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2 91st General Assembly
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4

As Engrossed: H2/8/17

A Bill

HOUSE BILL 1254

5 By: Representative Magie
6

For An Act To Be Entitled

8 AN ACT TO TRANSFER REGULATORY AUTHORITY OVER ADVANCED
9 PRACTICE REGISTERED NURSES FROM THE ARKANSAS STATE
10 BOARD OF NURSING TO THE ARKANSAS STATE MEDICAL BOARD;
11 AND FOR OTHER PURPOSES.
12
13

Subtitle

15 TO TRANSFER REGULATORY AUTHORITY OVER
16 ADVANCED PRACTICE REGISTERED NURSES FROM
17 THE ARKANSAS STATE BOARD OF NURSING TO
18 THE ARKANSAS STATE MEDICAL BOARD.
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code §§ 17-87-101 and 17-87-102 is amended to read
24 as follows:

25 17-87-101. License required – Purpose.

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

30 (1) Professional nursing;

31 (2) ~~Advanced practice registered nursing;~~

32 ~~(3)~~ Registered practitioner nursing;

33 ~~(4)~~(3) Practical nursing; or

34 ~~(5)~~(4) Psychiatric technician nursing.

35 (b) It is unlawful for any person not licensed by the Arkansas State
36 Board of Nursing:



1 (1) To practice or offer to practice professional nursing,
2 ~~advanced practice registered nursing~~, registered practitioner nursing,
3 practical nursing, or psychiatric technician nursing; or

4 (2) To use any sign, card, or device to indicate that the person
5 is a professional registered nurse, ~~an advanced practice registered nurse~~, a
6 registered nurse practitioner, a licensed practical nurse, or a licensed
7 psychiatric technician nurse.

8
9 17-87-102. Definitions.

10 As used in this chapter:

11 (1) "Board" means the Arkansas State Board of Nursing;

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

18 ~~(3) "Consulting physician" means a physician licensed under the~~
19 ~~Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-95-301 et seq., and~~
20 ~~§ 17-95-401 et seq., with obstetrical privileges in a hospital, who has~~
21 ~~agreed to practice in consultation with a certified nurse midwife;~~

22 ~~(4)(A) "Practice of advanced practice registered nursing" means~~
23 ~~the delivery of healthcare services for compensation by a professional nurse~~
24 ~~who has gained additional knowledge and skills through successful completion~~
25 ~~of an organized program of nursing education that certifies nurses for~~
26 ~~advanced practice roles as certified nurse practitioners, certified~~
27 ~~registered nurse anesthetists, certified nurse midwives, and clinical nurse~~
28 ~~specialists.~~

29 ~~(B) "Practice of advanced practice registered nursing"~~
30 ~~includes the practice of nursing as a:~~

31 ~~(i) Certified nurse practitioner;~~

32 ~~(ii) Certified registered nurse anesthetist;~~

33 ~~(iii) Certified nurse midwife; and~~

34 ~~(iv) Clinical nurse specialist;~~

35 ~~(5) "Practice of certified nurse midwifery" means the~~
36 ~~performance for compensation of advanced nursing practices by a certified~~

1 ~~nurse midwife that are relevant to the management of women's health care,~~
2 ~~focusing on pregnancy, childbirth, the postpartum period, care of the~~
3 ~~newborn, family planning, and gynecological needs of women within a~~
4 ~~healthcare system that provides for consultation, collaborative management,~~
5 ~~or referral as indicated by the health status of the client;~~

6 ~~(6) "Practice of certified nurse practitioner nursing" means the~~
7 ~~performance for compensation of advanced nursing practices by a registered~~
8 ~~nurse who, as demonstrated by national certification, has advanced knowledge~~
9 ~~and practice skills in the delivery of nursing services;~~

10 ~~(7)(A) "Practice of certified registered nurse anesthesia" means~~
11 ~~the performance for compensation of advanced nursing practices by a certified~~
12 ~~registered nurse anesthetist that are relevant to the administration of~~
13 ~~anesthetics under the supervision of, but not necessarily in the presence of,~~
14 ~~a licensed physician, licensed dentist, or other person lawfully entitled to~~
15 ~~order anesthesia.~~

16 ~~(B) A certified registered nurse anesthetist may order~~
17 ~~nurses, within his or her scope of practice, to administer drugs~~
18 ~~preoperatively and postoperatively in connection with an anesthetic or other~~
19 ~~operative or invasive procedure, or both, that will be or has been provided;~~

20 ~~(8) "Practice of clinical nurse specialist nursing" means the~~
21 ~~performance for compensation of advanced nursing practices by a registered~~
22 ~~nurse who, through study and supervised practice at the graduate level and as~~
23 ~~evidenced by national certification, has advanced knowledge and practice~~
24 ~~skills in a specialized area of nursing practice;~~

25 ~~(9)(2)~~ "Practice of licensed practical nursing" means the
26 performance for compensation of nursing practices by a licensed practical
27 nurse that are relevant to the care of the ill, injured, or infirm, or the
28 delegation of certain nursing practices to other personnel as set forth in
29 ~~regulations~~ rules established by the board, under the direction of a
30 registered nurse, an advanced practice registered nurse, a licensed
31 physician, or a licensed dentist that do not require the substantial
32 specialized skill, judgment, and knowledge required in professional nursing;

