

Hall of the House of Representatives
87th General Assembly - Regular Session, 2009
Amendment Form

Subtitle of House Bill No. 1134

"THE HEALTH CARE ACCESS AND PRIMARY PROVIDER ACT."

Amendment No. 1 to House Bill No. 1134.

Amend House Bill No. 1134 as originally introduced:

Page 1, delete the Title and substitute the following:

"AN ACT TO IMPROVE ACCESSIBILITY TO HEALTH CARE IN ARKANSAS BY CLARIFYING THE PROCESS NECESSARY FOR AN ADVANCED PRACTICE NURSE TO QUALIFY FOR PRESCRIPTIVE AUTHORITY; AND FOR OTHER PURPOSES."

AND

Page 1, delete the Subtitle and substitute the following:

"THE HEALTH CARE ACCESS IMPROVEMENT ACT."

AND

Page 1, delete all the language after the enacting clause and substitute the following:

SECTION 1. Arkansas Code § 17-87-102(2), concerning the definition of a collaborative practice agreement applicable to nursing, is amended to read as follows:

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

"SECTION 2. Arkansas Code § 17-87-310 is amended to read as follows:
17-87-310. Prescriptive authority.

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

(1) Submits proof of successful completion of a board-approved advanced pharmacology course that ~~shall include~~ includes preceptorial



experience in the prescription of drugs, medicines, and therapeutic devices; and

(2) Has a collaborative practice agreement with a ~~physician~~ prescribing practitioner who is licensed under the Arkansas Medical Practices Act, §§ 17-95-201 – 17-95-207, 17-95-301 – 17-95-305, and 17-95-401 – 17-95-411, or this chapter and who has ~~a~~ an active practice comparable in scope, specialty, or expertise to that of the advanced practice nurse on file with the board.

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

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

(c) A The provisions of the collaborative practice agreement shall be determined by the advanced practice nurse and the collaborator and shall include, but not be limited to, provisions addressing:

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

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

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

(4) Quality assurance.

(d) If a collaborative practice results in complaints of violations of the Arkansas Medical Practices Act, §§ 17-95-201 – 17-95-207, 17-95-301 – 17-95-305, and 17-95-401 – 17-95-411, the Arkansas State Medical Board may review the role of the physician in the collaborative practice to determine if the physician is unable to manage his or her responsibilities under the collaborative practice agreement without an adverse affect on the quality of care of the patient.

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

(f) After an advanced practice nurse has accumulated at least one thousand (1000) hours of prescribing practice under a collaborative practice agreement, the advanced practice nurse may apply to the Board to remove the collaborative practice agreement.

(g) Nothing in this subsection shall be construed to enlarge or diminish the scope of practice of advanced practice nurses as defined under ACA § 17-87-101 et seq.

SECTION 3. Arkansas Code § 23-79-114, concerning health services provided by professionals, is amended to add an additional subsection to read as follows:

(h)(1) Notwithstanding a provision of an individual or group policy of accident and health insurance, or a provision of a policy, contract, plan, or

agreement for hospital or medical service or indemnity, whenever the policy, contract, plan, or agreement provides for payment or reimbursement for a health service provided by an advanced practice nurse with prescriptive authority who is licensed under § 17-87-310, or persons licensed under the Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-95-301 et seq., and § 17-95-401 et seq., the person entitled to benefits or the person providing health service under the policy, contract, plan, or agreement is entitled to payment or reimbursement for the health service on an equal basis for such a service when the health service is provided by a person licensed as an advanced practice nurse with prescriptive authority who is operating within his or her area of competence.

(2) No person entitled to benefits under this subsection shall be denied freedom of choice to select any practitioner licensed under the Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-95-301 et seq., and § 17-95-401 et seq., or an advanced practice nurse with prescriptive authority that is licensed under § 17-87-310, by an insurer or agency or employee of the insurer or by a department, agency, or employee of this state.

(3) Nothing in this subsection shall be construed to enlarge or diminish the practice of an advanced practice nurse under § 17-87-310.

(4) The purpose of this subsection is to ensure that a person licensed under the Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-95-301 et seq., and § 17-95-401 et seq., or a person licensed as an advanced practice nurse under § 17-87-310 shall be entitled to the same method of payment for or reimbursement on an equal basis for administering the same health service."

The Amendment was read _____

By: Representative Hall

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Chief Clerk