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2 89th General Assembly
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4

A Bill

SENATE BILL 161

5 By: Senator E. Cheatham
6

For An Act To Be Entitled

8 AN ACT TO CREATE THE TITLE OF ADVANCED PRACTICE
9 REGISTERED NURSE; TO ESTABLISH THE QUALIFICATIONS FOR
10 ADVANCED PRACTICE REGISTERED NURSING; AND FOR OTHER
11 PURPOSES.
12
13

Subtitle

14 TO CREATE THE TITLE OF ADVANCED PRACTICE
15 REGISTERED NURSE; AND TO ESTABLISH THE
16 QUALIFICATIONS FOR ADVANCED PRACTICE
17 REGISTERED NURSING.
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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 are amended to
24 read as follows:

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

26 (a) In order to safeguard life and health, ~~any~~ 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) Practical nursing; or
- 34 (5) Psychiatric technician nursing.

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

- 36 (1) To practice or offer to practice professional nursing,



1 advanced practice registered nursing, registered practitioner nursing,
2 practical nursing, or psychiatric technician nursing; or

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

7
8 SECTION 2. 17-87-102. Definitions.

9 As used in this chapter:

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

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

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

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

27 (B)(i) "Practice of ~~advanced~~ certified nurse practitioner
28 nursing" means the performance for compensation of nursing skills by a
29 registered nurse who, as demonstrated by national certification, has advanced
30 knowledge and practice skills in the delivery of nursing services.

31 (ii)(a) "Practice of certified registered nurse
32 anesthesia" means the performance for compensation of advanced nursing skills
33 relevant to the administration of anesthetics under the supervision of, but
34 not necessarily in the presence of, a licensed physician, licensed dentist,
35 or other person lawfully entitled to order anesthesia.

36 (b) A certified registered nurse anesthetist

1 may order nurses, within ~~their~~ his or her scope of practice, to administer
 2 drugs preoperatively and postoperatively in connection with an anesthetic or
 3 other operative or invasive procedure, or both, that will be or has been
 4 provided.

5 (iii) "Practice of clinical nurse specialist
 6 nursing" means the performance for compensation of nursing skills by a
 7 registered nurse who, through study and supervised practice at the graduate
 8 level and as evidenced by national certification, has advanced knowledge and
 9 practice skills in a specialized area of nursing practice;

10 (iv) "Practice of certified nurse midwifery" means
 11 the performance for compensation of nursing skills relevant to the management
 12 of women's health care, focusing on pregnancy, childbirth, the postpartum
 13 period, care of the newborn, family planning, and gynecological needs of
 14 women, within a health care system that provides for consultation,
 15 collaborative management, or referral as indicated by the health status of
 16 the client;

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

25 (6) "Practice of professional nursing" means the performance for
 26 compensation of any acts involving:

27 (A) The observation, care, and counsel of the ill,
 28 injured, or infirm;

29 (B) The maintenance of health or prevention of illness of
 30 others;

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

32 (D) The delegation of certain nursing practices to other
 33 personnel as set forth in regulations established by the board; or

34 (E) The administration of medications and treatments as
 35 prescribed by practitioners authorized to prescribe and treat in accordance
 36 with state law when such acts require substantial specialized judgment and

1 skill based on knowledge and application of the principles of biological,
2 physical, and social sciences;

3 (7) "Practice of psychiatric technician nursing" means the
4 performance for compensation of acts involving the care of the physically and
5 mentally ~~ill, retarded, impaired person~~ injured, or infirm or the delegation
6 of certain nursing practices to other personnel as set forth in regulations
7 established by the board, and the carrying out of medical orders under the
8 direction of a ~~registered~~ professional registered nurse, an advanced practice
9 registered nurse, a licensed physician, or a licensed dentist, when such
10 activities do not require the substantial specialized skill, judgment, and
11 knowledge required in professional nursing; and

12 (8)(A) "Practice of registered nurse practitioner nursing" means
13 the delivery of health care services for compensation in collaboration with
14 and under the direction of a licensed physician or under the direction of
15 protocols developed with a licensed physician.

