

EXHIBIT E

QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS WITH THE ARKANSAS LEGISLATIVE COUNCIL

DEPARTMENT/AGENCY Arkansas State Board of Nursing
 DIVISION _____
 DIVISION DIRECTOR Sue Tedford, MNsc, APRN
 CONTACT PERSON Susan Lester
 ADDRESS 1123 S. University Ave., Suite 800; Little Rock, AR 72204
 PHONE NO. 501-686-2704 FAX NO. 501-686-2714 E-MAIL slester@arsbn.org
 NAME OF PRESENTER AT COMMITTEE MEETING Sue Tedford & Fred Knight
 PRESENTER E-MAIL stedford@arsbn.org & fknight@arsbn.org

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Donna K. Davis
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, AR 72201

ASBN Rules:
Chapter One- General Provisions
Chapter Two- Licensure: RN, LPN, and LPTN
Chapter Three- Registered Nurse Practitioner
Chapter Four- Advanced Practice Registered Nurse
Chapter Six- Standards for Nursing Education Programs
Chapter Seven- Rules of Procedure

1. What is the short title of this rule? _____

The ASBN proposes to make changes to six (6) chapters of *Rules*. An explanation for the necessity of each change is described below:

	CHANGE	REASON FOR CHANGE
Ch. 1, pg. 1-4, Section IV, Definitions	Definition of "Failed Drug Screen" added	Clarification
Ch. 2, pg. 2-1, Section I, Qualifications	Removed "Good moral character"	To reduce and/or eliminate unnecessary regulatory barriers
Ch. 2, pg. 2-2 through 2-8, Section III, Interstate Nurse Licensure Compact	The rules for the original compact are repealed and the rules for the enhanced compact are included	Act 454 of 2017

2. What is the subject of the proposed rule?

Ch. 2, pg. 2-10, Section VI, Temporary Permits	Moved to Section XII	Centralize military-related rules
Ch. 2, pg. 2-13, Section VIII, A, Renewals	Moved to Section XII	Centralize military-related rules
Ch. 2, pg. 2-13, Section VIII, C, Inactive Status	Redefined inactive status to allow licensees to inactivate license at any time	Facilitate inactivation for participants to enter into the ATD program
Ch. 2, pg. 2-13, Section VIII, D, Retired Nurse	Deleted the fees for retired status and cleaned up the language	Change in business process
Ch. 2, pg. 2-14 through 2-15, Section XII, Licensure for Certain Military Nurses and Spouses	Section added addressing considerations for military and spouses	Acts 248 and 204 of 2017
Ch. 3, pg. 3-2, Section II, C, Licensure	Added renewal notice is sent to the last known address of record at the Board Office	Clarification
Ch. 3, pg. 3-3, Section II, D, Inactive Status	Redefined inactive status to allow licensees to inactivate license at any time	Facilitate inactivation for participants to enter into the ATD program
Ch. 4, pg. 4-3, Section III, F, Renewals	Added waiver of renewal fee for active duty military	Act 204 of 2017
Ch. 4, pg. 4-3, Section III, G, Lapsed APRN License	Added renewal notice is sent to "last address of record in the Board office"	Clarification
Ch. 4, pg. 4-4, Section III, I, Inactive Status	Redefined inactive status to allow licensees to inactivate license at any time	Facilitate inactivation for participants to enter into the ATD program
Ch. 4, pg. 4-4, Section III, J, Retired Advanced Practice Registered Nurse	Deleted the fees for retired status and cleaned up the language	Change in business process
Ch. 4, pg. 4-14, Section XII, B, C, D, Prescribing for Chronic Nonmalignant Pain	Added clarification for prescribing for chronic nonmalignant pain	Act 820 of 2017
Ch. 4, pg. 4-16, Section XV, Licensure for Certain Military Nurses and Spouses	Section added addressing considerations for military and spouses	Acts 248 and 204 of 2017
Ch. 6, pg. 6-8, Section II, I, Educational Program (4)	Added specifications regarding the use of simulation as a substitute for traditional clinical experience	To allow nursing students the ability to receive medical training on simulated patients because clinical spots are not always available
Ch. 7, pg. 7-6, Section IV, A, 6, p, t, u, Disciplinary Proceedings, Definitions	Supplemented definitions of unprofessional conduct to include refusing a drug screen, complying with Board actions, and establishing and maintaining a professional boundary	Clarification

3. Is this rule required to comply with a federal statute, rule, or regulation? Yes No

If yes, please provide the federal rule, regulation, and/or statute citation. _____

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?

