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1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**

A Bill

ACT 409 OF 1995
HOUSE BILL 1488

4 **By: Representatives Flanagin, Stalnaker, von Grep, Wren, Hinshaw and McGinnis**

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For An Act To Be Entitled

8 "AN ACT TO ESTABLISH LICENSURE FOR ADVANCED PRACTICE
9 NURSES; AND FOR OTHER PURPOSES."

10

Subtitle

11

12 "TO ESTABLISH LICENSURE FOR ADVANCED
13 PRACTICE NURSES."

14

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

16

17 SECTION 1. Arkansas Code Annotated 17-86-101 is amended to read as
18 follows:

19 "17-86-101. License required - Purpose.

20 (a) In order to safeguard life and health, any person practicing or
21 offering to practice nursing for compensation shall be required to submit
22 evidence that he or she is qualified to so practice and shall be licensed as
23 provided in this chapter:

- 24 (1) Professional nursing;
25 (2) Advanced practice nursing;
26 (3) Registered practitioner nursing;
27 (4) Practical nursing; or
28 (5) Psychiatric technician nursing.

29 (b) It shall be unlawful for any person not licensed by the board:

30 (1) To practice or offer to practice professional nursing,
31 advanced practice nursing, registered practitioner nursing, practical nursing,
32 or psychiatric technician nursing; or

33 (2) To use any sign, card, or device to indicate that the person
34 is a professional registered nurse, an advanced practice nurse, a registered
35 nurse practitioner, a licensed practical nurse, or a licensed psychiatric
36 technician nurse."

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2 SECTION 2. Arkansas Code Annotated 17-86-102 is amended to read as
3 follows:

4 "17-86-102. Definitions. As used in this chapter:

5 (1) Board means the Arkansas State Board of Nursing;

6 (2) Practice of professional nursing means the performance for
7 compensation of any acts involving the observation, care, and counsel of the
8 ill, injured, or infirm; the maintenance of health or prevention of illness of
9 others; the supervision and teaching of other personnel; the delegation of
10 certain nursing practices to other personnel as set forth in regulations
11 established by the board; or the administration of medications and treatments
12 as prescribed by an advanced practice nurse holding a certificate of
13 prescriptive authority, a licensed physician or licensed dentist, where such
14 acts require substantial specialized judgment and skill based on knowledge and
15 application of the principles of biological, physical, and social sciences.

16 (3) Practice of advanced practice nursing means the delivery of
17 health care services for compensation by professional nurses who have gained
18 additional knowledge and skills through successful completion of an organized
19 program of nursing education that certifies nurses for advanced practice roles
20 as Advanced Nurse Practitioners, Certified Nurse Anesthetists, Certified
21 Nurse-Midwives and Clinical Nurse Specialists;

22 (A) Practice of advanced nurse practitioner nursing means the
23 performance for compensation of nursing skills by a registered nurse who, as
24 demonstrated by national certification, has advanced knowledge and practice
25 skills in the delivery of nursing services;

26 (B) Practice of certified nurse anesthesia means the
27 performance for compensation of nursing skills relevant to the administration
28 of anesthetics in the presence and under the supervision of a licensed
29 physician or licensed dentist;

30 (C) Practice of nurse midwifery means the performance for
31 compensation of nursing skills relevant to the management of women's health
32 care, focusing on pregnancy, childbirth, the postpartum period, care of the
33 newborn, family planning and gynecological needs of women, within a health
34 care system that provides for consultation, collaborative management or
35 referral as indicated by the health status of the client;

1 (D) Practice of clinical nurse specialist nursing means the
2 performance for compensation of nursing skills by a registered nurse who,
3 through study and supervised practice at the graduate level and as evidenced
4 by national certification, has advanced knowledge and practice skills in a
5 specialized area of nursing practice;

6 (4) Practice of registered nurse practitioner nursing means the
7 delivery of health care services for compensation in collaboration with and
8 under the direction of a licensed physician or under the *direction* of
9 protocols developed with a licensed physician. Registered nurse practitioners
10 shall be authorized to engage in activities as recognized by the nursing
11 profession and as authorized by the board. Nothing in this subdivision is to
12 be deemed to limit a registered nurse practitioner from engaging in those
13 activities which normally constitute the practice of nursing, or those which
14 may be performed by persons without the necessity of the license to practice
15 medicine;

16 (5) Practice of practical nursing means the performance for
17 compensation of acts involving the care of the ill, injured, or infirm or the
18 delegation of certain nursing practices to other personnel as set forth in
19 regulations established by the board under the direction of a registered
20 professional nurse, an advanced practice nurse, a licensed physician or a
21 licensed dentist, which acts do not require the substantial specialized skill,
22 judgment, and knowledge required in professional nursing;

23 (6) Practice of psychiatric technician nursing means the performance
24 for compensation of acts involving the care of the physically and mentally
25 ill, retarded, injured, or infirm or the delegation of certain nursing
26 practices to other personnel as set forth in regulations established by the
27 board and the carrying out of medical orders under the direction of a
28 registered professional nurse, an advanced practice nurse, a licensed
29 physician or a licensed dentist, where such activities do not require the
30 substantial specialized skill, judgment, and knowledge required in
31 professional nursing;

32 (7) Consulting physician means a physician licensed under the
33 Arkansas Medical Practices Act, § 17-93-201 et seq., with obstetrical
34 privileges in a hospital who has agreed to practice in consultation with a
35 certified nurse midwife.