16 (B) ~~Registered nurse practitioners shall be~~ A registered
17 nurse practitioner is authorized to engage in activities as recognized by the
18 nursing profession and as authorized by the board.

19 (C) ~~Nothing in this subdivision (8) is to be deemed to~~
20 This subdivision (8) does not limit a registered nurse practitioner from
21 engaging in ~~those~~ activities ~~which~~ that normally constitute the practice of
22 nursing, or ~~those which~~ activities that may be performed by persons without
23 the necessity of the license to practice medicine.

24
25 SECTION 3. Arkansas Code § 17-87-103(10), concerning exceptions to the
26 nurse practice act, is amended to read as follows:

27 (10) The prescription and administration of drugs, medicines, or
28 therapeutic devices in the presence of and under the supervision of an
29 advanced practice registered nurse holding a certificate of prescriptive
30 authority, a licensed physician, or licensed dentist by a registered nurse
31 who is enrolled as a student in an advanced pharmacology course, provided the
32 prescription or administration of drugs or medicines, or both, is confined to
33 the educational requirements of the course and under the direct supervision
34 of a qualified instructor;

35
36 SECTION 4. Arkansas Code § 17-87-103(12)(B)(iii), concerning

1 exceptions to the nurse practice act, is amended to read as follows:

2 (iii) "Health maintenance activities" means
3 activities that:

4 (a) Enable a minor child or adult to live in
5 his or her home; and

6 (b) Are beyond activities of daily living
7 that:

8 (1) The minor child or adult is unable
9 to perform for himself or herself; and

10 (2) The attending physician, advanced
11 practice registered nurse, or registered nurse determines can be safely
12 performed in the minor child's or adult's home by a designated care aide
13 under the direction of a competent adult or caretaker.

14
15 SECTION 5. Arkansas Code § 17-87-104(a)(1)(D)(iii), concerning
16 penalties under the nurse practice act, is amended to read as follows:

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

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

21 (b) Nurse anesthetist, certified nurse
22 anesthetist, certified registered nurse anesthetist, or C.R.N.A.;

23 (c) Nurse midwife, certified nurse midwife,
24 licensed nurse midwife, C.N.M., or L.N.M.; or

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

26
27 SECTION 6. Arkansas Code § 17-87-104(a)(1)(F), concerning penalties
28 under the nurse practice act, is amended to read as follows:

29 (F) Conduct a nursing education program for the
30 preparation of professional nurses, advanced practice registered nurses,
31 nurse practitioners, practical nurses, or psychiatric technician nurses
32 unless the program has been approved by the board;

33
34 SECTION 7. Arkansas Code § 17-87-201(c), concerning the membership of
35 the Arkansas State Board of Nursing, is amended to read as follows:

36 (c)(1) One (1) member shall be a licensed advanced practice registered

1 nurse.

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

4 (A) Be an Arkansas resident;

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

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

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

12 (E) Have a certificate granting prescriptive authority.
13

14 SECTION 8. Arkansas Code § 17-87-201(j), concerning the terms of the
15 members of the Arkansas State Board of Nursing, is amended to read as
16 follows:

17 (j) The terms of all registered nurse members and advanced practice
18 registered nurse members shall be four (4) years.
19

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

22 (8) Prescribe minimum standards and approve curricula for
23 educational programs preparing persons for licensure as registered nurses,
24 advanced practice registered nurses, ~~registered~~ certified nurse practitioner
25 nurses, licensed practical nurses, and licensed psychiatric technician
26 nurses;
27

28 SECTION 10. Arkansas Code § 17-87-203(16), concerning the powers and
29 duties of the Arkansas State Board of Nursing, is amended to read as follows:

30 (16) Grant certificates of prescriptive authority to qualified
31 advanced practice registered nurses;
32

33 SECTION 11. Arkansas Code § 17-87-205(b), concerning the membership of
34 the Prescriptive Authority Advisory Committee, is amended to read as follows:

35 (b) The board shall appoint ~~five (5)~~ six (6) members, to be approved
36 by the Governor, who have the following qualifications:

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

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

7 (3) One (1) member shall be a licensed pharmacist who has been
 8 ~~in practice-licensed~~ for at least five (5) years.

