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CHAPTER ELEVEN FULL INDEPENDENT PRACTICE CREDENTIALING COMMITTEE

SECTION I PURPOSE & AUTHORITY

- A. PURPOSE** - The purpose of the Full Independent Practice Credentialing Committee is to:
- Review and act on applications for full independent practice authority submitted by Certified Nurse Practitioners and
 - Review and act on complaints filed against Certified Nurse Practitioners who have full independent practice authority.
- B. LEGAL AUTHORITY** - The authority of the Full Independent Practice Authority Committee is pursuant to Ark. Code Ann. § 17-87-314, et seq.

SECTION II GENERAL MATTERS

A. DEFINITION OF TERMS

- Full Independent Practice Authority: the ability of a Certified Nurse Practitioner to practice with prescriptive authority without a collaborative practice agreement as described in Ark. Code Ann. § 17-87-310.
- Prescriptive Authority: the ability to receive and prescribe drugs, medicines, or therapeutic devices appropriate to the advanced practice registered nurse's area of practice.
- Certified Nurse Practitioner: a registered nurse who has successfully completed a nationally accredited graduate or post-graduate APRN education program that prepares nurses for the advanced practice role of nurse practitioner, is nationally certified in the population foci appropriate to the educational preparation and licensed at the advanced practice level.

B. MEETING

- The Committee shall meet at least quarterly and shall have the power to call and hold special meetings at such times and places as it deems necessary.
- Five members shall constitute a quorum at any meeting of the Committee.

C. MEMBERS

The Committee shall be comprised of eight members appointed according to ACA 17-87-314 who may serve up to two 3-year terms, or until successor is appointed.

D. OFFICERS

- The Committee shall elect a Chair, and a Vice-Chair.
- Officers may serve no more than two consecutive 1-year terms.
- Powers & Duties of the Chair:
 - Sign subpoenas,
 - Administer oaths,
 - Authenticate all notices and other actions of the Committee, and
 - Issue notices of hearings and other processes and as directed by the Committee
- The Vice-Chair shall assume all duties and privileges of the Chair in the absence of the Chair.

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E. DUTIES

1. Review all applications, initial or renewal, for full independent practice authority submitted by Certified Nurse Practitioners licensed by the Arkansas State Board of Nursing.
2. Approve or deny applications for full independent practice authority.
 - a. All actions shall be provided, in writing, to the applicant.
 - b. Denial of an application shall include the reason(s) for denial.
3. Review complaints filed in writing against Certified Nurse Practitioners with full independent practice authority.
 - a. The Committee shall review complaints against Certified Nurse Practitioners who hold a certificate of full independent practice authority.
 - b. The Committee may take action, suspend or revoke the certificate for full independent practice authority based on the complaint; however, the Committee may not take action against the nursing license of a certified nurse practitioner.
 - c. All complaints and actions shall be reported to the Arkansas State Board of Nursing.

F. HEARINGS

1. Hearings will be conducted when the Committee takes action to suspend or revoke the certificate of full independent practice authority.
2. Hearings will be conducted according to the Arkansas Administrative Procedures Act.
3. The Certified Nurse Practitioner will be provided ten (10) days' notice, in writing, to appear before the Full Independent Practice Credentialing Committee.

G. APPEAL

If a Certified Nurse Practitioner's certificate of full independent practice authority is denied, suspended, or revoked they may appeal the action of the Committee under the Arkansas Administrative Procedure Act, §25-15-201.

F. REPORTS

A quarterly report will be provided to the Senate Committee on Public Health, Welfare and Labor and the House Committee on Public Health, Welfare and Labor. The report will contain, at a minimum, the number of applicants approved and denied a certificate of independent practice authority.