1 (8) Collaborative practice agreement means a written plan that
2 identifies a physician, who agrees to collaborate with an advanced practice
3 nurse in the joint management of the health care of the advanced practice
4 nurse's patients, and outlines procedures for consultation with or referral to
5 the collaborating physician or other health care professionals as indicated by
6 a patient's health care needs."

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8 SECTION 3. Arkansas Code Annotated 17-86-103 is amended to read as
9 follows:

10 "17-86-103. Exceptions. This chapter does not prohibit:

11 (1) The furnishing of nursing assistance in an emergency;

12 (2) The practice of nursing which is incidental to their program of
13 study by students enrolled in nursing education programs approved by the
14 board;

15 (3) The practice of any legally qualified nurse of another state who is
16 employed by the United States Government, or any bureau, division, or agency
17 thereof, while in the discharge of his or her official duties, in
18 installations where jurisdiction has been ceded by the State of Arkansas;

19 (4) The practice of any legally qualified and licensed nurse of another
20 state, territory, or foreign country, whose responsibilities include
21 transporting patients into, out of, or through this state, while actively
22 engaged in patient transport, that does not exceed forty-eight (48) hours in
23 this state;

24 (5) Nursing or care of the sick, when done in connection with the
25 practice of the religious tenets of any church by adherents thereof;

26 (6) The care of the sick, when done in accordance with the practice of
27 religious principles or tenets of any well-recognized church or denomination
28 which relies upon prayer or spiritual means of healing;

29 (7) The administration of anesthetics in the presence and under the
30 supervision of a licensed physician or dentist by a graduate nurse anesthetist
31 awaiting certification results while holding a temporary permit;

32 (8) The administration of anesthetics in the presence and under the
33 supervision of a licensed physician or dentist by a registered nurse who is
34 enrolled as a bona fide student pursuing a course in a nurse anesthesia school
35 which is approved by a nationally recognized accrediting body and whose

1 graduates are acceptable for certification by a nationally recognized
2 certifying body, provided the giving or administering of the anesthetics is
3 confined to the educational requirements of the course and under the direct
4 supervision of a qualified instructor;

5 (9) The administration of anesthetics in the presence and under the
6 supervision of a licensed physician or dentist by a formerly certified
7 registered nurse who was registered as a certified registered nurse
8 anesthetist and who is not presently certified or recertified and who is
9 actively seeking recertification in the manner authorized and prescribed by
10 the Council on Recertification of Nurse Anesthetists or other nationally
11 recognized recertification body. The recertification is to be accomplished
12 within the time frame allowed by the Council on Recertification of Nurse
13 Anesthetists;

14 (10) Hospital employed professional paramedics from administering
15 medication for diagnostic procedures under the direction of a physician;

16 (11) The prescription and administration of drugs, medicines or
17 therapeutic devices in the presence and under the supervision of an advanced
18 practice nurse holding a certificate of prescriptive authority, a licensed
19 physician or licensed dentist by a registered nurse who is enrolled as a
20 student in an advanced pharmacology course provided the prescription or
21 administration of drugs or medicines or both is confined to the educational
22 requirements of the course and under the direct supervision of a qualified
23 instructor."

24

25 SECTION 4. Arkansas Code Annotated 17-86-104 is amended to read as
26 follows:

27 "17-86-104. Penalty.

28 (a) It shall be a misdemeanor for any person to:

29 (1) Sell or fraudulently obtain or furnish any nursing diploma,
30 license, renewal, or record, or aid or abet therein;

31 (2) Practice nursing as defined by this chapter under cover of
32 any diploma, license, or record illegally or fraudulently obtained or signed
33 or issued unlawfully or under fraudulent representation;

34 (3) Practice professional nursing, advanced practice nursing,
35 registered nurse practitioner nursing, practical nursing, or psychiatric

1 technician nursing as defined by this chapter unless licensed by the board to
2 do so;

3 (4) Use in connection with his or her name any of the following
4 titles, names or initials, if the user is not properly licensed under this
5 chapter:

6 (A) nurse;

7 (B) registered nurse or R.N.;

8 (C) advanced practice nurse or A.P.N, or any of the
9 following;

10 (i) advanced registered nurse practitioner, A.R.N.P
11 or A.N.P;

12 (ii) nurse anesthetist, certified nurse anesthetist,
13 certified registered nurse anesthetist or C.R.N.A.;

14 (iii) nurse midwife, certified nurse midwife, license
15 nurse midwife, C.N.M. or L.N.M; or

16 (iv) clinical nurse specialist or C.N.S.

