate counseling regarding lifestyle change, and record these changes on the patient's medical record. Consideration on the use of anorexic medications shall take into account the degree of overweight and associated medical conditions. The body mass index (BMI) shall be

MARK-UP COPY

used as a guide to determine the degree of overweight status. In general, anorexiant medications shall only be used if the BMI is more than 27. In the case of associated obesity-related medical conditions, anorexiant medications may be considered with a BMI above 25. Obesity-related medical conditions include, but are not limited to, diabetes, hypertension, dyslipidemia, cardiovascular disease, sleep apnea, psychological conditions, disc disease, and severe arthritis of the lower extremities.

4. The treating APRN shall prescribe a daily dosage that does not exceed the dosage recommended in the manufacturer's prescribing information for the drug prescribed.
5. The APRN shall not prescribe more than a 30-day supply for a patient at each visit and regular follow-up visits shall not exceed 30 days. The patient shall be weighed at each visit prior to the prescribing of an additional supply of the drug.
6. At the time of each return patient visit, the treating APRN shall monitor progress of the patient. The patient's weight, blood pressure, pulse, heart, and lungs shall be assessed. In addition to any side effects of the medications, the APRN shall perform appropriate exams and tests to monitor the safety of any weight loss. This may include a detailed dietary questionnaire, serum electrolytes, blood glucose, and other tests deemed appropriate. The APRN shall discontinue the anorexiant medications when the patient reaches weight loss goals. These goals may be defined as a body weight that is no longer considered "obese" (e.g. BMI of less than or equal to 27), or an improvement in medical conditions (e.g. normalization of blood glucose). After the goal is reached, the APRN may continue to prescribe anorexiant drugs for up to an additional sixty (60) days.
7. Except as otherwise provided by this regulation, Schedule III and/or Schedule IV anorexiant drugs are only recommended for short-term use (e.g. 90 days). In addition, anorexiant drugs shall not be prescribed to a patient with a BMI of less than 27, unless prescribing for obesity-related conditions with a BMI of above 25. The treating APRN may extend therapy beyond 90 days under the following conditions:
 - a. When the anorexiant drugs are indicated for treatment of diseases other than obesity; and
 - b. When, in the APRN's professional judgment, the treating APRN is assessing and recording significant progress or benefit from the drugs and no adverse effects occur that are related to the treatment.

SECTION XI

PREScriptive AUTHORITY ADVISORY COMMITTEE

A. PURPOSE

The purpose of this committee shall include functioning in an advisory capacity to assist the Board with oversight and implementation of the provisions regarding prescriptive authority.

B. COMPOSITION

The Advisory Committee shall be composed of six (6) members appointed by the Board and approved by the Governor. Four (4) members shall be advanced practice registered nurses with at least three (3) of whom hold certificates of prescriptive authority and an active Drug Enforcement Administration (DEA) number. One (1) committee member shall be a licensed physician who has been involved in a collaborative practice with an advanced practice registered nurse for at least five (5) years. One member shall be a licensed pharmacist who has been licensed for at least five (5) years.

C. TERMS OF OFFICE

Members shall serve three (3) year terms and may be reappointed. The Board may remove any advisory committee member, after notice and hearing, for incapacity, incompetence, neglect of duty, or malfeasance in office.

D. COMPENSATION

Advisory committee members shall serve without compensation; but may be reimbursed to the extent special monies

MARK-UP COPY

are appropriated therefore for actual and necessary expenses incurred in the performance of their official Board duties.

SECTION XII NURSING EDUCATION PROGRAMS

A. NEW APRN PROGRAM LEADING TO LICENSURE

1. Prerequisite Approval
 - a. An institution, seeking to establish a new APRN nursing education program leading to licensure, shall submit a letter of intent to the Board.
 - (1) An applicant for an Advanced Practice Registered Nursing (APRN) program shall comply with the "Criteria and Procedures for Preparing Proposals for New Programs," established by the Arkansas Department of Higher Education.
 - (2) Appropriate professional accreditation (nursing accrediting organizations recognized by the U.S. Department of Education and/or the Council for Higher Education Accreditation) of the new APRN program is considered to be deemed status as approved by the Board.
 - b. The institution shall submit:
 - (1) A copy of the curricula plan and course descriptions for Board review within thirty (30) days of sending the information to the accrediting body;
 - (2) Other accreditation materials as requested by the Board; and
 - (3) Documentation of accreditation within thirty (30) days of receipt of the report from the accrediting body.

B. ESTABLISHED PROGRAM THAT PREPARES GRADUATES FOR LICENSURE

1. Continued Full Approval – an established graduate program in advanced practice registered nursing shall submit to the Board documentation of the program's continued national nursing accreditation status within thirty (30) days of receipt from the accrediting body. Receipt of the documentation shall serve as deemed status for approval by the ASBN.