33 ~~(10)(3)~~ "Practice of professional nursing" means the performance
34 by a registered nurse or an advanced practice registered nurse for
35 compensation of any acts involving:

36 (A) The observation, care, and counsel of the ill,

1 injured, or infirm;

2 (B) The maintenance of health or prevention of illness of
3 others;

4 (C) The supervision and teaching of other personnel;

5 (D) The delegation of certain nursing practices to other
6 personnel as set forth in ~~regulations~~ rules established by the board; or

7 (E) The administration of medications and treatments as
8 prescribed by practitioners authorized to prescribe and treat in accordance
9 with state law when such acts require substantial specialized judgment and
10 skill based on knowledge and application of the principles of biological,
11 physical, and social sciences;

12 ~~(11)~~(4) "Practice of psychiatric technician nursing" means the
13 performance for compensation of nursing practices by a licensed psychiatric
14 technician nurse that are relevant to the care of the physically and mentally
15 impaired, injured, or infirm or the delegation of certain nursing practices
16 to other personnel as set forth in ~~regulations~~ rules established by the
17 board, and the carrying out of medical orders under the direction of a
18 professional registered nurse, an advanced practice registered nurse, a
19 licensed physician, or a licensed dentist, when such activities do not
20 require the substantial specialized skill, judgment, and knowledge required
21 in professional nursing; and

22 ~~(12)(A)~~(5)(A) "Practice of registered nurse practitioner
23 nursing" means the performance for compensation of nursing practices by a
24 registered nurse practitioner that are relevant to the delivery of healthcare
25 services in collaboration with and under the direction of a licensed
26 physician or under the direction of protocols developed with a licensed
27 physician.

28 (B) A registered nurse practitioner is authorized to
29 engage in nursing practices as recognized by the nursing profession and as
30 authorized by the board.

31

32 SECTION 2. Arkansas Code § 17-87-104(a), concerning penalties relating
33 to the practice of nursing, is amended to read as follows:

34 (a)(1) It shall be a misdemeanor for any person to:

35 (A) Sell or fraudulently obtain or furnish any nursing
36 diploma, license, renewal, or record, or aid or abet therein;

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

4 (C) Practice professional nursing, ~~advanced practice~~
 5 ~~nursing~~, registered nurse practitioner nursing, practical nursing, or
 6 psychiatric technician nursing as defined by this chapter unless licensed by
 7 the Arkansas State Board of Nursing to do so;

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

11 (i) Nurse;

12 (ii) Registered nurse or R.N.;

13 (iii) ~~Advanced practice nurse, advanced practice~~
 14 ~~registered nurse, A.P.N., or A.P.R.N., or any of the following:~~

15 (a) ~~Advanced registered nurse practitioner,~~
 16 ~~certified nurse practitioner, A.R.N.P., A.N.P., or C.N.P.;~~

17 (b) ~~Nurse anesthetist, certified nurse~~
 18 ~~anesthetist, certified registered nurse anesthetist, or C.R.N.A.;~~

19 (c) ~~Nurse midwife, certified nurse midwife,~~
 20 ~~licensed nurse midwife, C.N.M., or L.N.M.; or~~

21 (d) ~~Clinical nurse specialist or C.N.S.;~~

22 (iv) Registered nurse practitioner, N.P., or R.N.P.;

23 (v)(iv) Licensed practical nurse, practical nurse,
 24 or L.P.N.;

25 (vi)(v) Licensed psychiatric technician nurse,
 26 psychiatric technician nurse, L.P.T.N., or P.T.N.; or

27 (vii)(vi) Any other name, title, or initials that
 28 would cause a reasonable person to believe the user is licensed under this
 29 chapter;

30 (E) Practice professional nursing, ~~advanced practice~~
 31 ~~nursing~~, registered nurse practitioner nursing, practical nursing, or
 32 psychiatric technician nursing during the time his or her license ~~shall be~~ is
 33 suspended;

34 (F) Conduct a nursing education program for the
 35 preparation of professional nurses, ~~advanced practice registered nurses,~~
 36 ~~nurse practitioners,~~ practical nurses, or psychiatric technician nurses

1 unless the program has been approved by the board; or

2 ~~(G) Prescribe any drug or medicine as authorized by this~~
 3 ~~chapter unless certified by the board as having prescriptive authority,~~
 4 ~~except that a certified registered nurse anesthetist shall not be required to~~
 5 ~~have prescriptive authority to provide anesthesia care, including the~~
 6 ~~administration of drugs or medicines necessary for the care; or~~

7 ~~(H)~~(G) Otherwise violate any provisions of this chapter.

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

12
 13 SECTION 3. Arkansas Code § 17-87-201 is amended to read as follows:

14 17-87-201. Creation – Members.

15 (a) There is created the Arkansas State Board of Nursing, to be
 16 composed of ~~thirteen (13)~~ eleven (11) members to be appointed by the Governor
 17 for terms of four (4) years, subject to confirmation by the Senate.

