

DEPARTMENT OF HEALTH, ARKANSAS STATE BOARD OF NURSING

SUBJECT: Chapter Three – Registered Nurse Practitioner

DESCRIPTION: The Arkansas State Board of Nursing is making changes to Chapter Three of its rules concerning nurse practitioners. To update and align with current processes, a section was removed as we do not issue paper licenses; and “submit” replaces “be issued a replacement license following submission of” and “request” replaces “form.” In accordance with Act 135 of 2021, a section was added.

PUBLIC COMMENT: Because this rule recommends an expedited process for military personnel to attain occupational licensure, this rule underwent review pursuant to Ark. Code Ann. § 17-4-109, as amended by Act 135 of 2021, by the Administrative Rules Subcommittee at its meeting of December 15, 2021. A public hearing was held on March 2, 2022. The public comment expired on March 14, 2022. The agency provided the following summary of comments it received and its responses thereto:

Leonie DeClerk (Email dated 11/8/21)

Comment: Section IV – Licensure for uniformed service members, veterans, and spouses – Seeing as new RNP licenses have not been issued since November 30, 2000, are A and C applicable? Also, I have the same question here as for Chapter 2.

Response: Comment taken under advisement.

The proposed effective date is pending legislative review and approval.

FINANCIAL IMPACT: The agency indicated that the proposed rules do not have a financial impact.

LEGAL AUTHORIZATION: The Arkansas State Board of Nursing has authority to promulgate whatever rules it deems necessary for the implementation of Title 17, Chapter 87 of the Arkansas Code, concerning nurses. *See* Ark. Code Ann. § 17-87-203(1)(A). This rule implements Act 135 of 2021, sponsored by Senator Ricky Hill, which established the Arkansas Occupational Licensing of Uniformed Service Members, Veterans, and Spouses Act of 2021. Pursuant to the Act, occupational licensing entities shall extend the expiration date of occupational licensure and allow full or partial exemption from continuing education requirements that are required as a component of licensure, for a deployed uniformed service member or his or her spouse for one hundred eighty (180) days following the date of the uniformed service member’s return from deployment. *See* Ark. Code Ann. § 17-4-108.

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CHAPTER THREE REGISTERED NURSE PRACTITIONER

SECTION I SCOPE OF PRACTICE

A. REGISTERED NURSE PRACTITIONER

A registered nurse practitioner is a licensed professional nurse prepared in the manner stated herein who provides direct care to individuals, families, and other groups in a variety of settings, including homes, hospitals, offices, industry, schools, and other institutions and health care settings. The service provided by the nurse practitioner is directed toward the delivery of primary, secondary, and tertiary care which focuses on the achievement and maintenance of optimal functions in the population. The nurse practitioner engages in independent decision making about the nursing care needs of clients and collaborates with health professionals and others in making decisions about other health care needs. The practitioner plans and institutes health care programs as a member of the health care team. The nurse practitioner is directly accountable and responsible to the recipient for the quality of care rendered.

Rules which apply to registered nurses are hereby incorporated by reference.

B. ACTS PROPER TO BE PERFORMED BY A REGISTERED NURSE PRACTITIONER

1. The Arkansas State Board of Nursing authorizes the registered nurse practitioner, in collaboration with and under the direction of a licensed physician, to perform particular acts at the advanced and specialized levels as recognized by the nursing profession and which are in conformity with the *Nurse Practice Act*.
 - a. Secures, records, and evaluates the health, psychosocial, and developmental history of patients;
 - b. Performs physical examinations using techniques of observation, inspection, auscultation, palpation and percussion, and uses appropriate diagnostic tests;
 - c. Discriminates between normal and abnormal findings on the history and physical examination and refers the individuals who need further evaluation or supervision;
 - d. Documents the processes of nursing care delivery;
 - e. Contributes to the comprehensive care of the ill in collaboration with the health care team.
 - f. Coordinates health care plans to enhance the quality of health care and diminish both fragmentation and duplication of service;
 - g. Contributes to the health education of individuals and groups and applies methods designed to increase each person's motivation to assume responsibility for his own health care;
 - h. Facilitates entry into and through the health care system by appropriate route;
 - i. Counsels with families and/or individuals regarding family planning, pregnancy, childcare, emotional stresses, long term illness, and general health problems;
 - j. Performs periodic health evaluations and plans for health maintenance of clients; and
 - k. Conducts community clinics for case finding and screening for health problems.
2. The Arkansas State Board of Nursing authorizes the registered nurse practitioner, in collaboration with and under the direction of a licensed physician, to perform particular acts recognized by the nursing profession and which are in conformity with the *Nurse Practice Act*.
 - a. Assumes responsibility for ongoing health maintenance and clinical management of stable chronically ill patients;
 - b. Provides initial care of emergencies and initiates arrangements for continuing definitive care;
 - c. Identifies, manages, and initiates treatment for common medical problems by "Protocols" as described in Section I.C.; and
 - d. Evaluates progress and manages prenatal and postpartum care.

