

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

SENATE BILL 192

5 By: Senator Irvin  
6

## For An Act To Be Entitled

8 AN ACT TO ESTABLISH THE ARKANSAS COUNCIL OF  
9 HEALTHCARE PROFESSIONS WITHIN THE DEPARTMENT OF  
10 HEALTH; TO AUTHORIZE THE ARKANSAS COUNCIL OF HEALTH  
11 PROFESSIONS TO EVALUATE AND PROVIDE RECOMMENDATIONS  
12 TO THE GENERAL ASSEMBLY REGARDING SCOPE OF PRACTICE  
13 CHANGES; AND FOR OTHER PURPOSES.  
14

## Subtitle

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16 TO ESTABLISH THE ARKANSAS COUNCIL OF  
17 HEALTHCARE PROFESSIONS WITHIN THE  
18 DEPARTMENT OF HEALTH.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code Title 17, Chapter 80, is amended to add an  
25 additional subchapter to read as follows:

26 Subchapter 5 – Arkansas Council of Healthcare Professions Act

27  
28 17-80-501. Title.

29 This subchapter shall be known and may be cited as the "Arkansas  
30 Council of Healthcare Professions Act".  
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32 17-80-502. Creation - Arkansas Council of Healthcare Professions.

33 (a) There is established the Arkansas Council of Healthcare  
34 Professions within the Department of Health.

35 (b) The council shall be composed of:

36 (1) The Surgeon General;



1           (2) The Director of the Department of Health or his or her  
2 designee;

3           (3) Two (2) members of the community to be appointed by the  
4 Governor for a term of three (3) years; and

5           (4) One (1) member from each of the following entities:

- 6           (A) The Arkansas Board of Dispensing Opticians;
- 7           (B) The Arkansas Board of Examiners in Counseling;
- 8           (C) The Arkansas Board of Hearing Instrument Dispensers;
- 9           (D) The Arkansas Board of Podiatric Medicine;
- 10          (E) The Arkansas Dietetics Licensing Board;
- 11          (F) The Arkansas Minority Health Commission;
- 12          (G) The Arkansas Psychology Board;
- 13          (H) The Arkansas Social Work Licensing Board;
- 14          (I) The Arkansas State Board of Athletic Training;
- 15          (J) The Arkansas State Board of Chiropractic Examiners;
- 16          (K) The Arkansas State Board of Dental Examiners;
- 17          (L) The Arkansas State Board of Nursing;
- 18          (M) The Arkansas State Board of Pharmacy;
- 19          (N) The Arkansas State Board of Physical Therapy;
- 20          (O) The Arkansas State Medical Board;
- 21          (P) The Board of Examiners in Speech-Language Pathology  
22 and Audiology;
- 23          (Q) The State Board of Examiners of Alcoholism and Drug  
24 Abuse Counselors;
- 25          (R) The State Board of Health; and
- 26          (S) The State Board of Optometry.

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28       17-80-503. Powers and duties.

29       The Arkansas Council of Healthcare Professions shall:

30           (1) Evaluate and provide recommendations to the General Assembly  
31 regarding requests received by the council from:

32           (A) Practitioners seeking to establish new healthcare  
33 professions to be licensed in the state or to establish separate regulatory  
34 entities; and

35           (B) Healthcare professionals seeking to expand or narrow  
36 the scope of practice of a healthcare profession;

1           (2) Evaluate requests received under subdivision (1) of this  
2 section based on objective criteria to determine whether the practitioners or  
3 healthcare professionals have the requisite knowledge, training, experience,  
4 and skills to provide the proposed care;

5           (3) Examine:

6           (A) The impact of a request received under subdivision (1)  
7 of this section on public health and safety;

8           (B) The economic impact on overall healthcare delivery;

9           (C) Whether the potential benefits of the request outweigh  
10 any potential harm; and

11           (D) The extent to which the request would:

12           (i) Affect the availability, accessibility,  
13 delivery, and quality of health care in the state; and

14           (ii) Address health disparities and promote health  
15 equity; and

16           (4) Provide impartial, evidence-based findings and  
17 recommendations to the General Assembly to support legislative decision-  
18 making.

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20           17-80-504. Requests.

21           (a) On or before July 1 of each even-numbered year, a practitioner or  
22 healthcare professional may submit a written request to the Arkansas Council  
23 of Healthcare Professions under § 17-80-503(1) that includes:

24           (1) A description of the request written in plain language;

25           (2) Empirical information regarding the factors to be examined  
26 by the council, including information about the locations in which  
27 practitioners are currently practicing, the percent of practice time spent in  
28 those locations, the types of patients served, and the reimbursement received  
29 for services;

30           (3) A summary of current state laws and rules governing the  
31 profession, if any;

32           (4) Current education and training requirements for the  
33 profession;

34           (5) A history of the scope of practice changes requested or  
35 enacted, or both, for the profession;

36           (6) Information regarding the numbers and types of complaints,

1 licensure actions, and malpractice claims against the profession, if any;

2 (7) Regional and national trends in the profession; and

3 (8) A summary of relevant practices in other states.

4 (b) On or before September 1 of each even-numbered year, a  
5 practitioner who opposes a request may submit a written response to the  
6 council that indicated the specific reasons for opposing the request.

7 (c) For each request submitted under § 17-80-503(1), the council shall  
8 appoint a subcommittee composed of the following members:

9 (1) One (1) member of the profession seeking new licensure, a  
10 new regulatory entity, or a modification in scope of practice;

11 (2) One (1) member of the profession impacted by, or directly in  
12 opposition to, the proposed new licensure, new regulatory entity, or  
13 modification in scope of practice;

14 (3) One (1) member who is neither directly or indirectly  
15 impacted by the proposed new licensure, new regulatory entity, or  
16 modification in scope of practice;

17 (4) The Surgeon General; and

18 (5) One (1) member of the community.

19 (d) The council may requestan academic institutions to assist with  
20 analysis of submitted requests.

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22 17-80-505. Reporting.

23 On or before October 31, 2020, the Arkansas Council of Healthcare  
24 Professions shall submit to the General Assembly a report detailing:

25 (1) Gaps in data that would assist with deliberations by the  
26 council;

27 (2) Data that should be collected by healthcare professional  
28 licensing entities to address information gaps; and

29 (3) Available data sources that would provide meaningful  
30 information for deliberations by the council.