SECTION III

QUALIFICATIONS FOR FULL INDEPENDENT PRACTICE AUTHORITY

A. INITIAL

1. Submission of an application for full independent practice authority.
2. Submission of ~~three (3) letters one (1) letter~~ two (2) letters of recommendation.
3. Hold an active unencumbered Arkansas Certified Nurse Practitioner license.
4. Hold an unencumbered prescriptive authority certificate or equivalent in the state of licensure.
5. ~~Submission of a notarized affidavit attesting to the number of clinical practice hours.~~
6. ~~Submission of an affidavit from the collaborating physician(s) attesting the Certified Nurse Practitioner has practiced a minimum of 6,240 hours under a collaborative practice agreement.~~
 - a. ~~In the event a collaborating physician has died, become disabled, retired, relocated to another state, or in the event of any other circumstance that inhibits the ability of the nurse practitioner from obtaining an affidavit, the nurse practitioner may submit other evidence of meeting the qualifications for full independent practice along with an affidavit signed by the nurse practitioner. The burden shall be on the nurse practitioner to provide sufficient evidence to support the nurse practitioner's inability to obtain an affidavit from a collaborating physician.~~

Full Independent Practice Credentialing Committee Rules

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- ~~i. Other evidence may include employment records, military service, Medicare or Medicaid reimbursement records, or other similar records that verify clinical practice in the population foci for which the nurse practitioner is licensed and certified.~~
 - ~~b. A nurse practitioner who has practiced in a state that doesn't require a collaborative practice agreement shall submit an affidavit that the nurse practitioner has completed the equivalent of 6,240 hours of practice in accordance with the laws of the state in which the nurse practitioner was previously licensed or prescribing and any additional documents requested by the Committee as listed in Section III(A)(4)(a)(i) and Section III(A)(5).~~
5. Submission of documentation showing a minimum of 6,240 hours of practice under a collaborative practice agreement. Such documentation shall include:
- a. An affidavit from a collaborating physician attesting to the number of hours the Certified Nurse Practitioner practiced under a collaborative practice agreement with the physician. Multiple attestations are acceptable.; or
 - b. Other evidence of meeting the qualifications for full independent practice and an affidavit signed by the nurse practitioner, in the event a collaborating physician has died, become disabled, retired, relocated to another state, or any other circumstance that inhibits the ability of the nurse practitioner from obtaining an affidavit.
 - i. Other evidence may include employment records, military service, Medicare or Medicaid reimbursement records, or other similar records that verify clinical practice in the population foci for which the nurse practitioner is licensed and certified.
 - ii. The burden shall be on the nurse practitioner to provide sufficient evidence to support the nurse practitioner's inability to obtain an affidavit from a collaborating physician.
6. Submission of any other relevant documents requested by the Committee in support of application.

B. RENEWAL

1. The Certificate for full independent practice authority shall be renewed every three years by submitting the required application and corresponding fee.
2. Renewal applicants must hold an active unencumbered Arkansas Certified Nurse Practitioner license.

SECTION IV FEES

- A. The Committee shall establish fees for services relating to application for full independent practice authority and renewal of the full independent practice certificate.
1. The initial application fee shall be \$150.00.
 2. The certificate renewal fee shall be \$50.00.
 3. All funds received shall be deposited in the State Treasury to the credit of the Committee.
 4. Fees paid shall be by credit card.
 5. Fees paid are processing fees and are not refundable.

HISTORY: Adopted:

1 State of Arkansas As Engrossed: H2/25/21 H3/4/21

2 93rd General Assembly

A Bill

3 Regular Session, 2021

HOUSE BILL 1258

4

5 By: Representative L. Johnson

6 By: Senator K. Hammer

7

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For An Act To Be Entitled

9 AN ACT TO AUTHORIZE FULL INDEPENDENT PRACTICE
10 AUTHORITY FOR CERTIFIED NURSE PRACTITIONERS WHO MEET
11 CERTAIN REQUIREMENTS; TO CREATE THE FULL INDEPENDENT
12 PRACTICE CREDENTIALING COMMITTEE TO REVIEW AND
13 APPROVE APPLICATIONS FOR FULL INDEPENDENT PRACTICE
14 AUTHORITY FOR CERTIFIED NURSE PRACTITIONERS; AND FOR
15 OTHER PURPOSES.

16

17

18

Subtitle

19 TO AUTHORIZE FULL INDEPENDENT PRACTICE
20 AUTHORITY FOR CERTIFIED NURSE
21 PRACTITIONERS WHO MEET CERTAIN
22 REQUIREMENTS; AND TO CREATE THE FULL
23 INDEPENDENT PRACTICE CREDENTIALING
24 COMMITTEE.

