

1 INTERIM STUDY PROPOSAL 2017-119

2 State of Arkansas

3 91st General Assembly

4 Third Extraordinary Session, 2018

A Bill

JMB/JMB

HOUSE BILL

5
6 By: Representative Gonzales

7 Filed with: House Committee on Public Health, Welfare, and Labor
8 pursuant to A.C.A. §10-3-217.

9 **For An Act To Be Entitled**

10 AN ACT TO CREATE THE TRANSITION TO PRESCRIPTIVE
11 AUTHORITY ACT; TO AMEND THE PRESCRIPTIVE AUTHORITY OF
12 ADVANCED PRACTICE REGISTERED NURSES; AND FOR OTHER
13 PURPOSES.

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16 **Subtitle**

17 TO CREATE THE TRANSITION TO PRESCRIPTIVE
18 AUTHORITY ACT; AND TO AMEND THE
19 PRESCRIPTIVE AUTHORITY OF ADVANCED
20 PRACTICE REGISTERED NURSES.

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

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25 SECTION 1. DO NOT CODIFY. Title.

26 This act shall be known and may be cited as the "Transition to
27 Prescriptive Authority Act".

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29 SECTION 2. Arkansas Code § 17-87-310 is amended to read as follows:
30 17-87-310. Prescriptive authority.

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

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

1 (2) Either:

2 (A) Has a collaborative practice agreement with a
3 practicing physician who is licensed under the Arkansas Medical Practices
4 Act, § 17-95-201 et seq., § 17-95-301 et seq., and § 17-95-401 et seq., and
5 who has training in scope, specialty, or expertise to that of the advanced
6 practice registered nurse on file with the Arkansas State Board of Nursing;

7 (B) Completes a one-year nursing program, approved by the
8 Arkansas State Board of Nursing, in conjunction with:

9 (i) A physician; or

10 (ii) An advanced practice registered nurse who has
11 three (3) or more years of practice and a certificate of prescriptive
12 authority in good standing with the Arkansas State Board of Nursing; or

13 (C) Either holds:

14 (i) A certificate of prescriptive authority issued
15 by the Arkansas State Board of Nursing for three (3) years or more and is in
16 good standing with the Arkansas State Board of Nursing; or

17 (ii) If the state laws regarding prescriptive
18 authority are substantially similar to or more strict than the laws of
19 Arkansas pertaining to prescriptive authority, as determined by the Arkansas
20 State Board of Nursing, an advanced practice nursing license with
21 prescriptive authority in another state or an advanced practice nursing
22 license with a certificate of prescriptive authority in another state, for
23 three (3) years or more and is in good standing with the respective state
24 board or licensing authority; and

25 (3) Completes education hours and continuing education hours as
26 required by the Arkansas State Board of Nursing.

27 (b)(1) An advanced practice registered nurse with a certificate of
28 prescriptive authority may receive and prescribe drugs, medicines, or
29 therapeutic devices appropriate to the advanced practice registered nurse's
30 area of practice in accordance with rules established by the Arkansas State
31 Board of Nursing.

32 (2) An advanced practice registered nurse's prescriptive
33 authority shall extend ~~only to drugs listed in Schedules III - V and, if~~
34 ~~expressly authorized by the collaborative practice agreement, also to those~~
35 ~~hydrocodone combination products reclassified from Schedule III to Schedule~~
36 ~~II as of October 6, 2014~~ to drugs listed in Schedules II - V.

1 (3)(A) The Arkansas State Board of Nursing shall promptly adopt
2 rules applicable to an ~~advance~~ advanced practice registered nurse that are
3 consistent with the Arkansas State Medical Board's rules governing the
4 prescription of dangerous drugs and controlled substances.

5 (B) ~~Prior to~~ Before approval of the Arkansas State Board
6 of Nursing's rules, the Arkansas State Medical Board shall review the
7 proposed rules and verify that the proposed rules are consistent with the
8 Arkansas State Medical Board's rules concerning the prescription of dangerous
9 drugs and controlled substances.

10 (c) A collaborative practice agreement shall include, but not be
11 limited to, provisions addressing:

12 (1) The availability of the collaborating physician for
13 consultation or referral, or both;

14 (2) Methods of management of the collaborative practice, which
15 shall include protocols for prescriptive authority;

16 (3) Coverage of the healthcare needs of a patient in the
17 emergency absence of the advanced practice registered nurse or physician; and

18 (4) Quality assurance.

19 (d) If a collaborative practice results in complaints of violations of
20 the Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-95-301 et seq.,
21 and § 17-95-401 et seq., the Arkansas State Medical Board may review the role
22 of the physician in the collaborative practice to determine if the physician
23 is unable to manage his or her responsibilities under the agreement without
24 an adverse effect on the quality of care of the patient.

25 (e) If a collaborative practice results in complaints of violations of
26 this chapter, the Arkansas State Board of Nursing may review the role of the
27 advanced practice registered nurse in the collaborative practice to determine
28 if the nurse is unable to manage his or her responsibilities under the
29 agreement without an adverse effect on the quality of care of the patient.
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32 Referred by Representative Gonzales

33 Prepared by: JMB/JMB
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