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CHAPTER EIGHT MEDICATION ASSISTANT-CERTIFIED

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SECTION I DEFINITION OF TERMS

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DESIGNATED FACILITY – any Board approved facility to include a nursing home or a facility operated as a local correctional facility as defined by ACA §12-41-107.

MEDICATION ASSISTANT-CERTIFIED – (MA-C) a person who is certified by the Board to administer certain nonprescription and legend drugs in designated facilities.

SUPERVISION – the oversight of the medication assistant-certified by a licensed nurse on the premises of a designated facility.

LEGEND DRUG - a drug limited by § 503(b) (1) of the federal Food, Drug, and Cosmetic Act to being dispensed by or upon a medical practitioner's prescription.

INITIAL MEDICATION – a new medication that the patient has not been receiving and/or changes in dosage, route, or frequency of a medication that a patient is currently receiving.

Amended: June 4, 2021

SECTION II QUALIFICATIONS

- A. In order to be certified as a medication assistant-certified, an applicant shall submit to the Arkansas State Board of Nursing written evidence, verified by oath, that the applicant:
1. Is currently listed in good standing on the state's certified nurse aide registry;
 2. Has maintained registration on the state's certified nurse aide registry continuously for a minimum of one (1) year;
 3. Has completed at least one (1) continuous year of full-time experience as a certified nurse aide in this state;
 4. Is currently employed at a designated facility;
 5. Has a high school diploma or the equivalent;
 6. Has successfully completed a literacy and reading comprehension screening process approved by the Board;
 7. Has successfully completed a medication assistant-certified training course approved by the Board; and
 8. Has successfully passed a Board approved certification examination on subjects the Board determines; or
- B. Has completed a portion of a nursing education program equivalent to the medication assistant person training course and passed the board's medication assistant certification; and ~~is otherwise qualified.~~
- C. Has been issued 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;

~~C. Any person holding certification as a medication assistant-certified shall have the right to use the title medication assistant-certified and the abbreviation "MA-C."~~

Amended: July 25, 2007; June 4, 2021

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SECTION III
EXAMINATION

A. ELIGIBILITY

The applicant shall meet the certification requirements of the Board.

B. APPLICATION

1. Applications for examination shall be completed and filed with the Board prior to the examination.
2. Verification of successful completion of the medication assistant-certified program including date of completion shall be received in the Board office directly from the institution which provided the program.

C. FEE

1. The examination fee shall accompany the application.
2. The examination fee (first time or retake) is not refundable.

D. PASSING SCORE

The passing score on the certification examination shall be determined by the Board.

E. FAILING SCORE AND ELIGIBILITY TO RETAKE THE EXAMINATION

1. Any applicant whose score falls below the passing score shall fail the examination.
2. The frequency and number of retests by unsuccessful candidates shall be determined by the Board.

F. RESULTS

Examination results shall be available to all applicants and to their respective schools.

SECTION IV
MA-C IDENTIFICATION

- A. Any person who holds a MA-C certification in this state shall use the legal title or abbreviation as set forth in Arkansas Code Annotated Section 17-87-101, et. seq. No other person shall assume any other name, title or abbreviation or any words, letters, signs, or devices that would cause a reasonable person to believe the user is certified as a MA-C.
- B. Any person certified as a MA-C shall wear a name badge with name and appropriate legal title or abbreviation during times when such person is administering medications.
- C. The name badge shall be prominently displayed and clearly legible such that the person receiving medications may readily identify the type of personnel administering such medications.

SECTION V
SCOPE OF WORK

- A. A MA-C may perform the delegated function of medication administration and related tasks under the supervision of a licensed nurse. A MA-C shall not administer any medication which requires nursing assessment or judgment prior to administration, evaluation and follow up, even if the medication is given by an approved medication route. A MA-C shall not administer medications to more than forty (40) patients during a shift in a facility regulated by the Office of Long Term Care.
- B. **APPROVED MEDICATION ROUTES**
The routes in which nonprescription and legend drugs may be administered by a MA-C when delegated by a licensed

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nurse include:

1. Orally
2. Topically
3. Drops for eye, ear or nose
4. Vaginally
5. Rectally
6. Transdermally
7. Oral inhaler

C. TASKS NOT WITHIN THE SCOPE OF WORK

Tasks which shall not be delegated to the MA-C include, but are not limited to:

1. Receive, have access or administer controlled substances
2. Administer parenteral, enteral, or injectable medications
3. Administer any substance by nasogastric or gastrostomy tube
4. Calculate drug doses
5. Destroy medications
6. Receive written or verbal orders
7. Transcribe orders from the medical record
8. Order initial medications (Refer to Section I, Definition of Terms)
9. Evaluate medication error reports
10. Perform treatments
11. Conduct patient assessments or evaluations
12. Engage in patient teaching activities
13. Order or receive medications by a route that the medication assistant – certified can not administer

Amended: June 4, 2021

SECTION VI SUPERVISION

A licensed nurse shall not supervise more than two (2) medication assistant-certified persons during a shift.

SECTION VII DESIGNATED FACILITIES UTILIZING MA-C

Designated facilities utilizing MA-C persons shall notify the Board, on forms supplied by the Board. The notification shall be signed by the facility administrator and director of nursing.

Amended: June 4, 2021

SECTION VIII DUPLICATE CERTIFICATE

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

~~B. The certificate will be marked "DUPLICATE."~~

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SECTION ~~IX~~ VIII

CERTIFICATION/VERIFICATION TO ANOTHER JURISDICTION

Upon payment of a certification/verification fee, a MA-C seeking certification in another jurisdiction may have a certified statement of Arkansas Certification issued to the appropriate entity in that jurisdiction.

SECTION IX

NAME OR ADDRESS CHANGE

- A. A MA-C 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 MA-C shall immediately notify the Board in writing of a change in mailing or residential address.

SECTION ~~XI~~

RENEWALS

- A. Each person certified under the provisions of ACA §17-87-701 et. seq. shall renew certification biennially.
 - 1. Thirty (30) days prior to the expiration date, the Board shall mail a renewal notification to the last known address of each MA-C to whom a certificate was issued or renewed during the current period.
 - 2. An application shall be completed before the certification renewal is processed.
 - 3. The certificate holder must attest to being currently listed in good standing on the state's certified nurse aide registry, have completed the required continuing education, and are currently employed.
 - 4. The non refundable fee for renewal shall accompany the application.
 - 5. Pursuant to Act 996 of 2003 and upon written request and submission of appropriate documentation, members of the Armed Forces of the United States who are Arkansas residents and are ordered to active duty to a duty station located outside of this state shall be allowed an extension without penalty or assessment of a late fee for renewing the service member's certification. The extension shall be effective for the period that the service member is serving on active duty at a duty station located outside of this state and for a period not to exceed six months after the service member returns to the state.
- B. **EXPIRED CERTIFICATE**
 - 1. The certificate is expired if not renewed by the expiration date.
 - 2. Failure to receive the renewal notice at the last address of record in the Board office shall not relieve the MA-C of the responsibility for renewing the certificate by the expiration date.
 - 3. Any MA-C whose certificate is expired shall file a renewal application and pay the current renewal fee and the late fee.
 - 4. Any person practicing during the time the certificate has lapsed shall be considered to be providing services illegally and shall be subject to the penalties provided for violation of ACA §17-87-701 et seq.
 - 5. When disciplinary proceedings have been initiated against a MA-C whose certificate has expired, the certificate shall not be reinstated until the proceedings have been completed.
 - 6. A MA-C applying to reinstate an expired certificate to active status shall complete the continuing education requirements prior to reinstatement of the certificate and attest to being currently listed in good standing on the state's certified nurse aide registry.
 - 7. If the expired period exceeds five (5) years, the person must repeat a medication assistant – certified personnel training program approved by the Board and successfully pass a Board-approved certification examination.

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SECTION XII CONTINUING EDUCATION

Each person holding an active certificate or applying for reactivation of a certificate under the provisions as stated in these rules shall be required to complete certain continuing education requirements prior to certification renewal or reactivation.