C. EDUCATION PROGRAM

1. The education program for advanced practice nursing shall meet the nursing accrediting body standards for advanced practice registered nursing.
2. The curriculum plan for advanced practice registered nursing shall include:
 - a. Preparation in one of the four identified APRN roles (CRNA, CERTIFIED NURSE MIDWIFE, CNS, and CNP); and
 - b. Preparation in at least one of the approved population foci:
 - (1) Family/Individual Across the Lifespan
 - (2) Adult-Gerontology
 - (3) Neonatal
 - (4) Pediatrics
 - (5) Women's Health/Gender-Related
 - (6) Psychiatric/Mental Health; and
 - c. Three separate graduate level courses (the APRN Core):
 - (1) Advanced physiology and pathophysiology
 - (2) Advanced health assessment
 - (3) Advanced pharmacology
3. Clinical Experiences
 - a. All graduate or post-graduate programs leading to advanced practice licensure shall have a minimum of 500 supervised clinical hours in direct clinical practice during the program.
 - b. APRN programs preparing for two population foci shall have a minimum of 500 supervised clinical hours for each population focus.
 - c. Clinical supervision must be congruent with current national professional organizations and nursing accrediting body standards applicable to the APRN role and population focus.

MARK-UP COPY

- d. Student clinical experiences shall be congruent with the population focus of the role.

SECTION XIII

PREScribing FOR CHRONIC NONMALIGNANT PAIN

- A. Chronic nonmalignant pain is defined as pain requiring more than three consecutive months of prescriptions for:
1. An opioid that is written for more than the equivalent of ninety (90) tablets, each containing five (5) milligrams of hydrocodone; or
 2. A morphine equivalent dose of more than fifteen mg (15 mg) per day; or
 3. Tramadol – an average dose of two hundred milligrams (200 mg) or greater per day.
- B. When opioids are started, the lowest effective dosage should be prescribed. APRNs should use caution when prescribing opioids at any dosage and carefully reassess evidence of individual benefits and risks when considering increasing dosage to >50 morphine milligram equivalents (MME) per day. APRNs should avoid increasing dosage to >90 MME/day or carefully justify a decision to titrate dosage to >90 MME/day.
- C. If opioids are prescribed at a level defined by the Centers for Disease Control and Prevention (CDC) as excessive (>50 MME/day) the following shall be documented in the patient's medical record:
1. Objective findings, which include, but are not limited to, imaging studies, lab testing and results, nerve conduction testing, biopsy, and any other test that would establish pain generating pathology.
 2. Specific reasons for the need to prescribe > 50 MME/day.
 3. Documented alternative treatment plans as well as alternative therapies tried and failed prior to considering chronic opioid therapy.
 4. Documented risk factor assessment detailing that the patient was informed of the risk and addictive nature of the prescribed drug.
 5. Documented assessment of the potential for abuse and/or diversion of the prescribed drug.
 6. Documented review of the Prescription Drug Monitoring report prior to issuing the prescription.
 7. A detailed clinical rationale for the prescribing
- D. Patient Treatment and Evaluation
1. The patient shall be evaluated through an in-person examination at least every three (3) months by the APRN and at least one (1) time every six (6) months by a physician who is licensed by the Arkansas State Medical Board.
 2. A current Prescription Drug Monitoring Program report shall be reviewed at least every six (6) months. The review shall be documented in the patient's medical record.
 3. A current pain contract with the patient shall be maintained and include, at a minimum, requirements for:
 - a. Random urine drug screens and
 - b. Random pill counts
- E. The requirements of this section shall not apply to a patient:
1. Whose pain medications are being prescribed for a malignant condition;
 2. With a terminal condition;
 3. Who is a resident of a licensed healthcare facility;
 4. Who is enrolled in a hospice program; or
 5. Who is in an inpatient or outpatient palliative care program.

HISTORY: Adopted: March 26, 2017
Amended: January 1, 2018; December 29, 2018

SECTION XIV

MINIMUM STANDARDS FOR ESTABLISHING A PATIENT RELATIONSHIP

MARK-UP COPY

- A. The APRN shall establish a proper APRN/patient relationship prior to providing any patient care.
- B. A proper APRN/patient relationship, at a minimum requires that:
 - 1. The APRN perform a history and an "in person" physical examination of the patient adequate to establish a diagnosis and identify underlying conditions and/or contraindications to the treatment recommended/provided; OR
 - 2. The APRN perform a face-to-face examination using real-time audio ~~and~~ or visual telemedicine technology that provides information at least equal to such information as would have been obtained by an in-person examination; AND
 - 3. Appropriate follow-up be provided or arranged, when necessary, at medically necessary intervals.
- C. A proper APRN/patient relationship is also deemed to exist in the following situations:
 - 1. When treatment is provided in consultation with, or upon referral by another health care provider who has an ongoing relationship with the patient, and who has agreed to supervise the patient's treatment, including follow-up care and the use of any prescribed medications.
 - 2. On-call or cross-coverage situations arranged by the patient's health care provider.
 - 3. Has access to a patient's personal health record maintained by a healthcare professional and uses any technology deemed appropriate by the healthcare professional, including the telephone, with a patient located in Arkansas to diagnose, treat and, if clinically appropriate, prescribe a noncontrolled drug to the patient.
- D. Recognizing a Providers duty to adhere to the applicable standard of care, the following situations are hereby excluded from the requirement of this regulation:
 - 1. Emergency situations where the life or health of the patient is in danger or imminent danger.
 - 2. Providing information of a generic nature not meant to be specific to an individual.
 - 3. Providing prescriptions written or medications issued for use in expedited heterosexual partner therapy for the sexually transmitted diseases of gonorrhea and/or chlamydia.
 - 4. Administration of vaccines containing tetanus toxoid (e.g., DTaP, DTP, DT, Tdap, TD, or TT) or inactive influenza vaccines.