18 (b)(1) Five (5) members shall be registered nurses whose highest level
 19 of educational preparation shall be as follows:

20 (A) One (1) nursing diploma graduate;

21 (B) Two (2) associate degree graduates; and

22 (C) Two (2) baccalaureate degree or postbaccalaureate
 23 degree graduates.

24 (2) Each registered nurse member of the board shall have the
 25 following qualifications:

26 (A) Be an Arkansas resident;

27 (B) Have at least five (5) years of successful experience
 28 as a registered nurse in nursing practice, administration, or teaching;

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

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

33 ~~(c)(1) Two (2) members shall be licensed advanced practice registered~~
 34 ~~nurses.~~

35 ~~(2) Each licensed advanced practice registered nurse board~~
 36 ~~member shall have the following qualifications:~~

1 ~~(A) Be an Arkansas resident;~~

2 ~~(B) Have at least five (5) years of experience as an~~
3 ~~advanced practice registered nurse;~~

4 ~~(C) Be licensed in Arkansas as an advanced practice~~
5 ~~registered nurse; and~~

6 ~~(D) Have been actively engaged in nursing for at least~~
7 ~~three (3) years immediately preceding appointment, two (2) years of which~~
8 ~~shall have been in Arkansas.~~

9 ~~(3) One (1) member who is an advance practice registered nurse~~
10 ~~shall hold a certificate granting prescriptive authority.~~

11 ~~(d)(1)(c)(1)~~ Three (3) members shall be licensed practical nurses or
12 licensed psychiatric technician nurses.

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

16 (A) Be an Arkansas resident;

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

20 (C) Be licensed in Arkansas as a licensed practical nurse
21 or licensed psychiatric technician nurse; and

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

26 ~~(e)(d)~~ One (1) member shall be an at-large licensed registered nurse
27 or licensed practical nurse.

28 ~~(f)(e)~~ At least one (1) member who is a licensed registered nurse or
29 advanced practice registered nurse also shall be a nursing program educator.

30 ~~(g)~~ One (1) member shall be a lay person representing consumers of
31 healthcare services.

32 ~~(h)(1)(f)(1)~~ One (1) member shall be sixty (60) years of age or older
33 and shall be the representative of the elderly.

34 (2) This member shall be appointed from the state at large,
35 subject to confirmation by the Senate, and shall be a full voting member.

36 ~~(i)(h)~~ The consumer representative and the representative of the

1 elderly positions may not be filled by the same person.

2 ~~(j)~~(i) A member shall not be appointed to more than two (2)
3 consecutive terms.

4 ~~(k)~~(j) Board members may receive expense reimbursement and stipends in
5 accordance with § 25-16-901 et seq.

6 ~~(l)~~(k) The terms of all registered nurse members ~~and advanced practice~~
7 ~~registered nurse members~~ shall be four (4) years.

8

9 SECTION 4. Arkansas Code § 17-87-203(8), concerning the powers and
10 duties of the Arkansas State Board of Nursing, is amended to read as follows:

11 (8) Prescribe minimum standards and approve curricula for educational
12 programs preparing persons for licensure as registered nurses, ~~advanced~~
13 ~~practice registered nurses~~, registered nurse practitioner nurses, licensed
14 practical nurses, and licensed psychiatric technician nurses;

15

16 SECTION 5. Arkansas Code § 17-87-203(16), concerning the powers and
17 duties of the Arkansas State Board of Nursing, is repealed.

18 ~~(16) Grant certificates of prescriptive authority to qualified~~
19 ~~advanced practice registered nurses;~~

20

21 SECTION 6. Arkansas Code § 17-87-205 is repealed.

22 ~~17-87-205. Prescriptive Authority Advisory Committee.~~

23 ~~(a)(1) The Prescriptive Authority Advisory Committee is created as an~~
24 ~~advisory committee to the Arkansas State Board of Nursing.~~

25 ~~(2) The committee shall assist the board in implementing the~~
26 ~~provisions of this chapter regarding prescriptive authority.~~

27 ~~(b) The board shall appoint six (6) members, to be approved by the~~
28 ~~Governor, who have the following qualifications:~~

29 ~~(1) Four (4) members shall be advanced practice registered~~
30 ~~nurses at least three (3) of whom hold certificates of prescriptive authority~~
31 ~~and an active Drug Enforcement Administration number;~~

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

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

1 ~~(c) Members shall serve three year terms.~~

2 ~~(d) The board may remove any committee member, after notice and~~
3 ~~hearing, for incapacity, incompetence, neglect of duty, or malfeasance in~~
4 ~~office.~~

5 ~~(e) The members shall serve without compensation, but may receive~~
6 ~~expense reimbursement in accordance with § 25-16-901 et seq.~~

7
8 SECTION 7. Arkansas Code § 17-87-302 is repealed.