A. DECLARATION OF COMPLIANCE

Each MA-C shall declare his/her compliance with the requirements for continuing education at the time of certification renewal or reactivation. The declaration shall be made on the form supplied by the Board.

B. REQUIREMENTS

1. A MA-C who holds an active certificate shall document completion of eight (8) contact hours of continuing education approved by Arkansas State Board of Nursing during each renewal period.
2. Expired certifications have no requirements for continuing education. Certification reactivation within two (2) years or less shall require documented completion of the following:
 - a. Ten (10) contact hours of continuing education related to medication administration within the past two (2) years approved by the Arkansas State Board of Nursing, and
 - b. Provide other evidence as requested by the Board.
3. Certification reactivation greater than two (2) years, but less than five (5) years shall require documented completion of the following;
 - a. Ten (10) contact hours of continuing education related to medication administration within the past two (2) years approved by the Arkansas State Board of Nursing, or a medication related academic course, and
 - b. Provide other evidence as requested by the Board.
4. Continuing education hours beyond the required contact hours shall not be carried over to the next renewal period.

C. RESPONSIBILITIES OF THE INDIVIDUAL CERTIFIED

1. It shall be the responsibility of each MA-C to select and participate in those continuing education activities that will meet the criteria.
2. It shall be the MA-C's responsibility to maintain records of continuing education as well as documented proof such as original certificates of attendance, contact hour certificates, academic transcripts or grade slips, and to submit copies of this evidence when requested by the Board.
3. Records shall be maintained by the MA-C for a minimum of two (2) consecutive renewal periods or four (4) years.

D. RECOGNITION OF PROVIDERS

1. The Board shall approve all continuing education programs for the medication assistant-certified.
2. The Board shall work with the professional organizations, approved schools, and other providers of continuing educational programs to ensure that continuing education activities are available to MA-C's.

E. ACTIVITIES ACCEPTABLE FOR CONTINUING EDUCATION

1. The educational activity shall be at least one (1) contact hour in length.
2. The content shall be medication related, relevant to the MA-C scope of work, and provide for educational growth.
3. If participation is in an academic course or other program in which grades are given, a grade equivalent of "C" or better shall be required, or "pass" on a pass/fail grading system.

F. ACTIVITIES WHICH ARE NOT ACCEPTABLE AS CONTINUING EDUCATION

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1. In-service programs. Activities intended to assist the MA-C to acquire, maintain, and/or increase the competence in fulfilling the assigned responsibilities specific to the expectations of the employer.
 2. Orientation programs. A program by which new staff are introduced to the philosophy, goals, policies, procedures, role expectations, physical facilities, and special services in a specific work setting. Orientation is provided at the time of employment and at other times when changes in roles and responsibilities occur in a specific work setting.
 3. Courses designed for lay people.
- G. INDIVIDUAL REVIEW OF A CONTINUING EDUCATION ACTIVITY PROVIDED BY A NON-RECOGNIZED AGENCY/ORGANIZATION**
1. A MA-C may request an individual review by:
 - a. Submitting an "Application for Individual Review".
 - b. Paying a fee.
 2. Approval of a non-recognized continuing educational activity shall be limited to the specific event under consideration.
- H. AUDITS**
1. The Board may perform random audits of MA-C's for compliance with the continuing education requirement.
 2. If audited, the MA-C shall prove completion of the required continuing education during the twenty-four (24) months immediately preceding the renewal date, presenting photocopies of original certificates of completion to the Board.
 3. MA-C shall provide evidence of continuing education requirements within thirty (30) calendar days from the mailing date of the audit notification letter sent from the Board to the last known address of the certified.
 4. Certificate holders may be subject to disciplinary action by the Board if noncompliant with the audit.
- I. FAILURE TO COMPLY**
1. Any MA-C who fails to complete continuing education or who falsely certifies completion of continuing education shall be subject to disciplinary action, non-renewal of the certificate, or both, pursuant to ACA §17-87-706 and ACA §17-87-707 (a)(1)(a) and (a)(5).
 2. If the Board determines that a MA-C has failed to comply with continuing education requirements, the MA-C will:
 - a. Be allowed to meet continuing education requirements within ninety (90) days of notification of non-compliance.
 - b. Be assessed a late fee for each contact hour that requirements are not met after the ninety (90) day grace period and be issued a Letter of Reprimand. Failure to pay the fee may result in further disciplinary action.

