

SUBJECT: Chapter Four: Advanced Practice Registered Nurse

DESCRIPTION: The proposed changes to Section III are made to ensure nurses have a minimum of 2,000 hours of active practice of nursing before acquiring the ability to progress through advanced practice educational programs and becoming Advanced Practice Registered Nurses (APRNs).

PUBLIC COMMENT: A public hearing was held on July 11, 2017, and the public comment period ended on July 14, 2017. Public comments were as follows:

Susan Kehl, PhD, RN, CNE – Dean and Associate Professor at Harding University

COMMENT: Email dated 5/31/17. I believe this is a needed requirement for APRN licensing. We require verification of at least 2,000 work hours as an RN before beginning our FNP clinical course sequence of 4 semesters. MSN students may take non-clinical graduate nursing courses while they are earning the 2,000 work hours in our program. Most of our students have more than one year of RN work experience. **RESPONSE:** Comment taken under advisement.

Ronette Wise

COMMENT: Email dated 6/1/17. I have reviewed the proposed change of adding 2,000 hours of active practice as an RN to the licensure requirement for an APRN. I understand why this is added and I agree with the proposed change. **RESPONSE:** Comment taken under advisement.

Dr. Katherine Darling, DNP, PMHNP/FNP-C – President of the Arkansas Nursing Practitioner Association

COMMENT: Email dated 6/1/17. I wonder what the background is for this change. Did we have a bill pass and a new act requiring this? Was this due at the request of the Medical Board? I wonder if you could provide some of the history of this proposal. I didn't think that we passed a bill like this in this legislative session, but may have missed this. Your input is appreciated. **RESPONSE:** Ms. Tedford spoke with Ms. Darling regarding the background regarding the proposed addition to Chapter 4.

Regina Welch, RN, Arkansas Children's Hospital Burn Center

COMMENT: Email dated 6/24/17. I spoke with the president Ramonda Housh, APRN, and I believe you are whom she said to email regarding the discussion of the hours before applying to grad school. I am currently in grad school and I was a nurse for almost seven years when I decided to continue my education journey. In my experience, those nurses with limited years of experience lack the ability to add depth and breadth to discussion. This I feel puts them at a disadvantage. I feel that per my experience the nurse should

have at least 2 years' experience before starting back to school and up to 3 years before clinical rotation begins. **RESPONSE:** Comment taken under advisement.

Stacy Harris, APRN, Graduate Program Coordinator at the University of Central Arkansas

COMMENT: At public hearing on 7/11/17. Ms. Harris stated that “the change is appropriate.” She further stated that the proposed 2,000 hour requirement takes into account a nurse’s need to be away from work for personal and other reasons. Ms. Harris indicated that there is no evidence which delineates that a certain number of practice hours create a successful student. She went on to express her concern that unnecessary licensure requirements would create further limitations for a nurse to continue his or her education and further their careers. Ms. Harris stated that on-line schools do not have the same criteria as in-state nursing programs. She indicated that her program at UCA is working toward becoming accredited by the State of Tennessee, which is now a requirement for Tennessee students enrolled in their program. Ms. Harris indicated that UCA conducted a survey and found that all of the nursing students who responded were working full time jobs. Therefore, she concluded there should not be a problem with their students meeting the 2,000 hours of practical nursing experience. **RESPONSE:** Ms. Tedford thanked Ms. Harris for attending the public hearing and for her comments.

Susan Gatto, Director of Nursing Program, University of Central Arkansas

COMMENT: At public hearing on 7/11/17. Ms. Gatto indicated that nurses who have been out of school for a while may have trouble transitioning into a provider role or being a novice. She went on to say that it may be necessary for a nurse to work after receiving certification before being able to obtain an APRN license. **RESPONSE:** Ms. Tedford thanked Ms. Gatto for attending the public hearing and for her comments.

Harold Simpson, Attorney with the Arkansas Association of Nurse Anesthetists

COMMENT: At public hearing on 7/11/17. Mr. Simpson pointed out that CRNA’s are already required to work one year in an emergency care setting before obtaining their certifications. Mr. Simpson questioned whether the requirement for practice could be enumerated by using the term “one year” versus “2,000 hours” due to ambiguities concerning the way work hours are calculated. Mr. Simpson indicated one year of work experience most commonly translates into 2,080 hours according to the accrediting body for CRNA’s. **RESPONSE:** Ms. Tedford thanked Mr. Simpson for attending the public hearing and for his comments.

Skyler Mankin, Student at Arkansas State University

COMMENT: At public hearing on 7/11/17. Skyler Mankin stated that she started out in medical school and was an EMT but is now a full-time student in the Master’s program. She currently has about six months of experience working as a nurse and indicated that she did not believe the 2,000 hour requirement would hinder her or fellow students with obtaining their APRN licensure. Ms. Mankin indicated that the ASU second degree

accelerated program has a rigorous interview process for applicants. **RESPONSE:** Ms. Tedford thanked Ms. Mankin for attending the public hearing and for her comments.

Brittany Benton, Student at Arkansas State University

COMMENT: At public hearing on 7/11/17. Brittany Benton stated that she has five (5) years' experience practicing as an RN. Ms. Benton concurred that students who attend Arkansas programs should not have any problem meeting the 2,000 hour requirement.

RESPONSE: Ms. Tedford thanked Ms. Benton for attending the public hearing and for her comments.