9 ~~17-87-302. Advanced practice registered nurses.~~

10 ~~(a) Qualifications. In order to be licensed as an advanced practice~~
11 ~~registered nurse, an applicant shall show evidence of education approved by~~
12 ~~the Arkansas State Board of Nursing, and national certification approved by~~
13 ~~the board under one (1) of the following roles of an advanced practice~~
14 ~~registered nurse:~~

15 ~~(1) Certified Nurse Practitioner. A certified nurse~~
16 ~~practitioner shall hold current certification by a national certifying body~~
17 ~~recognized by the board in the advanced practice registered nurse role and~~
18 ~~population foci appropriate to educational preparation;~~

19 ~~(2) Certified Registered Nurse Anesthetist. To qualify as a~~
20 ~~certified registered nurse anesthetist, an applicant shall:~~

21 ~~(A) Have earned a diploma or certificate evidencing~~
22 ~~satisfactory completion, beyond generic nursing preparation, of a formal~~
23 ~~educational program that meets the standards of the Council on Accreditation~~
24 ~~of Nurse Anesthesia Educational Programs or another nationally recognized~~
25 ~~accrediting body and that has as its objective the preparation of nurses to~~
26 ~~perform as nurse anesthetists; and~~

27 ~~(B) Hold current certification by a national certifying~~
28 ~~body recognized by the board in the advanced practice registered nurse role~~
29 ~~and population foci appropriate to educational preparation;~~

30 ~~(3) Certified Nurse Midwife. To qualify as a certified nurse~~
31 ~~midwife, an applicant shall:~~

32 ~~(A) Hold current certification by a national certifying~~
33 ~~body recognized by the board in the advanced practice registered nurse role~~
34 ~~and population foci appropriate to educational preparation; and~~

35 ~~(B) Have an agreement with a consulting physician if~~
36 ~~providing intrapartum care;~~

1 ~~(4) Clinical Nurse Specialist.~~—In order to qualify as a
2 ~~clinical nurse specialist, an applicant shall:~~

3 ~~(A) Hold a master's degree evidencing successful~~
4 ~~completion of a graduate program in nursing, which shall include supervised~~
5 ~~clinical practice and classroom instruction in a nursing specialty; and~~

6 ~~(B) Hold current certification by a national certifying~~
7 ~~body recognized by the board in the advanced practice registered nurse role~~
8 ~~and population foci appropriate to educational preparation.~~

9 ~~(b) Issuance of License.~~—A license to practice as an advanced
10 ~~practice registered nurse may be issued:~~

11 ~~(1) By Application.~~—Any person holding a license to practice
12 ~~as a registered nurse and meeting the educational qualifications and~~
13 ~~certification requirements to be licensed as an advanced practice registered~~
14 ~~nurse, upon application and payment of necessary fees to the board, may be~~
15 ~~licensed as an advanced practice registered nurse; and~~

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

23 ~~(c) Title and Abbreviation.~~—Any person who holds a license to
24 ~~practice as an advanced practice registered nurse shall have the right to use~~
25 ~~the title of "advanced practice registered nurse" and the abbreviation~~
26 ~~"A.P.R.N.".~~

27
28 SECTION 8. Arkansas Code § 17-87-307(d) is repealed.

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

33 ~~(2)(A) This permit must have an issuance date and a date when it~~
34 ~~shall become invalid.~~

35 ~~(B) The permit shall automatically become invalid upon~~
36 ~~notification of the applicant's failure to pass the appropriate national~~

1 ~~certification exam.~~

2 ~~(C) In no event shall the permit be valid in excess of six~~
3 ~~(6) months.~~

4
5 SECTION 9. Arkansas Code § 17-87-308(g) is repealed.

6 ~~(g) As a condition of licensure renewal, an advanced practice~~
7 ~~registered nurse shall submit proof of current national certification and~~
8 ~~successful completion of continuing education as required by the board.~~

9
10 SECTION 10. Arkansas Code § 17-87-310 is repealed.

11 ~~17-87-310. Prescriptive authority.~~

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

14 ~~(1) Submits proof of successful completion of an Arkansas State~~
15 ~~Board of Nursing approved advanced pharmacology course that shall include~~
16 ~~preceptorial experience in the prescription of drugs, medicines, and~~
17 ~~therapeutic devices; and~~

18 ~~(2) Has a collaborative practice agreement with a practicing~~
19 ~~physician who is licensed under the Arkansas Medical Practices Act, § 17-95-~~
20 ~~201 et seq., § 17-95-301 et seq., and § 17-95-401 et seq., and who has~~
21 ~~training in scope, specialty, or expertise to that of the advanced practice~~
22 ~~registered nurse on file with the Arkansas State Board of Nursing.~~

23 ~~(b)(1) An advanced practice registered nurse with a certificate of~~
24 ~~prescriptive authority may receive and prescribe drugs, medicines, or~~
25 ~~therapeutic devices appropriate to the advanced practice registered nurse's~~
26 ~~area of practice in accordance with rules established by the Arkansas State~~
27 ~~Board of Nursing.~~

28 ~~(2) An advanced practice registered nurse's prescriptive~~
29 ~~authority shall extend only to drugs listed in Schedules III—V and, if~~
30 ~~expressly authorized by the collaborative practice agreement, also to those~~
31 ~~hydrocodone combination products reclassified from Schedule III to Schedule~~
32 ~~II as of October 6, 2014.~~