9
 10 SECTION 12. Arkansas Code § 17-87-302 is amended to read as follows:

11 17-87-302. Advanced practice registered nurses.

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

17 (1) ~~Advanced Registered Certified Nurse Practitioner. In order~~
 18 ~~to qualify as an advanced registered~~ A certified nurse practitioner, ~~an~~
 19 ~~applicant must be currently certified as a nurse practitioner by a nationally~~
 20 ~~recognized certifying body~~ shall hold current certification by a national
 21 certifying body recognized by the board in the role of an advanced practice
 22 registered nurse and population foci appropriate to educational preparation;

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

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

31 (B) Hold current certification ~~from the Council on~~
 32 ~~Certification of Nurse Anesthetists, the Council on Recertification of Nurse~~
 33 ~~Anesthetists, or other nationally recognized certifying body~~ by a national
 34 certifying body recognized by the board in the role of an advanced practice
 35 registered nurse and population foci appropriate to educational preparation;

36 (3) Certified Nurse Midwife. To qualify as a certified nurse

1 midwife, an applicant ~~must~~ shall:

2 (A) Hold current certification ~~as a nurse midwife from the~~
 3 ~~American College of Nurse Midwives or other nationally recognized certifying~~
 4 ~~body~~ by a national certifying body recognized by the board in the role of an
 5 advanced practice registered nurse and population foci appropriate to
 6 educational preparation; and

7 (B) Have an agreement with a consulting physician if
 8 providing intrapartum care;

9 (4) Clinical Nurse Specialist. In order to qualify as a
 10 clinical nurse specialist, an applicant ~~must~~ shall:

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

14 (B) ~~must be nationally certified in a specialty role as a~~
 15 ~~clinical nurse specialist~~ Hold current certification by a national certifying
 16 body recognized by the board in the role of an advanced practice registered
 17 nurse and population foci appropriate to educational preparation.

18 (b) Issuance of License. A license to practice as an advanced
 19 practice registered nurse may be issued:

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

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

32 (c) Title and Abbreviation. Any person who holds a license to
 33 practice as an advanced practice registered nurse shall have the right to use
 34 the title of "advanced practice registered nurse" and the abbreviation
 35 "A.P.N." "A.P.R.N.".

36

1 SECTION 13. Arkansas Code § 17-87-307(d)(1), concerning temporary
2 permits to practice professional, practical, or psychiatric technician
3 nursing, is amended to read as follows:

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

8
9 SECTION 14. Arkansas Code § 17-87-308(g), concerning renewal of
10 nursing licenses, is amended to read as follows:

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

14
15 SECTION 15. Arkansas Code § 17-87-310 is amended to read as follows:
16 17-87-310. Prescriptive authority.

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

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

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

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 Arkansas State
31 Board of Nursing.

32 (2) An advanced practice registered nurse's prescriptive
33 authority shall only extend to drugs listed in Schedules III – V.

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

36 (1) The availability of the collaborating physician for

1 consultation or referral, or both;

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

4 (3) Coverage of the health care needs of a patient in the
5 emergency absence of the advanced practice registered nurse or physician; and

6 (4) Quality assurance.

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

13 (e) If a collaborative practice results in complaints of violations of
14 this chapter, the Arkansas State Board of Nursing may review the role of the
15 advanced practice registered nurse in the collaborative practice to determine
16 if the nurse 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
19 SECTION 16. Arkansas Code § 17-87-311(a), concerning nurse’s direct
20 reimbursement agreements, is amended to read as follows:

21 (a) An advanced practice registered nurse or a registered nurse
22 practitioner may enter into a direct reimbursement agreement with the agency
23 administering the state medicaid program.

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