Yes No

If yes, what is the effective date of the emergency rule? N/A

When does the emergency rule expire? N/A

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act?

Yes No

5. Is this a new rule? Yes No

If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule? Yes No

If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes No

If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. Ark. Code Ann. § 17-87-203 (15)

7. What is the purpose of this proposed rule? Why is it necessary? Changes to Chapters 1, 2, 3, 4, 6, and 7 are revisions, as listed above in response to question #2.

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b). www.arsbn.org

9. Will a public hearing be held on this proposed rule? Yes No

If yes, please complete the following:

Date: November 13, 2018

Time: 4:00 p.m.

Place: ASBN Boardroom, Suite 312

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

November 16, 2018

N/A

- (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;

N/A

- (d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.

N/A

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

- (a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue	<u>0</u>
Federal Funds	<u>0</u>
Cash Funds	<u>0</u>
Special Revenue	<u>0</u>
Other (Identify)	<u>0</u>
Total	<u>0</u>

Next Fiscal Year

General Revenue	<u>0</u>
Federal Funds	<u>0</u>
Cash Funds	<u>0</u>
Special Revenue	<u>0</u>
Other (Identify)	<u>0</u>
Total	<u>0</u>

- (b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue	<u>0</u>
Federal Funds	<u>0</u>
Cash Funds	<u>0</u>
Special Revenue	<u>0</u>
Other (Identify)	<u>0</u>
Total	<u>0</u>

Next Fiscal Year

General Revenue	<u>0</u>
Federal Funds	<u>0</u>
Cash Funds	<u>0</u>
Special Revenue	<u>0</u>
Other (Identify)	<u>0</u>
Total	<u>0</u>

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

\$ 0

Next Fiscal Year

\$ 0

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ 0

Next Fiscal Year

\$ 0

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes No

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.



ARKANSAS STATE BOARD OF NURSING

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Sue A. Tedford, MNsc, APRN
Executive Director

W. Fred Knight
General Counsel

MEMORANDUM

DATE: October 17, 2018

TO: Office of the Bureau of Legislative Research
donna@blr.arkansas.gov
philp@blr.arkansas.gov
suttonj@blr.arkansas.gov

FROM: Susan Lester
Executive Assistant to the Director

RE: Proposed Changes to the *ASBN Rules*:
Chapter One-General Provisions
Chapter Two- Licensure: RN, LPN, and LPTN
Chapter Three- Registered Nurse Practitioner
Chapter Four- Advanced Practice Registered Nurse
Chapter Six- Standards for Nursing Education Programs
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Our public comment period concerning this matter ends on November 16, 2018. A public hearing at our office is scheduled to take place on November 13, 2018 at 4:00 p.m.

Following is a summary of the proposed changes:

Chapter 1

The definition of “failed drug screen” was added for clarification purposes.

Chapter 2

The term “good moral character” was removed to reduce and/or eliminate unnecessary regulatory barriers. The Rules for the original compact are repealed and the Rules for the Enhanced Compact are included pursuant to Act 454 of 2017. Section addressing considerations for military members and their spouses were moved to Section XII to achieve a central location. In order to facilitate inactivation of licensure for participants to enter into the alternative to discipline program, the term “inactive status” was redefined. The fees for retired status of nursing licensure is being removed because we have changed our business process and will no longer accept fees and renew retired

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licenses in our new data base. A section was added to address considerations for military members and their spouses pursuant to Acts 248 and 204 of 2017.

Chapter 3

For clarification purposes, we added the statement that renewal notices are sent to the last known address of record for the licensee. In order to facilitate inactivation of licensure for participants to enter into the alternative to discipline program, the term “inactive status” was redefined.

Chapter 4

We have waived the license renewal fee for active duty military pursuant to Act 204 of 2017. For clarification purposes, we added the statement that renewal notices are sent to the last known address of record for the licensee. In order to facilitate inactivation of licensure for participants to enter into the alternative to discipline program, the term “inactive status” was redefined. The fees for retired status of nursing licensure is being removed because we can no longer accept fees and renew retired licenses in our new data base. In compliance with Act 820 of 2017, we clarified prescribing for chronic nonmalignant pain. A section was added to address considerations for military members and their spouses pursuant to Acts 248 and 204 of 2017.

Chapter 6

Specifications were added regarding the use of simulation as a substitute for traditional clinical experience which will allow nursing students to receive training on simulated patients because clinical spots are not always available.

Chapter 7

For clarification purposes, supplemental definitions of unprofessional conduct to include refusing a drug screen, complying with Board actions, and establishing and maintaining a professional boundary were added.

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