33 ~~(3)(A) The Arkansas State Board of Nursing shall promptly adopt~~
34 ~~rules applicable to an advanced practice registered nurse that are consistent~~
35 ~~with the Arkansas State Medical Board's rules governing the prescription of~~
36 ~~dangerous drugs and controlled substances.~~

1 ~~(B) Prior to approval of the Arkansas State Board of~~
2 ~~Nursing's rules, the Arkansas State Medical Board shall review the proposed~~
3 ~~rules and verify that the proposed rules are consistent with the Arkansas~~
4 ~~State Medical Board's rules concerning the prescription of dangerous drugs~~
5 ~~and controlled substances.~~

6 ~~(c) A collaborative practice agreement shall include, but not be~~
7 ~~limited to, provisions addressing:~~

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

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

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

14 ~~(4) Quality assurance.~~

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

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

26
27 SECTION 11. Arkansas Code § 17-87-311 is repealed.

28 ~~17-87-311. Direct reimbursement agreements.~~

29 ~~(a) An advanced practice registered nurse or a registered nurse~~
30 ~~practitioner may enter into a direct reimbursement agreement with the agency~~
31 ~~administering the state medicaid program.~~

32 ~~(b) The agency administering the state medicaid program shall not~~
33 ~~discriminate against practitioners providing covered services within the~~
34 ~~scope of their practice based on the type of practitioner.~~

35
36 SECTION 12. Arkansas Code § 17-87-401 is amended to read as follows:

1 17-87-401. Nursing education programs.

2 (a) An institution desiring to conduct a nursing education program to
3 prepare professional, ~~advanced practice~~, nurse practitioner, practical, and
4 psychiatric technician nurses shall apply to the Arkansas State Board of
5 Nursing and submit evidence that the institution is prepared to:

6 (1) ~~It is prepared to carry~~ Carry out a program in professional
7 nursing education, ~~advanced practice nursing education~~, nurse practitioner
8 nursing education, practical nursing education, or psychiatric technician
9 nursing training, as the case may be; and

10 (2) ~~It is prepared to meet~~ Meet such standards as shall be
11 established by this chapter and by the board.

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

15 (2) If, in the opinion of the board, the requirements for an
16 approved nursing education program are met, the program shall be approved as
17 a nursing education program for professional, ~~advanced practice~~, nurse
18 practitioner, practical, and psychiatric technician nurses.

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

22 (2) Written reports of such surveys shall be submitted to the
23 board.

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

29 (4) A program that fails within a reasonable time to correct
30 these conditions to the satisfaction of the board shall be withdrawn after a
31 hearing.

32
33 SECTION 13. Arkansas Code Title 17, Chapter 95, is amended to add an
34 additional subchapter to read as follows:

35 Subchapter 10 - Advanced Practice Registered Nurse

36

1 17-95-1001. Definitions.

2 As used in this subchapter:

3 (1) “Collaborative practice agreement” means a written plan that
4 identifies a physician who agrees to collaborate with an advanced practice
5 registered nurse in the joint management of the health care of the advanced
6 practice registered nurse’s patients and that outlines procedures for
7 consultation with or referral to the collaborating physician or other
8 healthcare professional as indicated by a patient’s healthcare needs;

9 (2) “Consulting physician” means a physician licensed under the
10 Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-95-301 et seq., and
11 § 17-95-401 et seq., with obstetrical privileges in a hospital, who has
12 agreed to practice in consultation with a certified nurse midwife;

13 (3)(A) “Practice of advanced practice registered nursing” means
14 the delivery of healthcare services for compensation by a professional nurse
15 who has gained additional knowledge and skills through successful completion
16 of an organized program of nursing education that certifies nurses for
17 advanced practice roles as certified nurse practitioners, certified
18 registered nurse anesthetists, certified nurse midwives, and clinical nurse
19 specialists.

20 (B) “Practice of advanced practice registered nursing”
21 includes the practice of nursing as a:

22 (i) Certified nurse practitioner;

23 (ii) Certified registered nurse anesthetist;

24 (iii) Certified nurse midwife; and

25 (iv) Clinical nurse specialist;

26 (4) “Practice of certified nurse midwifery” means the
27 performance for compensation of advanced nursing practices by a certified
28 nurse midwife that are relevant to the management of women’s health care,
29 focusing on pregnancy, childbirth, the postpartum period, care of the
30 newborn, family planning, and gynecological needs of women within a
31 healthcare system that provides for consultation, collaborative management,
32 or referral as indicated by the health status of the client;

33 (5) “Practice of certified nurse practitioner nursing” means the
34 performance for compensation of advanced nursing practices by a registered
35 nurse who, as demonstrated by national certification, has advanced knowledge
36 and practice skills in the delivery of nursing services;

1 (6)(A) “Practice of certified registered nurse anesthesia” means
2 the performance for compensation of advanced nursing practices by a certified
3 registered nurse anesthetist that are relevant to the administration of
4 anesthetics under the supervision of, but not necessarily in the presence of,
5 a licensed physician, licensed dentist, or other person lawfully entitled to
6 order anesthesia.