SECTION XIII **ENDORSEMENT**

- A.** The Board may issue certification as a MA-C by endorsement to an applicant who has been licensed or certified as a MA-C under the laws of another state or territory, regardless of title if:
1. In the opinion of the Board, the applicant meets the qualifications of MA-C in this state; and
 2. The Board recommends certification.
- B. APPLICATION**
1. Applications must be completed, certified, signed by the applicant, and filed with the Board.
 2. Endorsement verifications will be accepted from the state of original certification only.
- C. FEE**
1. The endorsement fee must accompany the application.
 2. The fees are not refundable.

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SECTION XIII ~~Y~~ STANDARDS FOR TRAINING PROGRAMS

A. NEW PROGRAM APPROVAL

1. MA-C training programs shall be Board approved prior to implementation of the program.
2. The parent institution shall be:
 - a. a post secondary educational institution, hospital or consortium of such institutions which currently offers a nursing program; or
 - b. a consortium of five (5) or more skilled nursing facilities.
3. Approval
 - a. The institution shall submit a proposal that is signed by the appropriate administrative officers, and includes:
 1. Evidence of adequate and appropriate faculty/resources to provide for the program and the requirements listed in this chapter.
 2. A plan and timeline for meeting the program requirements.
 - b. The Board shall conduct an initial survey
 - c. The Board may grant, defer, or deny initial approval of the MA-C training program.
 - d. After being granted approval, the institution may advertise and enroll students.

B. ESTABLISHED PROGRAM APPROVAL

1. Continued Approval:
 - a. A survey will be conducted every five (5) years to review the program for continued compliance with the Standards. The survey report and documentation shall be submitted to the Board and reviewed.
 - b. The Board may grant or defer continued approval or place the program on conditional approval.
2. Conditional Approval:
 - a. If areas of non-compliance with standards are not corrected within the timeframe established by the Board, the Board shall award conditional approval.
 - b. The conditional approval status shall be in effect for a maximum of one (1) year to correct noncompliance deviations from the Standards, unless otherwise determined by the Board.
3. The Board may grant continued conditional approval, full approval, or withdraw the MA-C training program's approval.
4. Satellite and Distance Learning sites shall be approved by the Board prior to implementation and shall meet the same standards as the parent program.

C. PROGRAM REQUIREMENTS

1. Administration and Organization:

The parent institution shall be approved by the appropriate state body.
2. Financial Resources:

There shall be adequate financial support to provide stability, development and effective operation of the program.
3. Facilities:
 - a. Each program and satellite campus shall have a clinical skills laboratory equipped with necessary educational resources.
 - b. Classrooms and laboratories shall be:
 1. Available at the scheduled time.
 2. Adequate in size for number of students.
 3. Climate controlled, ventilated, lighted, equipped with seating, furnishings, and equipment conducive to learning and program goals.
 - c. Adequate storage space shall be available.
 - d. Facilities shall be in compliance with applicable local, state, and federal rules and regulations related to safety and the Americans with Disabilities Act.
 - e. Offices:

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1. There shall be adequate office space for instructors.
2. There shall be secure space for records, files, equipment, and supplies.
3. There shall be office equipment and supplies to meet the needs of faculty and clerical staff.
- f. Clinical Facilities
 1. ~~Nursing homes~~ Designated facilities shall provide adequate clinical learning experiences to meet course objectives.
 2. Students shall receive orientation at each clinical site.
4. Personnel:
 - a. The program shall have at least one instructor.
 - b. The instructor shall hold a current unencumbered registered nurse license to practice in Arkansas with at least two (2) years clinical experience and/or education experience. in a designated facility. ~~nursing home~~.
- c. The program may have clinical instructors who shall be licensed to practice nursing in Arkansas and have at least one (1) year recent experience in a designated facility ~~nursing home~~.
- d. An instructor or preceptor shall be onsite and available at all times during the student's clinical experience.
- e. There shall be secretarial and other support staff sufficient to meet the needs of the program.
5. Students:

There shall be written policies for admission, readmission, progression, and completion for students which includes documentation of the student's qualifications which comply with ACA §17-87-704.
6. Training Program:
 - a. The training program shall include curriculum and learning experiences essential for the expected entry level and scope of work of the MA-C.
 - b. The training program shall have at least one hundred (100) hours to include forty-five (45) hours of didactic study, fifteen (15) hours of skills lab practice, and forty (40) hours of supervised progressive clinical.
 - c. The didactic content shall include, but not be limited to:
 1. Role and scope of work of the MA-C;
 2. The legal and ethical issues of medication administration;
 3. Principles of medication properties, uses, and action;
 4. Principles of medication administration including safety, infection control, communication, and documentation skills;
 5. Appropriate reporting of changes in clients' condition.
 - d. The skills lab shall include activities which focus on achieving the course objectives. ~~Elderly clients in a nursing home~~.
 - e. Consideration shall be given to safety, patient acuity, and the clinical area in determining the necessary faculty to student ratio for clinical experiences.
 - f. The faculty to student ratio during clinical experiences shall be no greater than 1:6.
 - g. There shall be a supervised progressive clinical experience with the first twenty-four (24) hours under the direct supervision of the clinical instructor. A preceptor may supervise the remaining clinical hours.
7. Preceptors:
 - a. Preceptors shall be licensed to practice nursing in Arkansas and have at least one (1) year recent experience in a designated facility ~~nursing home~~.
 - b. The ratio of preceptor to student shall not exceed 1:1.
 - c. There shall be written policies for the use of preceptors, that include:
 1. Communications between the program and preceptor concerning students.
 2. Duties, roles, and responsibilities of the program, preceptor, and student.
 3. An evaluation process.
 - d. All preceptors shall be listed on the annual report.
8. Program Evaluation:
 - a. Appropriate records shall be maintained to assist in overall evaluation of the program.
 - b. Students shall evaluate the courses, instructors, preceptors, and clinical experience.
9. Records:
 - a. Current program records shall be safely stored in a secure area.

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- b. The final record of all students enrolled in the program shall be maintained according to the policies of the parent institution.
- c. The final record shall:
 - 1. Reflect courses taken and include information as indicated by the Board;
 - 2. Be an official documentation of program completion;
 - 3. Be printed on security paper or an official electronic document.
- d. Permanent student records shall be safely stored to prevent loss by destruction and unauthorized use.

D. REPORTS, CERTIFICATION EXAMINATION PERFORMANCE, AND CLOSURE REPORTS

- 1. Reports:
 - a. An annual report shall be submitted in a format and date determined by the Board.
 - b. The Board shall be notified in writing of changes affecting the program, including but not limited to:
 - 1. Curriculum
 - 2. School name
 - 3. Instructor
 - 4. Ownership or merger of parent institution
 - c. Curriculum and program changes shall be approved by the Board prior to implementation.
- 2. Certification Examination Performance:
 - a. The program shall maintain a minimum pass rate of 75% for first-time certification examination candidates.
 - b. Any program with an annual pass rate below 75% shall be required to submit a plan and a progress report which includes evaluation and implementation of changes to the program to achieve the minimum pass rate.
- 3. Program Closure:
 - a. Voluntary:
 - 1. The parent institution shall submit a letter of intent and plan for closure at least six (6) months prior to the closure.
 - 2. The Board shall approve the closure plan prior to implementation.
 - 3. All classes and clinical experiences shall be provided until current students complete the program.
 - 4. Records of a closed program shall be maintained by the parent institution. The institution shall notify the Board of arrangements for the storage of permanent student and graduate records.
 - b. Mandatory:
 - 1. Upon Board determination that a program has failed to comply with educational standards and approval has been withdrawn, the parent institution shall receive written notification for closure of the program. The notification shall include a requirement for a plan for completion of currently enrolled students or transfer of students to another acceptable program.
 - 2. Records of a closed program shall be maintained by the parent institution. The institution shall notify the Board of arrangements for the storage of permanent student and graduate records.
 - c. Reapplication of Training Programs:
 - 1. A closed program may submit reapplication for a MA-C Training Program after two (2) years.
 - 2. Reapplication shall follow same procedure as initial program applicant.