17 (D) registered nurse practitioner, N.P. or R.N.P;

18 (E) licensed practical nurse, practical nurse or L.P.N.;

19 (F) licensed psychiatric technician nurse, psychiatric
20 technician nurse, L.P.T.N., or P.T.N;

21 (G) any other name, title or initials that would cause a
22 reasonable person to believe the user is licensed under this chapter.

23 (5) Practice professional nursing, advanced practice nursing,
24 registered nurse practitioner nursing, practical nursing, or psychiatric
25 technician nursing during the time his or her license shall be suspended;

26 (6) Conduct a nursing education program for the preparation of
27 professional nurses, advanced practice nurses, nurse practitioners, practical
28 nurses, or psychiatric technician nurses unless the program has been approved
29 by the board;

30 (7) Prescribe any drug or medicine as authorized by this chapter
31 unless certified by the board as having prescriptive authority, except that a
32 certified registered nurse anesthetist shall not be required to have
33 prescriptive authority to provide anesthesia care, including the
34 administration of drugs or medicines necessary for the care; or

35 (8) Otherwise violate any provisions of this chapter.

1 (b) Such misdemeanor shall be punishable by a fine of not less than
2 twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500). Each
3 subsequent offense shall be punishable by fine or by imprisonment of not more
4 than thirty (30) days, or by both fine and imprisonment.

5 (c) The board may, after providing notice and a hearing, levy civil
6 penalties, in an amount not to exceed one thousand dollars (\$1000) for each
7 violation against those individuals or entities found to be in violation of
8 this chapter or regulations promulgated thereunder.

9 (1) Each day of violation shall be a separate offense.

10 (2) These penalties shall be in addition to other penalties which
11 may be imposed by the board pursuant to this chapter.

12 (3) Unless the penalty assessed under this subsection is paid
13 within fifteen (15) calendar days following the date for an appeal from the
14 order, the board shall have the power to file suit in the Circuit Court of
15 Pulaski County to obtain a judgment for the amount of penalty not paid."

16

17 SECTION 5. Arkansas Code Annotated 17-86-201 is amended to read as
18 follows:

19 "17-86-201. Creation - Members.

20 (a) There is created the Arkansas State Board of Nursing to be composed
21 of fifteen (15) members to be appointed by the Governor for terms of four (4)
22 years, subject to confirmation by the Senate.

23 (b)(1) Six (6) members shall be registered nurses whose highest level
24 of educational preparation shall be as follows: Two (2) diploma-school
25 graduates; Two (2) associate degree graduates; and two (2) baccalaureate
26 degree or post-baccalaureate degree graduates.

27 (2) Each registered nurse member of the board shall have the
28 following qualifications:

29 (A) Be an Arkansas resident;

30 (B) Have at least five (5) years' successful experience as
31 a registered nurse in nursing practice, administration, or teaching;

32 (C) Be licensed in Arkansas as a registered nurse; and

33 (D) Have been employed as a registered nurse for at least
34 three (3) years immediately preceding appointment, two (2) of which shall have
35 been in Arkansas.

1 (c)(1) One (1) member shall be a licensed advanced practice nurse.

2 (2) The licensed advanced practice nurse board member shall have
3 the following qualifications:

4 (A) Be an Arkansas resident;

5 (B) Have at least five (5) years experience as an advanced
6 practice nurse;

7 (C) Be licensed in Arkansas as an advanced practice nurse;

8 (D) Have been actively engaged in nursing for at least
9 three (3) years immediately preceding appointment, two (2) of which shall have
10 been in Arkansas; and

11 (E) Have a certificate granting prescriptive authority.

12 (d)(1) Three (3) members shall be licensed practical nurses.

13 (2) Each licensed practical nurse board member shall have the
14 following qualifications:

15 (A) Be an Arkansas resident;

16 (B) Have at least five (5) years' successful experience as
17 a practical nurse or as a teacher in an educational program to prepare
18 practitioners of nursing;

19 (C) Be licensed in Arkansas as a licensed practical nurse;

20 and

21 (D) Have been employed as a licensed practical nurse for at
22 least three (3) years immediately preceding appointment, two (2) of which
23 shall have been in Arkansas.

24 (e)(1) Three (3) members shall be licensed psychiatric technician
25 nurses.