C. PROTOCOLS

1. Any nurse practicing as a registered nurse practitioner shall practice in accordance with protocols developed in collaboration with and signed by a licensed physician.
2. Protocols shall address:

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- a. Established procedures for the management of common medical problems in the practice setting;
 - b. The degree to which collaboration, independent action, and supervision are required; and
 - c. Acts including, but not limited to, assessment, diagnosis, treatment, and evaluation.
3. Protocols shall not include controlled substances.
4. Documentation.
- a. Orders transmitted from protocols shall be documented on the client's medical record;
 - b. Orders transmitted from protocols to inpatient medical records shall contain:
 - (1) Name of medication, therapeutic device, or treatment;
 - (2) Strength;
 - (3) Dose;
 - (4) Length of time or amount prescribed;
 - (5) Directions for use;
 - (6) RNP Signature; and
 - (7) Physician's name, printed, followed by notation "protocol."
5. Any deviation from written protocols shall require:
- a. A specific written or verbal order from the collaborating physician before the order is transmitted or implemented; and
 - b. Documentation in the medical record as specified in 4b. (1)-(6) above, and notation that order was by consultation, to be signed by the RNP.
6. Review of Protocols
- a. The RNP shall document annual joint review with the licensed physician, and revise when necessary.
 - b. The RNP shall, upon request, provide the Board with current protocols.
7. Nothing in this regulation shall be construed to prohibit any registered nurse practitioner from transmitting a prescription order orally or telephonically, or from administering a legend drug pursuant to a lawful direction of a licensed physician, dentist, or advanced practice nurse who holds a certificate of prescriptive authority.

D. SERVICES AND RESPONSIBILITIES

The RNP shall, upon request of the Board, provide documentation outlining the extent of services, responsibilities, and required supervision of nurse practitioners, and the accompanying responsibilities of collaborating physicians.

E. DELEGATED ACTS

The registered nurse practitioner shall demonstrate competence in any act or procedure delegated by the collaborating physician.

SECTION II **LICENSURE**

A. Initial licensing of registered nurse practitioners terminated on November 30, 2000.

B. RENEWAL

1. The date for renewal of licensure to practice as a registered nurse practitioner shall coincide with the renewal of the applicant's registered nurse license.
2. An application for renewal of a registered nurse practitioner license shall submit to the Board:
 - a. A completed application form; and
 - b. Payment of the nonrefundable renewal fee.

C. LAPSED LICENSE

1. The license is lapsed if not renewed or placed in an inactive status by the expiration date.
2. Failure to receive the renewal notice at the last address of record at the Board office shall not relieve the licensee of the responsibility for renewing the license by the expiration date.
3. Any licensee whose license has lapsed shall submit to the Board:
 - a. A completed Board renewal application form; and

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- b. The renewal fee and the reinstatement fee.
4. Fees are nonrefundable.
5. Any person practicing as a registered nurse practitioner during the time his or her license has lapsed shall be considered an illegal practitioner and shall be subjected to the penalties provided for violation of the *Nurse Practice Act*.

D. INACTIVE STATUS

1. Any licensee who desires to temporarily inactivate their registered nurse practitioner license shall submit a request to the Board.
2. The current license shall be placed on inactive status.
3. While the license is inactive, the licensee shall not engage in registered nurse practitioner nursing nor be subject to the payment of renewal fees.
4. If the nurse desires to resume practice, he or she shall submit a reinstatement application and meet the continuing education requirements.
5. If disciplinary proceedings on an inactive licensee have been initiated, the license shall not be reinstated until the proceedings have been completed.

History: Amended December 29, 2018

SECTION III DUPLICATE LICENSE

- ~~A. The licensee shall immediately report a lost, stolen, or destroyed license to the Board.~~
- ~~B. A duplicate license shall be issued when the licensee submits a notarized statement to the Board that the document is lost, stolen, or destroyed, and pays the required fee.~~

SECTION IV III NAME OR ADDRESS CHANGE

- A. A licensee, whose name is legally changed, shall ~~submit~~ request ~~be issued a replacement license following submission of a~~ name change ~~form~~, copy of marriage license, or court action, and the required fee.
- B. A licensee, whose address changes from the address on file with the Board, shall immediately notify the Board in writing of the change.

History: Adopted March 26, 2016
Amended

SECTION IV LICENSURE FOR UNIFORMED SERVICE MEMBERS, VETERANS AND SPOUSES

- A. EXTENSION OF LICENSURE EXPIRATION DATE
Upon written request and submission of appropriate documentation, deployed uniformed service member or spouse shall be allowed an extension of the expiration date without penalty or assessment of a late fee for renewing the nursing license. The extension shall be effective for one hundred eighty (180) days after the service member or spouse returns from active deployment.
- B. WAIVER OF CONTINUING EDUCATION
1. Upon written request and submission of appropriate documentation the continuing education requirements for license renewal shall be waived for:
 - a. A uniformed service member deployed; or
 - b. The spouse of a deployed uniformed service member.

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2. This waiver shall be extended until one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

History: Adopted 2022