HISTORY: Adopted: January 1, 2018
Amended July 1, 2020

SECTION XIV TELEMEDICINE

Requirement for all services provided by APRNs providing care via telemedicine:

- A. An APRN/patient relationship shall be established in accordance with Chapter 4, Section XIII before the delivery of services via telemedicine. A patient completing a medical history online and forwarding it to an APRN is not sufficient to establish the relationship, nor does it qualify as store-and-forward technology.
- B. The following requirements apply to all services provided by APRNs using telemedicine:
 - 1. The practice of nursing via telemedicine shall be held to the same standards of care as traditional in-person encounters.
 - 2. The APRN shall obtain a detailed explanation of the patient's complaint from the patient or the patient's health care provider.
 - 3. If a decision is made to provide treatment, the APRN shall agree to accept responsibility for the care of the patient.
 - 4. If follow-up care is indicated, the APRN shall agree to provide or arrange for such follow-up care.
 - 5. An APRN using telemedicine may NOT issue a prescription for any controlled substances defined as any scheduled medication under schedules III through V and only hydrocodone combination products which

ARKANSAS STATE BOARD OF NURSING RULES

MARK-UP COPY

were reclassified from Schedule III to Schedule II as of October 6, 2014 unless the APRN has seen the patient for an in-person exam or unless a relationship exists through consultation or referral; or on-call or cross-coverage situations.

6. The APRN shall keep a documented medical record, including medical history.
7. At the patient's request, the APRN shall make available to the patient an electronic or hardcopy version of the patient's medical record documenting the encounter. Additionally, unless the patient declines to consent, the APRN shall forward a copy of the record of the encounter to the patient's regular treating health care provider if that health care provider is not the same one delivering the service via telemedicine.
8. Services shall be delivered in a transparent manner, including providing access to information identifying the APRN in advance of the encounter, with licensure and board certifications, as well as patient financial responsibilities.
9. If the patient, at the recommendation of the APRN, needs to be seen in person for the current medical issue, the APRN shall arrange to see the patient in person or direct the patient to their regular treating health care provider. Such recommendation shall be documented in the patient's medical record.
10. APRNs who deliver services through telemedicine shall establish protocols for referrals for emergency services.
11. APRNs providing care via telemedicine to a patient located within the State of Arkansas shall be licensed to practice nursing in the State of Arkansas.
12. Telemedicine may be utilized for group therapy for adults (over the age of 18) who are participants in a program or plan authorized and funded under 42 U.S.C. §1396a, if permitted by the Centers for Medicare and Medicaid Services.

HISTORY: Adopted: January 1, 2018

Amended:

SECTION XVI **LICENSURE FOR ~~CERTAIN MILITARY NURSES~~ UNIFORMED SERVICE MEMBERS,** **VETERANS AND SPOUSES**

A. EXPEDITED LICENSURE

1. Temporary permits for individuals listed in Section XVI(A)(2) ~~an active-duty military service member, or their spouse stationed in the State of Arkansas or a returning military veteran or their spouse applying within one (1) year of his/her discharge from active duty~~ shall be issued within twenty-four (24) hours of receipt of all required documents.
2. The Board will give preference in the order of processing to applications for full licensure filed by the following individuals:
 - a. ~~An active-duty military~~ A uniformed service member stationed in the State of Arkansas;
 - b. ~~A returning military~~ A uniformed service veteran who resides in or establishes residency in the State of Arkansas ~~applying within one (1) year of his or her discharge from active duty~~; or
 - c. The spouse of a:
 1. Person under (a) or (b) above; or
 2. Uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to Arkansas; or
 3. Uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in Arkansas.

B. EXTENSION OF LICENSURE EXPIRATION DATE

ARKANSAS STATE BOARD OF NURSING RULES

MARK-UP COPY

Upon written request and submission of appropriate documentation, deployed uniformed service member or spouse ~~members of the Armed Forces of the United States who are ordered to active duty outside of this state~~ shall be allowed an extension of the expiration date without penalty or assessment of a late fee for renewing the ~~service member's~~ nursing license. The extension shall be effective for one hundred eighty (180) days after the service member or spouse returns from active deployment.

C. CONSIDERATION OF MILITARY TRAINING AND EXPERIENCE

When considering an application for licensure from ~~an active duty military~~ a uniformed service member ~~stationed in the State of Arkansas or a returning military veteran~~ or a uniformed service veteran applying within one (1) year of his or her discharge from uniformed service ~~active duty~~, the Board shall:

1. Consider whether or not the applicant's military training and experience in the practice of nursing is substantially similar to the experience or education required for licensure.
2. Accept the applicant's military training and experience in the practice of nursing in lieu of experience or education required for licensure, if the Board determines that the military training and experience is a satisfactory substitute for the experience or education required for licensure.

D. WAIVER OF CONTINUING EDUCATION

1. Upon written request and submission of appropriate documentation the continuing education requirements for license renewal shall be waived for:
 - ~~1. a. An active duty military~~ A uniformed service member deployed ~~outside the State of Arkansas;~~
 - ~~2. A returning military veteran renewing within one (1) year of his/her discharge from active duty; or~~
 - b. The spouse of a deployed uniformed service member person under (1) or (2) above.
2. This waiver shall be extended until one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

History: Adopted December 29, 2018
Amended: 2021

State of Arkansas *As Engrossed: S1/19/21 S1/26/21*
93rd General Assembly
Regular Session, 2021

A Bill

SENATE BILL 78

By: Senators Hill, D. Wallace, T. Garner, Irvin, J. Hendren, J. English, Flippo
By: Representatives Lynch, Cozart, Brown, Evans

For An Act To Be Entitled

AN ACT TO ESTABLISH THE ARKANSAS OCCUPATIONAL
LICENSING OF UNIFORMED SERVICE MEMBERS, VETERANS, AND
SPOUSES ACT OF 2021; TO MODIFY THE AUTOMATIC
OCCUPATIONAL LICENSURE REQUIREMENTS FOR UNIFORMED
SERVICES MEMBERS, RETURNING UNIFORMED SERVICES
VETERANS, AND THEIR SPOUSES; TO DECLARE AN EMERGENCY;
AND FOR OTHER PURPOSES.