26 (2) Each licensed psychiatric technician nurse board member shall
27 have the following qualifications:

28 (A) Be an Arkansas resident;

29 (B) Have at least five (5) years' successful experience as
30 a psychiatric technician nurse or as a teacher in an educational program to
31 prepare persons for licensure as a licensed psychiatric technician nurse;

32 (C) Be licensed in Arkansas as a licensed psychiatric
33 technician nurse; and

34 (D) Have been actively engaged in nursing as a licensed
35 psychiatric technician nurse for at least three (3) years immediately

1 preceding appointment, two (2) of which shall have been in Arkansas.

2 (f) One (1) member shall be a lay person representing consumers of
3 health care services.

4 (g) One (1) member of the board shall not be actively engaged in or
5 retired from the profession of nursing, shall be sixty (60) years of age or
6 older, and shall be the representative of the elderly. This member shall be
7 appointed from the state at large, subject to confirmation by the Senate, and
8 shall be a full voting member but shall not participate in the grading of
9 examinations.

10 (h) The consumer representative and the representative of the elderly
11 positions may not be filled by the same person.

12 (i) No member shall be appointed to more than two consecutive terms.

13 (j) Board members shall receive travel and hotel expenses incurred
14 while actually engaged in the discharge of official duties and receive
15 compensation at the rate of thirty-five dollars (\$35.00) per day for each day
16 actually engaged in attending meetings or other essential work of the board
17 within the state."

18

19 SECTION 6. Arkansas Code Annotated 17-86-203 is amended to read as
20 follows:

21 "17-86-203. Powers and duties. The board shall have the following
22 powers and responsibilities:

23 (1) Promulgate whatever regulations it deems necessary for the
24 implementation of this chapter. No regulation promulgated hereafter by the
25 board shall be effective until reviewed by the Legislative Council and the
26 Joint Interim Committee on Public Health, Welfare, and Labor of the Arkansas
27 General Assembly;

28 (2) Cause the prosecution of persons violating this act;

29 (3) Keep a record of all its proceedings;

30 (4) Make an annual report to the Governor;

31 (5) Employ personnel necessary for carrying out its functions;

32 (6) Study, review, develop, and recommend role levels of technical
33 classes of nursing service and practice to state and federal health agencies
34 and to public and private administrative bodies;

35 (7) Fix the time for holding its regular meetings;

1 (8) Prescribe minimum standards and approve curricula for educational
2 programs preparing persons for licensure as registered nurses, advanced
3 practice nurses, registered nurse practitioner nurses, licensed practical
4 nurses, and licensed psychiatric technician nurses;

5 (9) Provide for surveys of such programs at such times as it deems
6 necessary or at the request of the schools;

7 (10) Approve programs that meet the requirements of this chapter;

8 (11) Deny or withdraw approval from educational programs for failure to
9 meet prescribed standards;

10 (12) Examine, license, and renew the licenses of qualified applicants
11 for professional nursing, practical nursing, and psychiatric technician
12 nursing;

13 (13) License and renew the licenses of qualified applications for
14 registered nurse practitioner nursing and advanced practice nursing;

15 (14) Grant certificates of prescriptive authority to qualified advanced
16 practice nurses;

17 (15) Convene an advisory committee as provided for in this chapter to
18 assist with oversight of prescriptive authority; and

19 (16) Conduct disciplinary proceedings as provided for in this chapter."
20

21 SECTION 7. Subchapter 2 of Chapter 86 of Title 17 is amended by adding
22 the following section:

23 "17-86-205. Prescriptive Authority Advisory Committee

24 (a) The Prescriptive Authority Advisory Committee is created as an
25 advisory committee to the board. The board shall appoint five (5) members, to
26 be approved by the Governor, who have the following qualifications:

27 (1) Three (3) members shall be advanced practice nurses holding
28 certificates of prescriptive authority, except that the initial advanced
29 practice nurse appointees shall be exempt from holding a certificate;

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

33 (3) One (1) member shall be a licensed pharmacist who has been in
34 practice for at least five (5) years.

35 (b) The five (5) initial members appointed to the Prescriptive

1 Authority Advisory Committee shall draw lots to determine the lengths of their
2 initial terms. One (1) initial member shall serve for a term expiring January
3 1, 1997, two (2) initial members shall serve for terms expiring January 1,
4 1998, and two (2) initial members shall serve for terms expiring January 1,
5 1999. Successor members shall serve three (3) year terms.

6 (c) The board shall issue certificates of prescriptive authority to the
7 initial three (3) advanced practice nurse appointees based on the criteria
8 described in this act for prescriptive authority.

9 (d) The board shall make the initial appointments and shall select the
10 initial chairperson from the advisory committee membership not later than
11 January 1, 1996.

12 (e) The board may remove any advisory committee member, after notice
13 and hearing, for incapacity, incompetence, neglect of duty or malfeasance in
14 office.

15 (f) The members shall serve without compensation, but may be reimbursed
16 to the extent special monies are appropriated therefor for actual and
17 necessary expenses incurred in the performance of their duties.