HISTORY: Amended:

SECTION XIV DISCIPLINE

A. GROUNDS FOR DISCIPLINE

- 1. The Board shall have sole authority to deny, suspend, revoke, or limit any MA-C certification issued by the Board or applied for in accordance with the provisions of this chapter, or to otherwise discipline a MA-C upon proof that the person:
 - a. Has been found guilty of or pleads guilty or nolo contendere to:

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1. Fraud or deceit in procuring or attempting to procure a MA-C certificate;
2. Providing services as a MA-C without a valid certificate; or
3. Committing a crime of moral turpitude.
- b. Is unfit or incompetent by reason of negligence, habits, or other causes;
- c. Is habitually intemperate or is addicted to the use of habit-forming drugs;
- d. Is mentally incompetent;
- e. Is guilty of unprofessional conduct;
- f. Has had a certificate or registration revoked, suspended;
- g. Has been placed on probation or under disciplinary order in any jurisdiction;
- h. Has voluntarily surrendered a certification or registration and has not been reinstated in any jurisdiction; or
- i. Has willfully or repeatedly violated any of the provisions of this chapter.
2. The Board shall refuse to issue or shall revoke the certification of any person who would be disqualified from employment under the provisions of ACA §20-33-205.

B. INVESTIGATIVE DETERMINATION, NOTICE OF FINDING

The Arkansas State Board of Nursing shall have jurisdiction to investigate all cases of suspected violation of ACA §17-87-701 et. seq.

1. Upon completion of an investigation, the Arkansas State Board of Nursing shall determine that an allegation against a certificant is either:
 - a. Unfounded, a finding that shall be entered if the allegation is not supported by substantial evidence;
 - b. Founded, a finding that shall be entered if the allegation is supported by substantial evidence.
2. After making an investigative determination, the Arkansas State Board of Nursing shall provide notice of the following in writing to the certificant at the last known address of record:
 - a. The investigative determination;
 - b. The disciplinary action taken against the certificant;
 - c. Statement that the certificant with the founded report has the right to an administrative hearing upon a timely written request;
 - d. A statement that the written request for an administrative hearing shall be made to the Arkansas State Board of Nursing within thirty (30) days of receipt of the notice of determination.
 - e. The fact that the certificant has the right to be represented by an attorney at the certificant's own expense;
 - f. A statement that the certificant's failure to request an administrative hearing in writing within thirty (30) days from the date of receipt of the notice will result in submission of the investigative report, including the investigative determination, to all interested parties;
 - g. The consequences of a finding by substantial evidence through the administrative hearing process that violation of ACA §17-87-701 et. Seq. has occurred.

C. FINAL DETERMINATION OF FINDINGS

If the Arkansas State Board of Nursing's investigative determination of founded is upheld during the administrative hearing process or if the offender does not make a timely appeal for or waives the right to an administrative hearing, the Board shall report the final investigative determination in writing to all interested parties.

D. SUBPOENAS AND SUBPOENAS DUCES TECUM

1. The Arkansas State Board of Nursing shall have the power to issue subpoenas and subpoenas duces tecum in connection with its investigations and hearings;
2. A Subpoena duces tecum may require any book, writing, document, or other paper or thing which is germane to an investigation or hearing conducted by the Board to be transmitted to the Board;
3. Service of subpoena shall be as provided by law for the service of subpoenas in civil cases in the circuit courts of this state, and the fees and mileage of officers serving the subpoenas and of witnesses appearing in answer to the subpoenas shall be the same as provided by law for proceedings in civil cases in the circuit courts of this state;
4. The Board shall issue a subpoena or subpoena duces tecum upon the request of any party to a hearing before the Board;

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5. The fees and mileage of the officers serving the subpoena and of the witness shall be paid by the party at whose request a witness is subpoenaed;
6. In the event a person shall have been served with a subpoena or subpoena duces tecum as provided in this section and fails to comply therewith, the Board may apply to the circuit court of the county in which the Board is conducting its investigation or hearing for an order causing the arrest of the person and directing that the person be brought before the court;
7. The court shall have the power to punish the disobedient person for contempt as provided by law in the trial of civil cases in the circuit courts of this state.