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

28

29 SECTION 1. DO NOT CODIFY. Legislative intent.

30 It is the intent of the General Assembly to:

31 (1) Provide a legitimate pathway to full practice authority for
32 certified nurse practitioners; and

33 (2) Reevaluate the composition of the Full Independent Practice
34 Credentialing Committee in three (3) years.

35

36 SECTION 2. Arkansas Code Title 17, Chapter 87, Subchapter 3, is



1 amended to add an additional section to read as follows:

2 17-87-314. Full independent practice authority – Full Independent
3 Practice Committee – Members and duties – Definition.

4 (a) As used in this section, "full independent practice authority"
5 means the ability of a certified nurse practitioner to practice with
6 prescriptive authority without a collaborative practice agreement as
7 described in § 17-87-310.

8 (b)(1) The Full Independent Practice Credentialing Committee may grant
9 a certificate of full independent practice authority to a certified nurse
10 practitioner who submits:

11 (A) An application;

12 (B) An appropriate application fee as determined by the
13 Full Independent Practice Credentialing Committee;

14 (C) Proof of successful completion of six thousand two
15 hundred forty (6,240) hours of practice under a collaborative practice
16 agreement with a physician; and

17 (D) Any other relevant information as determined by the
18 Full Independent Practice Credentialing Committee.

19 (2) A certificate of full independent practice authority shall
20 be renewed every three (3) years with an appropriate renewal fee as
21 determined by the Full Independent Practice Credentialing Committee.

22 (c) A certified nurse practitioner with a certificate of full
23 independent practice authority may receive and prescribe drugs, medicines, or
24 therapeutic devices appropriate to the certified nurse practitioner's area of
25 practice.

26 (d)(1) The Full Independent Practice Credentialing Committee is
27 created within the Department of Health.

28 (2) The Full Independent Practice Credentialing Committee shall
29 consist of the following members:

30 (A) The following members appointed by the Governor:

31 (i) Three (3) faculty physicians from each of the
32 following institutions upon consulting with the heads of the institutions:

33 (a) The College of Medicine of the University
34 of Arkansas for Medical Sciences;

35 (b) The Arkansas College of Osteopathic
36 Medicine in Fort Smith; and

1 (c) The New York Institute of Technology
2 College of Osteopathic Medicine at Arkansas State University in Jonesboro;

3 (ii) One (1) physician from the state at large;

4 (iii) Three (3) faculty certified nurse

5 practitioners from nursing schools in this state upon consulting with the
6 heads of the nursing schools; and

7 (iv) One (1) certified nurse practitioner from the
8 state at large;

9 (B) The Director of the Arkansas State Medical Board as an
10 ex officio nonvoting member; and

11 (C) The Director of the Arkansas State Board of Nursing as
12 an ex officio nonvoting member.

13 (3)(A)(i) Committee members shall serve three-year terms.

14 (ii) Committee members shall not serve more than two
15 (2) consecutive terms.

16 (B) A committee member shall serve until a successor is
17 appointed by the appropriate appointing entity.

18 (4)(A) The Full Independent Practice Credentialing Committee
19 shall elect a chair with powers and duties determined by the Full Independent
20 Practice Credentialing Committee.

21 (B) The chair may be elected for no more than two (2)
22 consecutive terms.

23 (5)(A) A quorum of the Full Independent Practice Credentialing
24 Committee shall be five (5) members.

25 (B) The Full Independent Practice Credentialing Committee
26 shall hold a meeting at least quarterly and at other times the Full
27 Independent Practice Credentialing Committee considers advisable to perform
28 the duties described in subsection (e) of this section.

29 (6) The members of the Full Independent Practice Credentialing
30 Committee shall receive mileage and per diem as is now provided to members of
31 the appropriate appointing entity.

32 (e) The Full Independent Practice Credentialing Committee shall:

33 (1)(A) Review and approve or deny all applications for a
34 certificate of full independent practice authority for certified nurse
35 practitioners and for renewal of a certificate of full independent practice
36 authority for a certified nurse practitioner.