18 (g) The advisory committee shall assist the board in implementing the
19 provisions of this chapter regarding prescriptive authority."
20

21 SECTION 8. Arkansas Code Annotated 17-86-301 is amended to read as
22 follows:

23 "17-86-301. Registered nurses.

24 (a) Qualifications. Before taking the examination or before the
25 issuance of a license by endorsement, an applicant for a license to practice
26 professional nursing shall submit to the board written evidence, verified by
27 oath, that the applicant:

28 (1) Is of good moral character;

29 (2) Has completed an approved high school course of study or the
30 equivalent thereof as determined by the appropriate educational agency; and

31 (3) Has completed the required approved professional nursing
32 education program.

33 (b) Issuance of License. A license to practice as a registered nurse
34 may be issued:

35 (1) By Examination. The applicant shall be required to pass an

1 examination in such subjects as the board may determine. Upon successfully
2 passing the examination, the board shall issue to the applicant a license to
3 practice professional nursing as a registered nurse;

4 (2) By Endorsement. The board may issue a license to practice
5 professional nursing as a registered nurse by endorsement to an applicant who
6 has been duly licensed as a registered nurse under the laws of another state,
7 territory, or foreign country if, in the opinion of the board, the applicant
8 meets the qualifications required of registered nurses in this state at the
9 time of graduation and if the board so recommends.

10 (c) Nurses Registered Prior to March 29, 1971. Any person holding a
11 license or certificate of registration to practice nursing as a registered
12 nurse issued by the board which is valid on March 29, 1971, shall be deemed to
13 be licensed as a registered nurse under the provisions of this chapter.

14 (d) Title and Abbreviation. Any person who holds a license to practice
15 professional nursing in this state shall have the right to use the title
16 _Registered Nurse_ and the abbreviation _R.N._"

17

18 SECTION 9. Arkansas Code Annotated 17-86-302, is amended to read as
19 follows:

20 "17-86-302. Advanced Practice Nurses.

21 (a) Qualifications. In order to be licensed as an advanced practice
22 nurse, an applicant must show evidence of education approved by the board, and
23 national certification approved by the board under one of the following:

24 (1) Advanced Registered Nurse Practitioner. In order to qualify
25 as an advanced registered nurse practitioner, an applicant must be currently
26 certified as a nurse practitioner by a nationally recognized certifying body;

27 (2) Certified Registered Nurse Anesthetist. To qualify as a
28 certified registered nurse anesthetist, an applicant must;

29 (A) Have earned a diploma or certificate evidencing
30 satisfactory completion, beyond generic nursing preparation, of a formal
31 educational program that meets the standards of the Council on Accreditation
32 of Nurse Anesthesia Educational Programs or another nationally recognized
33 accrediting body and that has as its objective preparation of nurses to
34 perform as nurse anesthetists; and

35 (B) Hold Current certification from the Council on

1 Certification of Nurse Anesthetists, Council on Recertification of Nurse
2 Anesthetists, or other nationally recognized certifying body.

3 (3) Certified Nurse Midwife. To qualify as a certified nurse
4 midwife, an applicant must:

5 (A) Hold current certification as a nurse midwife from the
6 American College of Nurse Midwives or other nationally recognized certifying
7 body; and

8 (B) Have an agreement with a consulting physician on file
9 with the board.

10 (4) Clinical Nurse Specialist. In order to qualify as a clinical
11 nurse specialist, an applicant must hold a masters degree evidencing
12 successful completion of a graduate program in nursing, which shall include
13 supervised clinical practice and classroom instruction in a nursing specialty,
14 and must be nationally certified in a specialty role as a clinical nurse
15 specialist.

16 (b) Issuance of License. A license to practice as an advanced practice
17 nurse may be issued:

18 (1) By Application. Any person holding a license to practice as
19 a registered nurse and meeting the educational qualifications and
20 certification requirements to be licensed as an advanced practice nurse may
21 upon application and payment of necessary fees to the board be licensed as an
22 advanced practice nurse.

23 (2) By Endorsement. The board may issue a license to practice
24 advanced practice nursing by endorsement to any applicant who has been
25 licensed as an advanced practice nurse or a person entitled to perform similar
26 services under a different title under the laws of another state, territory,
27 or foreign country if, in the opinion of the board, the applicant meets the
28 requirements for advanced practice nurses in this state.

29 (c) Title and Abbreviation. Any person who holds a license to practice
30 as an advanced practice nurse shall have the right to use the title of
31 Advanced Practice Nurse and the abbreviation A.P.N."

32

33 SECTION 10. Arkansas Code Annotated 17-86-304 is amended to read as
34 follows:

35 "17-86-304. Licensed practical nurses.