7 (B) A certified registered nurse anesthetist may order
8 nurses, within his or her scope of practice, to administer drugs
9 preoperatively and postoperatively in connection with an anesthetic or other
10 operative or invasive procedure, or both, that will be or has been provided;
11 and

12 (7) “Practice of clinical nurse specialist nursing” means the
13 performance for compensation of advanced nursing practices by a registered
14 nurse who, through study and supervised practice at the graduate level and as
15 evidenced by national certification, has advanced knowledge and practice
16 skills in a specialized area of nursing practice.

17
18 17-95-1002. Licensure – Temporary licensure.

19 (a) In order to be licensed as an advanced practice registered nurse,
20 an applicant shall show evidence of education approved by the Arkansas State
21 Medical Board, and national certification approved by the board under one (1)
22 of the following roles of an advanced practice registered nurse:

23 (1)(A) Certified Nurse Practitioner.

24 (B) A certified nurse practitioner shall hold current
25 certification by a national certifying body recognized by the board in the
26 advanced practice registered nurse role and population foci appropriate to
27 educational preparation;

28 (2)(A) Certified Registered Nurse Anesthetist.

29 (B) To qualify as a certified registered nurse
30 anesthetist, an applicant shall:

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

1 (ii) Hold current certification by a national
2 certifying body recognized by the board in the advanced practice registered
3 nurse role and population foci appropriate to educational preparation;

4 (3)(A) Certified Nurse Midwife.

5 (B) To qualify as a certified nurse midwife, an applicant
6 shall:

7 (i) Hold current certification by a national
8 certifying body recognized by the board in the advanced practice registered
9 nurse role and population foci appropriate to educational preparation; and

10 (ii) If providing intrapartum care, have an agreement
11 with a consulting physician;

12 (4)(A) Clinical Nurse Specialist.

13 (B) In order to qualify as a clinical nurse specialist, an
14 applicant shall:

15 (i) Hold a master's degree evidencing successful
16 completion of a graduate program in nursing that includes supervised clinical
17 practice and classroom instruction in a nursing specialty; and

18 (ii) Hold current certification by a national
19 certifying body recognized by the board in the advanced practice registered
20 nurse role and population foci appropriate to educational preparation.

21 (b) A license to practice as an advanced practice registered nurse may
22 be issued:

23 (1)(A) By application.

24 (B) A person holding a license to practice as a registered
25 nurse and meeting the educational qualifications and certification
26 requirements to be licensed as an advanced practice registered nurse, upon
27 application and payment of necessary fees to the board, may be licensed as an
28 advanced practice registered nurse; or

29 (2)(A) By endorsement.

30 (B) The board may issue a license to practice advanced
31 practice registered nursing by endorsement to an applicant who has been
32 licensed as an advanced practice registered nurse or to a person entitled to
33 perform similar services under a different title under the laws of another
34 state, territory, or foreign country if, as determined by the board, the
35 applicant meets the requirements for licensure as an advanced practice
36 registered nurse in this state.

1 (c)(1) Upon application and payment of the required fee, the board
2 shall issue a temporary permit to a qualified applicant holding a current
3 advanced practice registered nurse license or the equivalent from another
4 jurisdiction from any other state or territory who is awaiting endorsement.

5 (2) The temporary permit issued under subdivision (c)(1) of this
6 section shall:

7 (A) Display a date of issuance and a date of expiration;

8 (B) Be valid for a period no longer than six (6) months
9 from the date of issuance; and

10 (C) If the applicant fails to pass the appropriate
11 national certification exam, be immediately invalid upon notification of the
12 applicant's failure to pass the appropriate national certification exam to
13 the board.

14
15 17-95-1003.. Renewal.

16 (a) Upon notification from the Arkansas State Medical Board, an
17 individual who holds a license as an advanced practice registered nurse in
18 this state shall renew the license by:

19 (1) Submitting the appropriate fee as determined by the board;

20 (2) Completing the appropriate renewal forms; and

21 (3) Meeting any other requirements set by the board.

22 (b) The board shall determine the renewal period.

23 (c) As a condition of licensure renewal, an advanced practice
24 registered nurse shall submit proof of current national certification and
25 successful completion of continuing education as required by the board.

26
27 17-95-1004. Prescriptive Authority Advisory Committee.

28 (a)(1) The Prescriptive Authority Advisory Committee is created as an
29 advisory committee to the Arkansas State Medical Board.

30 (2) The committee shall assist the board in implementing the
31 prescriptive authority for advanced practice registered nurses.

32 (b) The board shall appoint six (6) members, to be approved by the
33 Governor, who have the following qualifications:

34 (1)(A) Four (4) members shall be advanced practice registered
35 nurses;

36 (B) At least three (3) of the members listed in

1 subdivision (b)(1)(A) of this section shall hold certificates of prescriptive
2 authority and an active United States Drug Enforcement Administration number;

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

6 (3) One (1) member shall be a licensed pharmacist who has been
7 licensed for at least five (5) years.

8 (c) Members shall serve three-year terms.

9 (d) The board may remove any committee member, after notice and
10 hearing, for incapacity, incompetence, neglect of duty, or malfeasance in
11 office.