1 (B) If the Full Independent Practice Credentialing
2 Committee denies an application for a certificate of full independent
3 practice authority, the Full Independent Practice Credentialing Committee
4 shall explain the reasons for the denial in writing to the applicant;

5 (2) Review complaints made against certified nurse practitioners
6 who has a certificate of full independent practice authority;

7 (3) Review recommendations made by the Arkansas State Medical
8 Board and the Arkansas State Board of Nursing and notify the certified nurse
9 practitioner of any action taken by the Full Independent Practice
10 Credentialing Committee based on the recommendations;

11 (4)(A) If the action taken is suspension or revocation of the
12 certificate of full independent practice authority, hold a hearing providing
13 the certified nurse practitioner who has a certificate of full independent
14 practice authority with ten (10) days' notice in writing to appear before the
15 Full Independent Practice Credentialing Committee, at the time and place as
16 the Full Independent Practice Credentialing Committee may direct, to show
17 cause as to why his or her certificate of full independent practice authority
18 should not be suspended or revoked.

19 (B) At the hearing, the Full Independent Practice
20 Credentialing Committee shall:

21 (i)(a) Have the power to subpoena witnesses.

22 (b) The chair of the Full Independent Practice
23 Credentialing Committee or his or her designee shall sign subpoenas and have
24 the power to administer oaths;

25 (ii) Hear evidence; and

26 (iii)(a) Determine if the certificate of full
27 independent practice authority should be suspended or revoked.

28 (b) If the Full Independent Practice
29 Credentialing Committee determines that the certificate of full independent
30 practice authority should be suspended or revoked, the suspension or
31 revocation shall take place immediately.

32 (C) However, only the Arkansas State Board of Nursing has
33 the authority to suspend or revoke the nursing license of a certified nurse
34 practitioner; and

35 (5) Provide reports quarterly and upon request regarding the
36 number of applicants approved and denied to the Senate Committee on Public

1 Health, Welfare, and Labor and the House Committee on Public Health, Welfare,
2 and Labor.

3 (f)(1) The Full Independent Practice Credentialing Committee may
4 consult with the Arkansas State Medical Board and the Arkansas State Board of
5 Nursing as determined by the Full Independent Practice Credentialing
6 Committee based on the complaint.

7 (2) The Arkansas State Medical Board and the Arkansas State
8 Board of Nursing may make recommendations to the Full Independent Practice
9 Credentialing Committee.

10 (g) A certified nurse practitioner whose certificate of full
11 independent practice authority has been denied, suspended, or revoked by the
12 committee under this section may appeal the action of the committee under the
13 Arkansas Administrative Procedure Act, § 25-15-201 et seq.

14 (h) A certified nurse practitioner with a certificate of full
15 independent practice authority shall conspicuously identify the certificate
16 of full independent practice authority and that the certified nurse
17 practitioner is not required to have a collaborative practice agreement on
18 signage in the office where the certified nurse practitioner practices.

19
20 SECTION 3. Arkansas Code § 17-87-310(a), concerning prescriptive
21 authority for advanced practice registered nurses, is amended to read as
22 follows:

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

25 (1) Submits proof of successful completion of an Arkansas State
26 Board of Nursing-approved advanced pharmacology course that shall include
27 preceptorial experience in the prescription of drugs, medicines, and
28 therapeutic devices; and

29 (2) Has either:

30 (A) A certificate of full independent practice authority
31 under § 17-87-314; or

32 (B) A ~~Has~~ a collaborative practice agreement with a
33 practicing physician who is licensed under the Arkansas Medical Practices
34 Act, § 17-95-201 et seq., § 17-95-301 et seq., and § 17-95-401 et seq., or a
35 podiatrist licensed by the Arkansas Board of Podiatric Medicine under § 17-
36 96-101 et seq., if employed by the podiatrist, and who has training in scope,

1 *specialty, or expertise to that of the advanced practice registered nurse on*
2 *file with the Arkansas State Board of Nursing.*

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/s/L. Johnson

APPROVED: 3/22/21