1 (a) Qualifications. An applicant for a license to practice practical
2 nursing shall submit to the State Board of Nursing evidence, verified by oath,
3 that the applicant:

4 (1) Is of good moral character;

5 (2) Has completed an approved high school course of study or the
6 equivalent thereof as determined by the appropriate educational agency; and

7 (3) Has completed a prescribed curriculum in a state-approved
8 program for the preparation of practical nurses and holds a diploma or
9 certificate therefrom. However, the State Board of Nursing may waive this
10 requirement if the board determines the applicant to be otherwise qualified.

11 (b) Issuance of License. A license to practice as a practical nurse may
12 be issued:

13 (1) By Examination. The applicant shall be required to pass an
14 examination in such subjects as the board may determine. Upon successful
15 completion of the examination, the board shall issue to the applicant a
16 license to practice as a licensed practical nurse.

17 (2) By Endorsement. The board may issue a license to practice
18 practical nursing by endorsement to any applicant who has duly been licensed
19 or registered as a licensed practical nurse or a person entitled to perform
20 similar services under a different title under the laws of another state,
21 territory, or foreign country if, in the opinion of the board, the applicant
22 meets the requirements for licensed practical nurses in this state at the time
23 of graduation and if the board so recommends.

24 (c) Person Licensed Prior to March 29, 1971. Any person holding a
25 license to practice as a practical nurse issued by the board and which is
26 valid on March 29, 1971, shall be deemed to be licensed as a practical nurse
27 under the provisions of this chapter.

28 (d) Title and Abbreviation. Any person who holds a license to practice
29 practical nursing in this state shall have the right to use the title
30 Licensed Practical Nurse and the abbreviation L.P.N.."

31

32 SECTION 11. Arkansas Code Annotated 17-86-305 is amended to read as
33 follows:

34 "17-86-305. Licensed psychiatric technician nurses.

35 (a) Qualifications. An applicant for a license to practice psychiatric

1 technician nursing shall submit to the State Board of Nursing evidence,
2 verified by oath, that the applicant:

3 (1) Is of good moral character;

4 (2) Has completed an approved high school course of study or the
5 equivalent thereof as determined by the appropriate educational agency; and

6 (3) Has completed a prescribed curriculum in a state-approved
7 program for the preparation of psychiatric technician nurses and holds a
8 diploma or certificate therefrom. However, the State Board of Nursing may
9 waive this requirement if the board determines the applicant to be otherwise
10 qualified.

11 (b) Issuance of License. A license to practice as a psychiatric
12 technician nurse may be issued:

13 (1) By Examination. The applicant shall be required to pass a
14 written examination in such subjects as the board may determine. Each written
15 examination may be supplemented by an oral examination. Upon successfully
16 passing the examination, the board shall issue to the applicant a license to
17 practice as a psychiatric technician nurse. All such examinations shall be
18 conducted by an examiner, who shall be a registered nurse, and by an assistant
19 examiner, who shall be a licensed psychiatric technician nurse;

20 (2) By Endorsement. The board may issue a license to practice
21 psychiatric technician nursing by endorsement to an applicant who has duly
22 been licensed or registered as a licensed psychiatric technician nurse or a
23 person entitled to perform similar services under a different title under the
24 laws of another state, territory, or foreign country if, in the opinion of the
25 board, the applicant meets the requirements for licensed psychiatric
26 technician nurses in this state at the time of graduation and if the board so
27 recommends.

28 (c) Person Licensed Prior to March 29, 1971. Any person holding a
29 license to practice as a psychiatric technician issued by the board in
30 accordance with Acts 1953, No. 124 [repealed], and which is valid on March 29,
31 1971, shall be deemed to be licensed as a psychiatric technician nurse under
32 the provisions of this chapter.

33 (d) Title and Abbreviation. Any person who holds a license to practice
34 psychiatric technician nursing in this state shall have the right to use the
35 title Licensed Psychiatric Technician Nurse and the abbreviation L.P.T.N.

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SECTION 12. Arkansas Code Annotated 17-86-306 is amended to read as follows:

"17-86-306. Fees. The board shall establish and collect fees and penalties for services relating to examination, licensing, endorsement, certification for prescriptive authority, temporary permits, license renewal and other reasonable services as determined by the board."

SECTION 13. Arkansas Code Annotated 17-86-307 is amended to read as follows:

"17-86-307. Temporary permits.

(a) (1) Upon application and payment of the required fee, the board may issue a temporary permit to practice professional, practical, or psychiatric technician nursing to a qualified applicant who has:

(A) Completed a program in professional, practical, or psychiatric technician nursing approved by the appropriate state or national authorizing agency of this state or country and by the appropriate authorizing agency of other states or territories or foreign countries; and

(B) Applied for or is awaiting results of the first examination he or she is eligible to take after the permit is issued.

(2) The permit shall become invalid upon notification to the applicant of the results of the first examination he or she is eligible to take after the permit is issued.

(b) (1) Upon application and payment of the required fee, the board shall issue a temporary permit to a qualified applicant holding a current professional, practical, or psychiatric technician license from another jurisdiction from any other state or territory awaiting endorsement.