Subtitle

TO ESTABLISH ARKANSAS OCCUPATIONAL
LICENSING OF UNIFORMED SERVICE MEMBERS,
VETERANS, AND SPOUSES ACT OF 2021; AND TO
DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 17-1-106 is repealed.

~~17-1-106. Automatic licensure for active duty service members,
returning military veterans, and spouses—Definitions.~~

~~(a) As used in this section:~~

~~(1) “Automatic licensure” means the granting of occupational
licensure without an individual’s having met occupational licensure
requirements provided under this title or by the rules of the occupational
licensing entity;~~

~~(2) “Occupational licensing entity” means an office, board,
commission, department, council, bureau, or other agency of state government~~



1 ~~having authority to license, certify, register, permit, or otherwise~~
2 ~~authorize an individual to engage in a particular occupation or profession;~~

3 ~~(3) "Occupational licensure" means a license, certificate,~~
4 ~~registration, permit, or other form of authorization required by law or rule~~
5 ~~that is required for an individual to engage in a particular occupation or~~
6 ~~profession; and~~

7 ~~(4) "Returning military veteran" means a former member of the~~
8 ~~United States Armed Forces who was discharged from active duty under~~
9 ~~circumstances other than dishonorable.~~

10 ~~(b)(1) An occupational licensing entity shall grant automatic~~
11 ~~licensure to engage in an occupation or profession to an individual who is~~
12 ~~the holder in good standing of a substantially equivalent occupational~~
13 ~~license issued by another state, territory, or district of the United States~~
14 ~~and is:~~

15 ~~(A) An active duty military service member stationed in~~
16 ~~the State of Arkansas;~~

17 ~~(B) A returning military veteran applying for licensure~~
18 ~~within one (1) year of his or her discharge from active duty; or~~

19 ~~(C) The spouse of a person under subdivisions (b)(1)(A)~~
20 ~~and (b)(1)(B) of this section.~~

21 ~~(2) However, an occupational licensing entity shall be required~~
22 ~~to provide automatic licensure if the proposed rules are not approved as~~
23 ~~required under subdivision (d)(2) of this section.~~

24 ~~(c) An occupational licensing entity may submit proposed rules~~
25 ~~recommending an expedited process and procedure for occupational licensure~~
26 ~~instead of automatic licensure as provided under subsection (b) of this~~
27 ~~section to the Administrative Rules Subcommittee of the Legislative Council.~~

28 ~~(d) The Administrative Rules Subcommittee of the Legislative Council~~
29 ~~shall:~~

30 ~~(1) Review the proposed rules of an occupational licensing~~
31 ~~entity as submitted for public comment and at least thirty (30) days before~~
32 ~~the public comment period ends under the Arkansas Administrative Procedure~~
33 ~~Act, § 25-15-201 et seq.; and~~

34 ~~(2) Approve the proposed rules submitted under subsection (c) of~~
35 ~~this section based on:~~

36 ~~(A) A determination of whether the expedited process and~~

~~procedure provide the least restrictive means of accomplishing occupational licensure; and~~

~~(B) Any other criteria the Administrative Rules Subcommittee of the Legislative Council determines necessary to achieve the objectives of this section.~~

~~(c) The Administrative Rules Subcommittee of the Legislative Council may:~~

~~(1) Establish a subcommittee to assist in the duties assigned under this section;~~

~~(2) Assign information filed with the Administrative Rules Subcommittee of the Legislative Council under this section to one (1) or more subcommittees of the Legislative Council, including without limitation a subcommittee created under subdivision (c)(1) of this section; or~~

~~(3) Delegate its duties under this section to one (1) or more subcommittees of the Legislative Council, subject to final review and approval of the Administrative Rules Subcommittee of the Legislative Council.~~

~~(f) An occupational licensing entity shall:~~

~~(1) Submit proposed rules authorized under subsection (c) of this section to the Administrative Rules Subcommittee of the Legislative Council for review and approval before the proposed rules are promulgated under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.; and~~

~~(2) Provide to the House Committee on Aging, Children and Youth, Legislative and Military Affairs an annual report stating the number of automatic licenses and expedited occupational licenses granted under this section to:~~

~~(A) Active duty military service members stationed in the State of Arkansas;~~

~~(B) Returning military veterans applying within one (1) year of their discharge from active duty; or~~

~~(C) The spouse of a person under subdivisions (f)(2)(A) and (f)(2)(B) of this section.~~

SECTION 2. Arkansas Code Title 17, Chapter 1, is amended to add an additional chapter to read as follows:

Chapter 4 – Arkansas Occupational Licensing of Uniformed Service Members, Veterans, and Spouses Act of 2021

1
2 17-4-101. Title.