12 (e) The members shall serve without compensation but may receive
13 expense reimbursement in accordance with § 25-16-901 et seq.

14
15 17-95-1005. Prescriptive authority.

16 (a) The Arkansas State Medical Board may grant a certificate of
17 prescriptive authority to an advanced practice registered nurse who:

18 (1) Submits proof of successful completion of an advanced
19 pharmacology course that has been approved by the board and that includes
20 preceptorial experience in the prescription of drugs, medicines, and
21 therapeutic devices; and

22 (2) Has a collaborative practice agreement with a practicing
23 physician who is licensed under the Arkansas Medical Practices Act, § 17-95-
24 201 et seq., § 17-95-301 et seq., and § 17-95-401 et seq., and who has
25 training in scope, specialty, or expertise to that of the advanced practice
26 registered nurse on file with the board.

27 (b)(1) An advanced practice registered nurse with a certificate of
28 prescriptive authority may receive and prescribe drugs, medicines, or
29 therapeutic devices appropriate to the advanced practice registered nurse's
30 area of practice in accordance with rules established by the board.

31 (2) An advanced practice registered nurse's prescriptive
32 authority shall extend only to drugs listed in Schedules III – V and, if
33 expressly authorized by the collaborative practice agreement, also to those
34 hydrocodone combination products reclassified from Schedule III to Schedule
35 II as of October 6, 2014.

36 (3) The board shall promptly adopt rules applicable to an

1 advance practice registered nurse that are consistent with the rules
2 governing the prescription of dangerous drugs and controlled substances.

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

5 (1) The availability of the collaborating physician for
6 consultation or referral, or both;

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

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

11 (4) Quality assurance.

12 (d) If a collaborative practice results in complaints of violations of
13 the Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-95-301 et seq.,
14 and § 17-95-401 et seq., the board may review the role of:

15 (1) The physician in the collaborative practice to determine if
16 the physician is unable to manage his or her responsibilities under the
17 agreement without an adverse effect on the quality of care of the patient;
18 and

19 (2) The advanced practice registered nurse in the collaborative
20 practice to determine if the advanced practice registered nurse is unable to
21 manage his or her responsibilities under the collaborative practice agreement
22 without an adverse effect on the quality of care of the patient.

23
24 17-95-1006. Violation.

25 Following the exercise of due process, the Arkansas State Medical Board
26 may discipline an advanced practice registered nurse who:

27 (1) Fraudulently or deceptively obtains or attempts to obtain a
28 license;

29 (2) Fraudulently or deceptively uses a license;

30 (3) Violates any provision of this subchapter or any rules
31 adopted by the board pertaining to this subchapter;

32 (4) Is convicted of a felony;

33 (5) Is a habitual user of intoxicants or drugs to the extent
34 that he or she is unable to safely perform as an advanced practice registered
35 nurse;

36 (6) Has been adjudicated as mentally incompetent or has a mental

1 condition that renders him or her unable to safely perform as an advanced
2 practice registered nurse; or

3 (7) Has committed an act of moral turpitude.

4
5 17-95-1007. Disciplinary authority.

6 Upon finding that an advanced practice registered nurse has committed
7 an offense described in § 17-95-1006, the Arkansas State Medical Board may:

8 (1) Refuse to grant a license;

9 (2) Administer a public or private reprimand;

10 (3) Revoke, suspend, limit, or otherwise restrict a license;

11 (4) Require an advanced practice registered nurse to submit to
12 the care, counseling, or treatment of a physician or physicians designated by
13 the board;

14 (5) Suspend enforcement of its finding and place the advanced
15 practice registered nurse on probation with right to vacate the probationary
16 order for noncompliance; or

17 (6) Restore or reissue, at its discretion, a license and impose
18 any disciplinary or corrective measure that may have been imposed previously.

19
20 17-95-1008. Title and practice protection.

21 (a) A person who holds a license to practice as an advanced practice
22 registered nurse shall have the right to use the title of "advanced practice
23 registered nurse" and the abbreviation "A.P.R.N."

24 (b) A person who is not licensed under this subchapter is guilty of a
25 Class A misdemeanor and is subject to penalties applicable to the unlicensed
26 practice of medicine if he or she:

27 (1) Holds himself or herself out as an advanced practice
28 registered nurse, certified nurse practitioner, certified registered nurse
29 anesthetist, certified nurse midwife, or clinical nurse specialist; or

30 (2) Uses any combination or abbreviation of the term "advanced
31 practice registered nurse", "certified nurse practitioner", "certified
32 registered nurse anesthetist", "certified nurse midwife", or "clinical nurse
33 specialist" to indicate or imply that he or she is an advanced practice
34 registered nurse, certified nurse practitioner, certified registered nurse
35 anesthetist, certified nurse midwife, or clinical nurse specialist.

36

1 17-95-1009. Direct reimbursement agreements.

2 (a) An advanced practice registered nurse or a registered nurse
3 practitioner may enter into a direct reimbursement agreement with the agency
4 administering the Arkansas Medicaid Program.

5 (b) The agency administering the Arkansas Medicaid Program shall not
6 discriminate against practitioners providing covered services within their
7 respective scope of practice.