(2) This permit must have an issuance date and a date when it shall become invalid and shall not exceed ninety (90) days.

(c) (1) Upon application and payment of the required fee, an applicant shall be issued a temporary permit to practice advanced practice nursing; who:

(A) Has satisfactorily completed an educational program for advanced practice nursing approved by the board; and

(B) Has been accepted by the appropriate certification body to sit for the first national certification exam he or she is eligible to

1 take.

2 (2) The permit shall expire upon notification to the applicant of
3 the results of the examination. The permit is not renewable and does not
4 apply to prescriptive authority.

5 (d) (1) Upon application and payment of the required fee, the board
6 shall issue a temporary permit to a qualified applicant holding a current
7 advanced practice nurse license or the equivalent from another jurisdiction
8 from any other state or territory awaiting endorsement.

9 (2) This permit must have an issuance date and a date when it
10 shall become invalid. The permit shall automatically become invalid upon
11 notification of the applicant's failure to pass the appropriate national
12 certification exam. In no event, shall the permit be valid in excess of six
13 (6) months."

14

15 SECTION 14. Arkansas Code Annotated 17-86-308 is amended to read as
16 follows:

17 "17-86-308. Renewal of licenses.

18 (a) (1) The board shall prescribe the procedure for the cyclical
19 biennial renewal of licenses to every person licensed by the board.

20 (2) In each case, the board shall mail an application for renewal
21 to the licensee at least thirty (30) days prior to the expiration date of the
22 license.

23 (b) Upon receipt of the application and the fee, the board shall verify
24 the accuracy of the application and issue to the applicant a certificate of
25 renewal for a period to expire on the last day of the current biennial cycle.

26 (c) The procedure prescribed by the State Board of Nursing for license
27 renewal shall not be implemented until the proposal has been reviewed by the
28 Joint Interim Committee on Public Health, Welfare, and Labor of the General
29 Assembly. The renewal shall render the holder thereof a legal practitioner of
30 nursing for the period stated in the certificate of renewal.

31 (d) Any licensee who allows his or her license to lapse by failing to
32 renew the license as provided above may be reinstated by the board on payment
33 of the renewal fee plus a penalty.

34 (e) Any person practicing nursing during the time his or her license
35 has lapsed shall be considered an illegal practitioner and shall be subject to

1 the penalties provided for violations of this chapter.

2 (f) An individual may place his or her license on inactive status with
3 written notification to the board. The holder of an inactive license shall
4 not practice nursing in this state. An inactive license may be placed in an
5 active status upon compliance with the rules established by the board.

6 (g) The provisions relating to the denial, suspension, and revocation
7 of a license shall be applicable to an inactive or lapsed license. When
8 proceedings to suspend or revoke an inactive license have been initiated, the
9 license shall not be reinstated until the proceedings have been completed.

10 (h) As a condition of licensure renewal, an advanced practice nurse
11 shall submit proof of current national certification and successful completion
12 of continuing education as required by the board."

13

14 SECTION 15. Arkansas Code Annotated 17-86-309 is amended to read as
15 follows:

16 "17-86-309. Disciplinary actions.

17 (a) The board shall have sole authority to deny or suspend any license
18 to practice nursing or certificate of prescriptive authority issued by the
19 board or applied for in accordance with the provisions of this chapter or to
20 otherwise discipline a licensee upon proof that the person:

21 (1) Is guilty of fraud or deceit in procuring or attempting to
22 procure a license to practice nursing;

23 (2) Is guilty of a crime or gross immorality;

24 (3) Is unfit or incompetent by reason of negligence, habits, or
25 other causes;

26 (4) Is habitually intemperate or is addicted to the use of
27 habit-forming drugs;

28 (5) Is mentally incompetent;

29 (6) Is guilty of unprofessional conduct;

30 (7) Has had a license, certificate or registration revoked,
31 suspended or placed on probation or under disciplinary order in any
32 jurisdiction;

33 (8) Has voluntarily surrendered a license, certification or
34 registration and has not been reinstated in any jurisdiction; or

35 (9) Has willfully or repeatedly violated any of the provisions of

1 this chapter.

2 (b) Proceedings under this section shall be as provided in the
3 Administrative Procedure Act, as amended, § 25-15-201 et seq."

4

5 SECTION 16. Subchapter 3 of Chapter 86 of Title 17 is amended by adding
6 the following section:

7 "17-86-311. Prescriptive Authority.

8 (a) The board may grant a certificate of prescriptive authority to an
9 advanced practice nurse, who:

10 (1) Submits proof of successful completion of a board approved
11 advanced pharmacology course that shall include preceptorial experience in the
12 prescription of drugs, medicines and therapeutic devices; and

13 (2) Has a collaborative practice agreement with a physician who
14 is licensed under the Arkansas Medical Practices Act, 17-93-201 et seq., and
15 who has a practice comparable in scope, specialty or expertise to that of the
16 advanced practice nurse, on file with the board.