E. CIVIL PENALTIES

The Board may, after providing notice and a hearing, levy civil penalties in an amount not to exceed one thousand dollars (\$1,000.00) for each violation against those individuals or entities found to be in violation of this Chapter or Rules promulgated there under.

1. Each day of violation shall be a separate offense.
2. These penalties shall be in addition to other penalties which may be imposed by the Board pursuant to this Chapter.
3. Unless the penalty assessed under this subsection is paid within fifteen (15) calendar days following the date for an appeal from the order, the Board shall have the power to file suit in the Circuit Court of Pulaski County to obtain a judgment for the amount of penalty not paid.

SECTION XVI **ADVISORY COMMITTEE**

- A. The purpose of this committee shall include functioning in an advisory capacity to assist the Board with oversight and implementation of the provisions regarding medication assistant -certified.

B. COMPOSITION

The Advisory Committee shall be composed of six (6) members appointed by the Board and approved by the Governor. Two (2) members shall be certified MA-C. One (1) member shall be a licensed nursing home administrator who has worked in that capacity for at least five (5) years of the last ten (10) years. One (1) member shall be a registered nurse who has been in a practice using certified nurse aides for at least five (5) years of the last ten (10) years. One (1) member shall be a lay person representing the interest of consumers of health care services. One (1) member shall be a registered nurse educator from an institution that offers a MA-C program.

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

Adopted: August 1, 2007

SECTION XVI **LICENSURE FOR UNIFORMED SERVICE MEMBERS, VETERANS AND SPOUSES**

A. EXPEDITED LICENSURE

1. Temporary permits for individuals listed in Section XVI(A)(2) shall be issued within twenty-four (24)

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- 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. A uniformed service member stationed in the State of Arkansas;
 - b. A uniformed service veteran who resides in or establishes residency in the State of Arkansas; 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
Upon written request and submission of appropriate documentation, deployed uniformed service member or spouse shall be allowed an extension of the expiration date without penalty or assessment of a late fee for renewing the 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 a uniformed service member or a uniformed service veteran applying within one (1) year of his or her discharge from uniformed service, 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:
 - a. A uniformed service member deployed; or
 - b. The spouse of a deployed uniformed service member.
 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 January 1, 2007
 Amended:

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.

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9 */s/Hill*

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12 **APPROVED: 2/23/21**
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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.

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22 APPROVED: 4/19/21
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State of Arkansas

As Engrossed: H4/5/21

93rd General Assembly

A Bill

Regular Session, 2021

HOUSE BILL 1780

By: Representative Bentley

For An Act To Be Entitled

AN ACT TO AMEND THE LAWS CONCERNING MEDICATION
ASSISTIVE PERSONS; TO ALLOW EDUCATION PROGRAMS FOR
LICENSED PRACTICAL NURSES IN CERTAIN FACILITIES; AND
FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAWS CONCERNING MEDICATION
ASSISTIVE PERSONS; AND TO ALLOW EDUCATION
PROGRAMS FOR LICENSED PRACTICAL NURSES IN
CERTAIN FACILITIES.

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

SECTION 1. Arkansas Code § 17-87-304, concerning licensure of licensed
practical nurses, is amended to add an additional subsection to read as
follows:

(e) Educational Program. The educational program for the preparation
of licensed practical nurses may be provided by a post-secondary educational
institution, a hospital, or a consortium of five (5) or more skilled nursing
facilities.

SECTION 2. Arkansas Code § 17-87-704, concerning the qualifications to
be certified as a medication assistive person, is amended to add an
additional subsection to read as follows:

(d) The training courses for medication assistive persons may be
provided by a post-secondary educational institution, a hospital, or a
consortium of five (5) or more skilled nursing facilities.



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/s/Bentley

APPROVED: 4/19/21