3 This chapter shall be known and may be cited as the "Arkansas
4 Occupational Licensing of Uniformed Service Members, Veterans, and Spouses
5 Act of 2021".
6

7 17-4-102. Legislative findings and intent.

8 (a) The General Assembly finds that:

9 (1) Arkansas sets the bar as a national leader in addressing
10 employment barriers faced by uniformed service members, uniformed service
11 veterans, and their spouses in attaining occupational licensure;

12 (2) Arkansas is one (1) of only four (4) states to successfully
13 address eight (8) or more of the ten (10) issues affecting uniformed service
14 families identified by the United States Department of Defense;

15 (3) Of the United States Department of Defense's ten (10) issues
16 in fiscal year 2020, four (4) of the issues concern occupational licensure of
17 spouses of uniformed service members;

18 (4) Annually, fourteen and a half percent (14.5%) of spouses of
19 uniformed service members move across state lines as opposed to one and one-
20 tenth percent (1.1%) of civilians;

21 (5) States can continue to improve the attainment of
22 occupational licensure and to eliminate barriers impeding employment of
23 spouses of uniformed service members following a move across state lines;

24 (6) Acts 2019, No. 820, established provisions for the granting
25 of automatic occupational licensure or expedited occupational licensure to
26 active-duty service members, recently separated veterans, and their spouses
27 who hold occupational licensure in good standing in another jurisdiction; and

28 (7) Additional steps need to be taken to clarify, simplify, and
29 elevate the occupational licensure process for uniformed service members,
30 uniformed service veterans, and their spouses.

31 (b) It is the intent of the General Assembly to address occupational
32 licensure barriers that impede the launch and sustainability of civilian
33 occupational careers and employment faced by uniformed service members,
34 uniformed service veterans, and their spouses due to frequent uniformed
35 service assignment by:

36 (1) Providing:

1 (A) Automatic occupational licensure or expedited
2 occupational licensure to current license holders to expedite their entry
3 into the workforce of this state;

4 (B) Temporary or provisional licensure to initial
5 licensure candidates while expediting full licensure;

6 (C) Legislative oversight of rulemaking by occupational
7 licensing entities to ensure removal of occupational licensure barriers faced
8 by uniformed service members, uniformed service veterans, and their spouses;
9 and

10 (D) Guidance to assure effective rulemaking and clear
11 license application instructions to uniformed service members, uniformed
12 service veterans, and their spouses;

13 (2) Recognizing uniformed service education, training,
14 experience, and credentials of uniformed service members and uniformed
15 service veterans applying for initial occupational licensure; and

16 (3) Extending licensure expiration and any continuing education
17 required for occupational licensure renewal when a uniformed service member
18 is deployed.

19
20 17-4-103. Definitions.

21 As used in this chapter:

22 (1) "Automatic occupational licensure" means the granting of
23 occupational licensure without an individual's having met occupational
24 licensure requirements provided under this title or by the rules of the
25 relevant occupational licensing entity;

26 (2) "Occupational licensing entity" means an office, board,
27 commission, department, council, bureau, or other agency of state government
28 having authority to license, certify, register, permit, or otherwise
29 authorize an individual to engage in a particular occupation or profession,
30 not including occupations or professions within the judicial branch of
31 government or occupations or professions subject to the superintending
32 control of the Supreme Court;

33 (3) "Occupational licensure" means a license, certificate,
34 registration, permit, or other form of authorization required by law or rule
35 that is required for an individual to engage in a particular occupation or
36 profession;

1 (4) "Uniformed service member" means:

2 (A) An active or reserve component member of the United
3 States Air Force, United States Army, United States Coast Guard, United
4 States Marine Corps, United States Navy, United States Space Force, or
5 National Guard;

6 (B) An active component member of the National Oceanic and
7 Atmospheric Administration Commissioned Officer Corps; or

8 (C) An active or reserve component member of the United
9 States Commissioned Corps of the Public Health Service; and

10 (5) "Uniformed service veteran" means a former member of the
11 United States uniformed services discharged under conditions other than
12 dishonorable.

13
14 17-4-104. Applicability.

15 Unless otherwise stated in this chapter, this chapter applies to:

16 (1) A uniformed service member stationed in the State of
17 Arkansas;

18 (2) A uniformed service veteran who resides in or establishes
19 residency in the State of Arkansas; and

20 (3) The spouse of:

21 (A) A person listed in subdivision (1) or (2) of this
22 section;

23 (B) A uniformed service member who is assigned a tour of
24 duty that excludes the uniformed service member's spouse from accompanying
25 the uniformed service member and the spouse relocates to this state; and

26 (C) A uniformed service member who is killed or succumbs
27 to his or her injuries or illness in the line of duty if the spouse
28 establishes residency in the state.

29
30 17-4-105. Automatic occupational licensure.

31 An occupational licensing entity shall grant automatic occupational
32 licensure to engage in an occupation or profession to an individual who is:

33 (1) Listed in § 17-4-104; and

34 (2) The holder in good standing of occupational licensure with
35 similar scope of practice issued by another state, territory, or district of
36 the United States.

1
2 17-4-106. Expedited occupational licensure.

3 (a)(1) An occupational licensing entity may submit proposed rules
4 recommending an expedited process for the attainment of occupational
5 licensure instead of automatic occupational licensure as provided under § 17-
6 4-105 to the Administrative Rules Subcommittee of the Legislative Council.

7 (2) The proposed rules described in subdivision (a)(1) of this
8 section shall include temporary or provisional occupational licensure
9 provisions with a term of ninety (90) days or more.