Arkansas State Board of Nursing Board Members

COMMENT: At Board meeting on 7/12/17. After discussing all comments and concerns regarding the proposed changes, the ASBN Board members decided that it would be necessary to include an effective date of the 2,000 hour requirement of nursing practice before obtaining APRN licensure. The Board members decided the best date for nurses and nursing educational institutions would be July 1, 2019, in order to allow ample time to inform those affected by the change. **RESPONSE:** Revision made to proposed change to Chapter 4 to include effective date of July 1, 2019.

The proposed effective date is January 1, 2018.

FINANCIAL IMPACT: There is no financial impact.

LEGAL AUTHORIZATION: The Arkansas State Board of Nursing is authorized to promulgate whatever regulations it deems necessary for the implementation of Ark. Code Ann. § 17-87-101, *et seq.* The board is authorized to prescribe minimum standards, approve curricula for licensure as advanced practice registered nurses, and to license and renew the licenses of qualified applicants for advanced practice nursing. *See* Ark. Code Ann. § 17-87-203.

JCS 8-10-17



ARKANSAS STATE BOARD OF NURSING

1123 S. University Avenue, Suite 800 • Little Rock, Arkansas 72204
Phone: (501) 686-2700 • Fax: (501) 686-2714 • Web: www.arsbn.org

Sue A. Tedford, MNSc, RN
Executive Director

W. Fred Knight
General Counsel

MEMORANDUM

DATE: June 1, 2017

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 Four

Our public comment period concerning this matter begins on June 12, 2017 and ends on July 14, 2017. A public hearing at our office is scheduled to take place on July 11, 2017 at 9:00 a.m.

Along with the attached Questionnaire for Filing Proposed Rules and Regulations with the Arkansas Legislative Council and Financial Impact Statement, you will find a copy of the notice required under Ark. Code Ann. § 25-15-204(a) and proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e). Additionally, I am attaching a mark-up copy of the proposed changes to Chapter Four and a propped final copy. Hard copies will follow today via messenger.

Following is a summary of the proposed changes:

Chapter 4 - Advanced Practice Registered Nurse- The proposed changes to Section III are made for purposes of ensuring nurses have a minimum of two thousand (2,000) hours of active practice of nursing before acquiring the ability to progress through advanced practice educational programs and becoming Advance Practice Registered Nurses (APRN's).

There is no expected opposition to the proposed changes to the ASBN *Rules*. No financial impact is anticipated. Copies of the Financial Impact forms and questionnaire have also been provided. Provided no changes are needed, the *Rules* changes in Chapter 4 shall be effective on January 1, 2018. If you have any questions concerning this submission, please contact me at 686-2704 or Sue Tedford, Executive Director, at 686-2703.

BOARD MEMBERS:

Ramonda Housh, MNSc, APRN, CNP, C-PNP – President • Yolanda Green, LPN - Vice President • Kaci Bohn, PhD - Secretary • Karen Holcomb, RN - Treasurer
Mike Burdine, RN • Melanie Garner, LPN, CLC • Stacie Hipp, MSN, APRN • Terri Imus, BSN, RN • Janice Ivers, MSN, RN, CNE
Pam Leal, RN • Lance Lindow, RN • Renee Mihalko-Corbitt, DNP, APRN, ACNS-BC • Haley Strunk, LPN

- (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.

Total 0

Total 0

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

Current Fiscal Year

General Revenue 0
Federal Funds 0
Cash Funds 0
Special Revenue 0
Other (Identify) 0

Total 0

Next Fiscal Year

General Revenue 0
Federal Funds 0
Cash Funds 0
Special Revenue 0
Other (Identify) 0

Total 0

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;

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas State Board of Nursing

DIVISION _____

PERSON COMPLETING THIS STATEMENT Susan Lester

TELEPHONE 501-686-2704 **FAX** 501-686-2714 **EMAIL:** slester@arsbn.org

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Chapter Four: Advanced Practice Registered Nurse

1. Does this proposed, amended, or repealed rule have a financial impact? Yes No
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule? Yes No
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If an agency is proposing a more costly rule, please state the following:

(a) How the additional benefits of the more costly rule justify its additional cost;
N/A

(b) The reason for adoption of the more costly rule;
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>

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>

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? Nurses (LPNs and RNs) currently have the ability to progress through advanced practice educational programs without ever practicing as registered nurses. This additional requirement in Section III will ensure nurses have a minimum of two thousand (2,000) hours of patient care before progressing into the APRN role. Currently, Arkansas advanced practice nursing programs require practice as an RN, with the amount varying among programs.

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: July 11, 2017
Time: 9:00 a.m.
Place: ASBN Boardroom, Suite 312

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)
July 14, 2017

11. What is the proposed effective date of this proposed rule? (Must provide a date.)
January 1, 2018

12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice. Attached

13. Please provide proof of filing the rule with the Secretary of State and the Arkansas State Library as required pursuant to Ark. Code Ann. § 25-15-204(e). Attached

14. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please (for or against) if known. Arkansas Association of Nurse Anesthetists, Arkansas Nurses Association, Arkansas Nurse Practitioner Association, Arkansas Medical Society, Arkansas Medical Board, Arkansas APRN Educational Programs

**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**

1. What is the short title of this rule? Chapter Four: Advanced Practice Registered Nurse

2. What is the subject of the proposed rule? Adding additional eligibility requirements for initial APRN licensure

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