8
9 17-95-1010. "Good Samaritan" provision.

10 An advanced practice registered nurse is subject to the "Good
11 Samaritan" provisions embodied in § 17-95-101.

12
13 17-95-1011. Medical malpractice – Professional and legal liability for
14 actions.

15 An advanced practice registered nurse shall be covered under the
16 provisions regarding medical malpractice and legal liability as they apply to
17 his or her supervising physician or consulting physician as embodied in §§
18 16-114-201 - 16-114-203 and 16-114-205 - 16-114-209.

19
20 17-95-1012. Advanced Practice Registered Nurse Committee – Members.

21 (a)(1) The Advanced Practice Registered Nurse Committee is created
22 within the Arkansas State Medical Board.

23 (2) The committee shall consist of five (5) members as follows:

24 (A) Two (2) members of the board;

25 (B) Two (2) advanced practice registered nurse members
26 selected by the board; and

27 (C) One (1) physician that employs or has a collaborative
28 agreement with advanced practice registered nurses.

29 (b)(1)(A) Committee members who are advanced practice registered
30 nurses shall serve three-year terms.

31 (B) Committee members who are advanced practice registered
32 nurses shall not serve more than two (2) consecutive terms.

33 (2) An advanced practice registered nurse committee member shall
34 serve until a successor is appointed by the board.

35 (3) If a vacancy occurs among the committee members who are
36 advanced practice registered nurses, the board shall appoint a new member to

1 fill the vacancy.

2 (c)(1) The committee shall elect a chair with powers and duties the
3 committee shall fix.

4 (2) The chair shall serve a two-year term.

5 (3) A chair may be elected for no more than two (2) consecutive
6 terms.

7 (d)(1) A quorum of the committee shall be three (3) members.

8 (2) The committee shall hold a meeting at least quarterly and at
9 other times the committee considers advisable to review applications for
10 licensure or renewal and for approval of the protocol between the advanced
11 practice registered nurse and the supervising physician.

12 (e)(1) The committee members who are advanced practice registered
13 nurses shall serve without remuneration.

14 (2) However, if funds are available, the committee members who
15 are advanced practice registered nurses may receive expense reimbursement and
16 stipends in accordance with § 25-16-902, as follows:

17 (A) Their actual expenses while attending regular and
18 special meetings of the committee; and

19 (B) A per diem allowance when in attendance at regular or
20 special meetings of the committee.

21 (f) The members of the committee who are members of the board shall
22 receive remuneration as now provided to members of the board.

23
24 17-95-1013. Duties of Advanced Practice Registered Nurse Committee.

25 The Advanced Practice Registered Nurse Committee shall:

26 (1) Review all applications for advanced practice registered
27 nurses' licensure and for renewal of advanced practice registered nurses'
28 licensure;

29 (2) Review collaborative agreements or protocols between an
30 advanced practice registered nurse and a supervising physician;

31 (3) Recommend to the Arkansas State Medical Board approval or
32 disapproval of applications submitted under subdivision (1) of this section
33 and of collaborative agreements or protocols reviewed under subdivision (2)
34 of this section; and

35 (4) Recommend the approval, disapproval, or modification of the
36 application for prescriptive privileges for an advanced practice registered

1 nurse.

2
3 SECTION 14. Arkansas Code § 17-95-301(b), concerning the creation of
4 the Arkansas State Medical Board, is amended to read as follows:

5 (b)(1)(A) The board shall consist of ~~fourteen (14)~~ sixteen (16)
6 members appointed by the Governor for terms of six (6) years.

7 (B) The Governor shall consider diversity of practice
8 specialties and geographical areas of practice in making appointments to the
9 board.

10 (2)(A)(i) Ten (10) members shall be duly qualified, licensed,
11 and active medical practitioners and appointed by the Governor after
12 consulting the Arkansas Medical Society and subject to confirmation by the
13 Senate.

14 (ii) At least two (2) members shall be appointed
15 from each of the state's four (4) congressional districts.

16 (iii) Two (2) members shall be appointed at large.

17 (B) Congressional district representation required under
18 this subdivision (b)(2) shall be achieved by appointment as vacancies occur.

19 (3) One (1) member shall be a licensed practicing physician in
20 this state and shall be appointed by the Governor after consulting the
21 Physicians' Section of the Arkansas Medical, Dental, and Pharmaceutical
22 Association and subject to confirmation by the Senate.

23 (4) Two (2) members of the board shall not be actively engaged
24 in or retired from the practice of medicine. One (1) member shall represent
25 consumers, and one (1) member shall be sixty (60) years of age or older and
26 shall represent the elderly. Both shall be appointed from the state at large
27 subject to confirmation by the Senate. The two (2) positions may not be held
28 by the same person. Both shall be full voting members but shall not
29 participate in the grading of examinations.

30 (5) One (1) member shall be a duly qualified, licensed, and
31 practicing osteopathic physician and appointed after consulting the Arkansas
32 Osteopathic Medical Association and subject to confirmation by the Senate.

33 (6) Two (2) members shall be advanced practice registered nurses
34 who are licensed in this state and who have prescriptive authority.

35
36 /s/Magie