10 (3) The occupational licensing entity shall provide automatic
11 occupational licensure if the proposed expedited occupational licensure rules
12 are not approved as required by § 17-4-109.

13 (b)(1) An occupational licensing entity shall expedite the process for
14 initial occupational licensure for an individual who is listed in § 17-4-104.

15 (2) An occupational licensing entity shall provide the applicant
16 under subdivision (b)(1) of this section with a temporary or provisional
17 license upon receipt of required documentation or the successful completion
18 of any examination required by the relevant occupational licensing entity to
19 enable the applicant to secure employment in his or her occupation or
20 profession.

21
22 17-4-107. Acceptance of uniformed service education, training,
23 experience, or service-issued credential.

24 An occupational licensing entity shall accept relevant and applicable
25 uniformed service education, training, or service-issued credential toward
26 occupational licensure qualifications or requirements when considering an
27 application for initial licensure of an individual who is:

28 (1) A uniformed service member; or

29 (2) A uniformed service veteran who makes an application within
30 one (1) year of his or her discharge from uniformed service.

31
32 17-4-108. Extension of license expiration and continuing education
33 requirements.

34 (a) An occupational licensing entity shall extend the expiration date
35 of an occupational licensure for a deployed uniformed service member or his
36 or her spouse for one hundred eighty (180) days following the date of the

1 uniformed service member's return from deployment.

2 (b)(1) An occupational licensing entity shall allow a full or partial
3 exemption from a continuing education requirement that is required as a
4 component of occupational licensure for an individual who is listed in
5 subsection (a) of this section until one hundred eighty (180) days following
6 the date of the uniformed service member's return from deployment.

7 (2) An occupational licensing entity that allows full or partial
8 exemption from continuing education requirements may require evidence of
9 completion of continuing education before granting a subsequent occupational
10 licensure or authorizing the renewal of an occupational licensure.

11
12 17-4-109. Legislative oversight of rules.

13 (a) The Administrative Rules Subcommittee of the Legislative Council
14 shall:

15 (1) Review the proposed rules of an occupational licensing
16 entity as submitted for public comment at least thirty (30) days before the
17 public comment period ends under the Arkansas Administrative Procedure Act, §
18 25-15-201 et seq.; and

19 (2) Approve the proposed rules submitted under § 17-4-106 based
20 on:

21 (A) A determination of whether the expedited process
22 provides the least restrictive means of attaining occupational licensure; and

23 (B) Any other criteria the Administrative Rules
24 Subcommittee of the Legislative Council determines necessary to achieve the
25 objectives of this section.

26 (b) The Administrative Rules Subcommittee of the Legislative Council
27 may:

28 (1) Establish a further subcommittee to assist in the duties
29 assigned to the Administrative Rules Subcommittee of the Legislative Council
30 under this section;

31 (2) Assign information filed with the Administrative Rules
32 Subcommittee of the Legislative Council under this section to one (1) or more
33 subcommittees of the Legislative Council, including without limitation a
34 subcommittee created under subdivision (b)(1) of this section; or

35 (3) Delegate the duties of the Administrative Rules Subcommittee
36 of the Legislative Council under this section to one (1) or more

1 subcommittees of the Legislative Council, which shall be subject to the final
2 review and approval of the Administrative Rules Subcommittee of the
3 Legislative Council.

4
5 17-4-110. Responsibilities of occupational licensing entities.

6 An occupational licensing entity shall:

7 (1) Submit proposed rules authorized under § 17-4-106 to the
8 Administrative Rules Subcommittee of the Legislative Council for review and
9 approval before the proposed rules are promulgated under the Arkansas
10 Administrative Procedure Act, § 25-15-201 et seq.;

11 (2) If the proposed rules are not approved as required under §
12 17-4-109, provide automatic occupational licensure to an individual listed in
13 § 17-4-104;

14 (3) Post prominently on the occupational licensing entity's
15 website a link entitled "Military Member Licensure" that directly leads to
16 information applicable to an individual listed in § 17-4-104; and

17 (4) Provide to the House Committee on Aging, Children and Youth,
18 Legislative and Military Affairs an annual report stating the number of
19 individuals granted automatic occupational licensure and expedited
20 occupational licensure under this chapter.

21
22 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
23 General Assembly of the State of Arkansas that current laws and
24 administrative rules regarding the issuance of occupational licenses,
25 certificates, and permits are barriers and create a hardship for uniformed
26 service members, uniformed service veterans, and their spouses; that
27 additional expedited processes, automatic licensure, and extended expiration
28 dates of occupational licenses, certificates, and permits is needed to ensure
29 that uniformed service members, uniformed service veterans, and their spouses
30 may practice their chosen occupation or profession in the State of Arkansas;
31 and that this act is immediately necessary to remove barriers and hardships
32 in obtaining occupational licenses, certificates, and permits for uniformed
33 service members, uniformed service veterans, and their spouses. Therefore, an
34 emergency is declared to exist, and this act being immediately necessary for
35 the preservation of the public peace, health, and safety shall become
36 effective on:

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

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

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

7
8
9 */s/Hill*

10
11
12 **APPROVED: 2/23/21**
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

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.*

3
4 */s/L. Johnson*

5
6
7 **APPROVED: 3/22/21**
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

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.

34
35 **APPROVED 03/24/2021**

State of Arkansas *As Engrossed: H2/24/21 S3/3/21*

93rd General Assembly

Regular Session, 2021

A Bill

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.

