

INTERIM STUDY PROPOSAL 2017-142

State of Arkansas

91st General Assembly

Third Extraordinary Session, 2018

A Bill

JMB/JMB

HOUSE BILL

By: Representative Lundstrum

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

For An Act To Be Entitled

AN ACT TO REMOVE THE REQUIREMENT FOR A COLLABORATIVE PRACTICE AGREEMENT AS APPLICABLE TO ADVANCED PRACTICE REGISTERED NURSES; TO IMPROVE HEALTHCARE ACCESSIBILITY IN ARKANSAS BY CLARIFYING THE PROCESS NECESSARY FOR AN ADVANCED PRACTICE REGISTERED NURSE TO QUALIFY FOR PRESCRIPTIVE AUTHORITY; AND FOR OTHER PURPOSES.

Subtitle

TO REMOVE THE COLLABORATIVE PRACTICE AGREEMENT AS APPLICABLE TO ADVANCED PRACTICE REGISTERED NURSES; AND TO CLARIFY THE PROCESS NECESSARY FOR AN ADVANCED PRACTICE REGISTERED NURSE TO QUALIFY FOR PRESCRIPTIVE AUTHORITY.

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

SECTION 1. DO NOT CODIFY. Legislative findings and intent.

(a) The General Assembly finds that:

(1) Advanced practice registered nurses are nurses with a Master's or doctorate degree in nursing and clinical competencies in providing care to diverse populations in a variety of settings;

(2) Advanced practice registered nurses are nationally certified and practice in all fifty (50) states;

1 (3) Twenty-two (22) states, two (2) territories, and the
2 District of Columbia authorize advanced practice registered nurses to have
3 full practice authority that includes full prescriptive authority without
4 supervision;

5 (4) Over fifty (50) years of research consistently supports the
6 high quality and cost-effectiveness of advanced practice registered nurses;

7 (5) Since the 1960s, studies have found no difference in health
8 outcomes, including patient health status, number of prescriptions written,
9 return visits requested, or referral to other providers, of care delivered by
10 an advanced practice registered nurse or physician;

11 (6) Collaborative practice agreements do not add patient safety
12 or added value to the healthcare system, but add to the cost of care for the
13 consumer;

14 (7) Negative impacts of mandatory collaborative practice
15 agreements include without limitation:

16 (A) Potential interruption or closing of an advanced
17 practice registered nurse-operated clinic due to a loss of a collaborative
18 practice physician;

19 (B) Significant added cost to overhead of the practice due
20 to higher fees charged by many collaborative physicians;

21 (C) Added paperwork for the advanced practice registered
22 nurse and the physician, which adds to the cost of care;

23 (D) Decreased healthcare access by adding a barrier for
24 advanced practice registered nurses who would like to establish a new clinic;

25 (E) Inhibits the establishment of new healthcare access
26 points in rural and medically underserved areas of the state; and

27 (F) Acts as a disincentive to remain in the state to
28 practice for new graduates of Arkansas advanced practice registered nurse
29 programs;

30 (8) The following major groups and organizations support full
31 practice authority for advanced practice registered nurses:

32 (A) The National Governors Association;

33 (B) The National Academy of Medicine;

34 (C) The American Association of Retired Persons;

35 (D) The Federal Trade Commission; and

36 (E) The National Council of State Boards of Nursing; and

1 (9) The State of Arkansas should modernize scope of practice
2 laws for advanced practice registered nurses by removing the mandatory
3 collaborative practice agreement.

4 (b) It is the intent of the General Assembly to:

5 (1) Increase patient access to health care, reduce healthcare
6 costs, and promote efficient and timely health care in the State of Arkansas;
7 and

8 (2) Authorize advanced practice registered nurses to have full
9 prescriptive authority, which also means to have the ability to prescribe,
10 without a collaborative practice agreement.

11
12 SECTION 2. Arkansas Code § 17-87-102(2), concerning the definition of
13 collaborative practice agreement, is repealed.

14 ~~(2) "Collaborative practice agreement" means a written plan that~~
15 ~~identifies a physician who agrees to collaborate with an advanced practice~~
16 ~~registered nurse in the joint management of the health care of the advanced~~
17 ~~practice registered nurse's patients and that outlines procedures for~~
18 ~~consultation with or referral to the collaborating physician or other~~
19 ~~healthcare professional as indicated by a patient's healthcare needs;~~

20
21 SECTION 3. Arkansas Code § 17-87-205(b), concerning the Prescriptive
22 Authority Advisory Committee, is amended to read as follows:

23 (b) The board shall appoint ~~six (6)~~ five (5) members, to be approved
24 by the Governor, who have the following qualifications:

25 (1) Four (4) members shall be advanced practice registered
26 nurses, at least three (3) of whom hold certificates of prescriptive
27 authority and an active United States Drug Enforcement Administration
28 registration number;

29 ~~(2) One (1) member shall be a licensed physician who has been~~
30 ~~involved in a collaborative practice with an advanced practice registered~~
31 ~~nurse for at least five (5) years; and~~

32 ~~(3)~~(2) One (1) member shall be a licensed pharmacist who has
33 been licensed for at least five (5) years.

34
35 SECTION 4. Arkansas Code § 17-87-310 is amended to read as follows:

36 17-87-310. Prescriptive authority.

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

3 ~~(1) Submits~~ submits proof of successful completion of an
4 ~~Arkansas State Board of Nursing approved~~ advanced pharmacology course
5 approved by the Arkansas State Board of Nursing that shall include
6 preceptorial experience in the prescription of drugs, medicines, and
7 therapeutic devices; and

8 ~~(2) Has a collaborative practice agreement with a practicing~~
9 ~~physician who is licensed under the Arkansas Medical Practices Act, § 17-95-~~
10 ~~201 et seq., § 17-95-301 et seq., and § 17-95-401 et seq., and who has~~
11 ~~training in scope, specialty, or expertise to that of the advanced practice~~
12 ~~registered nurse on file with the Arkansas State Board of Nursing.~~

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

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

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

27 ~~(B) Prior to approval of the Arkansas State Board of~~
28 ~~Nursing's rules, the Arkansas State Medical Board shall review the proposed~~
29 ~~rules and verify that the proposed rules are consistent with the Arkansas~~
30 ~~State Medical Board's rules concerning the prescription of dangerous drugs~~
31 ~~and controlled substances.~~

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

34 (1) ~~The availability of the collaborating physician for~~
35 ~~consultation or referral, or both;~~

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

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

5 ~~(4) Quality assurance.~~

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

12 ~~(e) If a collaborative practice results in complaints of violations of~~
13 ~~this chapter, the Arkansas State Board of Nursing may review the role of the~~
14 ~~advanced practice registered nurse in the collaborative practice to determine~~
15 ~~if the nurse is unable to manage his or her responsibilities under the~~
16 ~~agreement without an adverse effect on the quality of care of the patient.~~

17
18
19 Referred by Representative Lundstrum

20 Prepared by: JMB/JMB

21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36