17 (b) An advanced practice nurse with a certificate of prescriptive
18 authority may receive and prescribe drugs, medicines or therapeutic devices
19 appropriate to the advanced practice nurses's area of practice in accordance
20 with rules established by the board. An advanced practice nurse's
21 prescriptive authority shall only extend to drugs listed in Schedules III
22 through V.

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

25 (1) availability of the collaborating physician for consultation
26 or referral or both;

27 (2) methods of management of the collaborative practice, which
28 shall include protocols for prescriptive authority;

29 (3) coverage of the health care needs of a patient in the
30 emergency absence of the advance practice nurse or physician; and

31 (4) quality assurance.

32 (d) If a collaborative practice results in complaints of violations of
33 Arkansas Code 17-93-201, et seq., the Arkansas State Medical Board may review
34 the role of the physician in the collaborative practice to determine if the
35 physician is unable to manage his or her responsibilities under the agreement

1 without an adverse affect on the quality of care of the patient.

2 (e) If a collaborative practice results in complaints of violations of
3 Arkansas Code 17-86-101, et seq., the Arkansas State Board of Nursing may
4 review the role of the advanced practice nurse in the collaborative practice
5 to determine if the nurse is unable to manage his or her responsibilities
6 under the agreement without an adverse affect on the quality of care of the
7 patient."

8

9 SECTION 17. Subchapter 3 of Chapter 86 of Title 17 is amended by adding
10 the following section:

11 "17-86-312. Direct Reimbursement Agreements.

12 (a) An advanced practice nurse or a registered nurse practitioner may
13 enter into a direct reimbursement agreement with the agency administering the
14 state Medicaid program.

15 (b) The agency administering the state Medicaid program shall not
16 discriminate against practitioners providing covered services within the scope
17 of their practice based on the type of practitioner."

18

19 SECTION 18. Arkansas Code Annotated 17-86-401 is amended to read as
20 follows:

21 "17-86-401. Nursing education programs.

22 (a) An institution desiring to conduct a nursing education program to
23 prepare professional, advanced practice, nurse practitioner, practical, and
24 psychiatric technician nurses shall apply to the board and submit evidence
25 that:

26 (1) It is prepared to carry out a program in professional nursing
27 education, advanced practice nursing education, nurse practitioner nursing
28 education, practical nursing education, psychiatric technician training, as
29 the case may be; and

30 (2) It is prepared to meet such standards as shall be established
31 by this chapter and by the board.

32 (b)(1) A survey of the institution and its entire nursing education
33 program shall be made by an authorized representative of the board, who shall
34 submit a written report of the survey to the board.

35 (2) If, in the opinion of the board, the requirements for an

1 approved nursing education program are met, the program shall be approved as a
2 nursing education program for professional, advanced practice, nurse
3 practitioner, practical, and psychiatric technician nurses.

4 (c)(1) From time to time, as deemed necessary, it shall be the duty of
5 the board, through its authorized representative, to survey its nursing
6 education programs in the state.

7 (2) Written reports of such surveys shall be submitted to the
8 board.

9 (3) If the board shall determine that any approved nursing
10 education program under its supervision is not maintaining the standards
11 required by the statutes and by the board, notice thereof in writing
12 specifying the defect or defects shall be immediately given to the institution
13 conducting the program.

14 (4) A program which fails within a reasonable time to correct
15 these conditions to the satisfaction of the board shall be withdrawn after a
16 hearing."

17

18 SECTION 19. Subchapter 5 of Chapter 86 of Title 17, relating to
19 certified nurse midwives, is hereby repealed.

20

21 SECTION 20. Subchapter 1 of Chapter 91 of Title 17 of Arkansas Code
22 Annotated is amended by adding the following section:

23 "17-91-110. Prescriptive authority of advanced practice nurses.

24 Pharmacists licensed in the State of Arkansas are authorized to fill
25 prescriptions in the State of Arkansas for advanced practice nurses holding
26 certificates of prescriptive authority."

27

28 SECTION 21. Nothing in this act relating to the practice of advanced
29 practice nursing shall be construed to limit or alter the scope of practice of
30 any registered nurse practitioner or any other licensed nurse."

31

32 SECTION 22. All provisions of this act of a general and permanent
33 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
34 Code Revision Commission shall incorporate the same in the Code.

35

1 SECTION 23. If any provision of this act or the application thereof to
2 any person or circumstance is held invalid, such invalidity shall not affect
3 other provisions or applications of the act which can be given effect without
4 the invalid provision or application, and to this end the provisions of this
5 act are declared to be severable.

6

7 SECTION 24. All laws and parts of laws in conflict with this act are
8 hereby repealed.

9

/s/Rep. Flanagan, et al

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APPROVED: 2-22-95

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