16
17 /s/Bentley

18
19
20 APPROVED: 4/7/21

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

A Bill

SENATE BILL 218

5 By: Senator J. Hendren
6 By: Representative M. Berry
7

For An Act To Be Entitled

9 AN ACT CONCERNING NONCRIMINAL BACKGROUND CHECK
10 REQUESTS SUBMITTED TO THE DIVISION OF ARKANSAS STATE
11 POLICE; AND FOR OTHER PURPOSES.
12
13

Subtitle

15 CONCERNING NONCRIMINAL BACKGROUND CHECK
16 REQUESTS SUBMITTED TO THE DIVISION OF
17 ARKANSAS STATE POLICE.
18
19

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

22 SECTION 1. Arkansas Code § 12-12-1001(17), concerning the definition
23 of "nonconviction information" used with regard to criminal history
24 information and reporting standards, is amended to read as follows:

25 (17) "Nonconviction information" means a felony arrest
26 information without disposition if an interval of one (1) year has at least
27 five (5) years have elapsed from the date of arrest ~~and no active prosecution~~
28 ~~of the charge is pending, as well as, any misdemeanor arrest for which a~~
29 disposition has not been entered, all acquittals, and all dismissals;
30

31 SECTION 2. Arkansas Code § 12-12-1005, concerning the Identification
32 Bureau of the Division of Arkansas State Police, is amended to add an
33 additional subsection to read as follows:

34 (d)(1) A background check request for a non-criminal justice purpose
35 that must be completed under state or federal law through the Division of
36 Arkansas State Police shall be submitted to the division by electronic means



1 through the Arkansas State Police Criminal Background Check System.

2 (2) This subsection does not apply to a submission originating
3 outside the State of Arkansas.

4
5 SECTION 3. Arkansas Code § 12-12-1503(2), concerning the definition of
6 "arrest records" in regard to the Arkansas State Criminal Records Act, is
7 amended to read as follows:

8 (2)(A) "Arrest records" or "arrest information" means felony
9 arrest information in which conviction or disposition information has not
10 been entered into the central repository.

11 (B) "Arrest records" or "arrest information" does not
12 include:

13 (i) Misdemeanor arrest information;

14 (ii) Felony arrest information that has a
15 disposition of acquittal, dismissal, or nolle prosequi entered into the
16 central repository; or

17 (iii) Felony arrest information if more than ~~three~~
18 ~~(3)~~ five (5) years have elapsed from the date of the felony arrest;

19
20 SECTION 4. Arkansas Code § 12-12-1507, concerning the administration
21 of the Arkansas State Criminal Records Act, is amended to add an additional
22 subsection to read as follows:

23 (e) A background check request for a non-criminal justice purpose that
24 must be completed under state or federal law through the division shall be
25 submitted to the division by electronic means through the Arkansas State
26 Police Criminal Background Check System.

27
28
29 **APPROVED: 4/12/21**
30
31
32
33
34
35
36

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1735

By: Representative Penzo
By: Senator Hester

For An Act To Be Entitled

AN ACT TO AUTHORIZE OCCUPATIONAL OR PROFESSIONAL
LICENSURE FOR CERTAIN INDIVIDUALS; AND FOR OTHER
PURPOSES.

Subtitle

TO AUTHORIZE OCCUPATIONAL OR PROFESSIONAL
LICENSURE FOR CERTAIN INDIVIDUALS.

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

SECTION 1. Arkansas Code Title 17, Chapter 1, Subchapter 1, is amended
to add an additional section to read as follows:

17-1-109. Licensing of certain individuals – Definitions.

(a) As used in this section:

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

(2) "Occupational or professional 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) An occupational or professional licensing entity shall grant an occupational or professional license under this section to an individual who fulfills the requirements to practice an occupation or profession in this



1 state and is a person who holds a Federal Form I-766 United States
2 Citizenship and Immigration Services-issued Employment Authorization
3 Document, known popularly as a "work permit".

4 (c) This section is a state law within the meaning of subsection (d)
5 of 8 U.S.C. § 1621, as existing on January 1, 2021.

6
7 SECTION 2. DO NOT CODIFY. Rules implementing this act.

8 (a) All occupational or professional licensing entities shall
9 promulgate rules necessary to implement this act.

10 (b)(1) When adopting the initial rules to implement this act, the
11 final rule shall be filed with the Secretary of State for adoption under §
12 25-15-204(f):

13 (A) On or before January 1, 2022; or

14 (B) If approval under § 10-3-309 has not occurred by
15 January 1, 2022, as soon as practicable after approval under § 10-3-309.

16 (2) An occupational or professional licensing entity shall file
17 the proposed rule with the Legislative Council under § 10-3-309(c)
18 sufficiently in advance of January 1, 2022, so that the Legislative Council
19 may consider the rule for approval before January 1, 2022.

20
21
22 APPROVED: 4/19/21
23
24
25
26
27
28
29
30
31
32
33
34
35
36

State of Arkansas *As Engrossed: H3/22/21 H3/31/21*
93rd General Assembly **A Bill**
Regular Session, 2021

HOUSE BILL 1520

By: Representatives F. Allen, Scott
By: Senator L. Chesterfield

For An Act To Be Entitled

AN ACT TO AMEND THE ARKANSAS CODE CONCERNING
OCCUPATIONAL CRIMINAL BACKGROUND CHECKS; TO ENSURE
THAT LICENSEES WHO WERE LICENSED PRIOR TO THE
ENACTMENT OF ACTS 2019, NO. 990, ARE ALLOWED TO
MAINTAIN THEIR LICENSES; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE ARKANSAS CODE CONCERNING
OCCUPATIONAL CRIMINAL BACKGROUND CHECKS;
AND TO ENSURE THAT LICENSEES WHO WERE
LICENSED PRIOR TO THE ENACTMENT OF ACTS
2019, NO. 990, ARE ALLOWED TO MAINTAIN
THEIR LICENSES.

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

SECTION 1. Arkansas Code § 17-3-102(b), concerning licensing
restrictions based on criminal records, is amended to read as follows:

(b)(1) If an individual has been convicted of a crime listed in
subsection (a) of this section, a licensing entity may waive disqualification
or revocation of a license based on the conviction if a request for a waiver
is made by:

(A) An affected applicant for a license; or
(B) The individual holding a license subject to
revocation.

(2) A basis upon which a waiver may be granted includes without



1 limitation:

- 2 (A) The age at which the offense was committed;
3 (B) The circumstances surrounding the offense;
4 (C) The length of time since the offense was committed;
5 (D) Subsequent work history since the offense was
6 committed;
7 (E) Employment references since the offense was committed;
8 (F) Character references since the offense was committed;
9 (G) Relevance of the offense to the occupational license;

10 and

11 (H) Other evidence demonstrating that licensure of the
12 applicant does not pose a threat to the health or safety of the public.

13 (3) The waiver requirements of this section are not required for
14 a renewal of a license if an individual has been convicted of a crime listed
15 in subsection (a) of this section and has either:

16 (A) Completed the waiver requirements of this section at
17 his or her initial licensure;

18 (B) Been licensed in this state before the enactment of
19 subsection (a) of this section; or

20 (C) Attended a professional or occupational school,
21 program, or training in pursuit of an occupational license before the
22 enactment of subsection (a) of this section and would have been qualified to
23 hold an occupational license on or before July 24, 2019.

24
25 SECTION 2. Arkansas Code § 17-3-102(g), concerning licensing
26 restrictions based on criminal records, is amended to read as follows:

27 (g) The disqualification for an offense listed in subsection (a) of
28 this section and the permanent disqualification for an offense listed in
29 subsection (e) of this section does not apply to:

30 (1) An ~~an~~ individual who holds a valid license on July 24, 2019;

31 (2) An individual who holds a valid license on or before July
32 24, 2019, but failed to renew his or her license for any reason; or

33 (3) An individual who was a student on or before July 24, 2019,
34 in a professional or occupational school, program, or training in pursuit of
35 an occupational license and would have been qualified to hold an occupational
36 license on or before July 24, 2019.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

/s/F. Allen

APPROVED: 4/19/21

State of Arkansas

As Engrossed: S3/31/21

93rd General Assembly

A Bill

Regular Session, 2021

HOUSE BILL 1068

By: Representative Pilkington

For An Act To Be Entitled

AN ACT TO CLARIFY THE TELEMEDICINE ACT; TO SPECIFY
THAT THE HOME OF A PATIENT MAY BE AN ORIGINATING SITE
FOR TELEMEDICINE AND THAT GROUP MEETINGS MAY BE
PERFORMED VIA TELEMEDICINE; TO CLARIFY REIMBURSEMENT
OF TELEMEDICINE SERVICES; AND FOR OTHER PURPOSES.

Subtitle

TO CLARIFY THE TELEMEDICINE ACT; TO
SPECIFY THAT THE HOME OF A PATIENT MAY BE
AN ORIGINATING SITE FOR TELEMEDICINE AND
THAT GROUP MEETINGS MAY BE PERFORMED VIA
TELEMEDICINE; AND TO CLARIFY
REIMBURSEMENT OF TELEMEDICINE SERVICES.

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

SECTION 1. Arkansas Code § 17-80-402(3), concerning the definition of
"originating site" within the Telemedicine Act, is amended to read as
follows:

(3)(A) "Originating site" means a site at which a patient is
located at the time healthcare services are provided to him or her by means
of telemedicine.

(B) "Originating site" includes the home of a patient;

SECTION 2. Arkansas Code § 17-80-404, concerning the appropriate use
of telemedicine, is amended to add an additional subsection to read as
follows:

(f)(1) A healthcare professional may use telemedicine to perform group



1 meetings for healthcare services, including group therapy.

2 (2) Telemedicine for group therapy provided to adults who are
3 participants in a program or plan authorized and funded under 42 U.S.C. §
4 1396a, as approved by the United States Secretary of Health and Human
5 Services, may only be permitted if the Centers for Medicare and Medicaid
6 Services allows telemedicine for group therapy provided to adults.

7 (3) Telemedicine shall not be used for group therapy provided to
8 a child who is eighteen (18) years of age or younger.

9
10 SECTION 3. Arkansas Code § 23-79-1601(4), concerning the definition of
11 "originating site" regarding coverage for services provided through
12 telemedicine, is amended to read as follows:

13 (4)(A) "Originating site" means a site at which a patient is
14 located at the time healthcare services are provided to him or her by means
15 of telemedicine.

16 (B) "Originating site" includes the home of a patient;

17
18
19 /s/Pilkington
20
21

22 APPROVED: 4/19/21
23
24
25
26
27
28
29
30
31
32
33
34
35
36