| 1 | | INTERIM STUDY PROPOSAL 20 | 113-084 | | |
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| 2 | State of Arkansas | As Engrossed: H3/25/13 H4 | 4/1/13 | | |
| 3 | 89th General Assembly | A Bill | | | |
| 4 | Regular Session, 2013 | | HOUSE BILL 1190 | | |
| 5 | | | | | |
| 6 | By: Representatives Hammer, | , Harris | | | |
| 7 | | Filed with: Interim House Committee | ee on Public Health, Welfare and Labor | | |
| 8 | | | pursuant to A.C.A. §10-3-217. | | |
| 9 | For An Act To Be Entitled | | | | |
| 10 | AN ACT TO CLARIFY THE LAW REGARDING MEDICAID | | | | |
| 11 | REIMBURSEMENTS FOR NURSING PROFESSIONALS AS PRIMARY | | | | |
| 12 | CARE MEDICAID PROVIDERS; TO REQUIRE THAT ADVANCED | | | | |
| 13 | NURSE PRACTITIONERS BE RECOGNIZED AS PRIMARY CARE | | | | |
| 14 | PROVIDERS | IN THE MEDICAID PROGRAM; TO | ESTABLISH | | |
| 15 | MEDICAID R | REIMBURSEMENT RATES FOR ADVA | NCED NURSE | | |
| 16 | PRACTITION | NERS; AND FOR OTHER PURPOSES | • | | |
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| 19 | | Subtitle | | | |
| 20 | TO CI | LARIFY THE LAW REGARDING MED | DICAID | | |
| 21 | REIME | BURSEMENTS FOR NURSING PROFE | SSIONALS. | | |
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| 24 | BE IT ENACTED BY THE G | GENERAL ASSEMBLY OF THE STAT | E OF ARKANSAS: | | |
| 25 | | | | | |
| 26 | SECTION 1. Arka | ansas Code Title 20, Chapter | 77, Subchapter 1, is | | |
| 27 | amended to add an addi | itional section to read as f | follows: | | |
| 28 | <u>20-77-125.</u> Adva | anced nurse practitioners. | | | |
| 29 | (a) As used in | this section, "charitable c | <u>linic" means a charitable</u> | | |
| 30 | nonprofit corporation | or a facility organized as | a not-for-profit corporation | | |
| 31 | <u>under §§ 4-28-201 — 4-</u> | -28-206 and 4-28-209 — 4-28- | 224 that: | | |
| 32 | <u>(1) Holds</u> | s a valid exemption from fed | eral income taxation issued | | |
| 33 | under § section 501(a) of the Internal Revenue Code; | | | | |
| 34 | <u>(2) Is li</u> | isted as an exempt organizat | ion under § 501(c)(3) of the | | |
| 2.5 | Internal Pewenue Code | and | | | |

| 1 | (3) Provides advice, counseling, diagnosis, treatment, surgery, |
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| 2 | care, or services relating to the preservation or maintenance of health on an |
| 3 | outpatient basis for a period of less than twenty-four (24) consecutive hours |
| 4 | to persons not residing or confined at the facility. |
| 5 | (b) The General Assembly intends that the savings to the Arkansas |
| 6 | Medicaid Program achieved under subsection (c) of this section shall be used |
| 7 | to assist hospitals in Arkansas in meeting the healthcare needs of the |
| 8 | hosptials' communities and the overall Medicaid healthcare cost. |
| 9 | (c)(l) The Arkansas Medicaid Program shall recognize a qualifying |
| 10 | advanced nurse practitioner as a primary care provider for all purposes. |
| 11 | (2) Purposes under subdivision (c)(1) of this section include |
| 12 | without limitation: |
| 13 | (A) Being recognized as the initial health care provider |
| 14 | in the federal and state Comprehensive Primary Care initiative payment model; |
| 15 | (B) Initially diagnosing; |
| 16 | (C) Being included as the patient contact for a team of |
| 17 | family practice professionals and the patient-centered medical home; |
| 18 | (D) Maintaining patient's records; |
| 19 | (E) Ordering laboratory tests and records management as |
| 20 | needed for patient care; |
| 21 | (F) Providing preventive and periodic examinations within |
| 22 | primary care; |
| 23 | (G) Referring a patient when necessary to a physician, a |
| 24 | specialist or a hospital; and |
| 25 | (H) Treating a patient to the extent of the advanced nurse |
| 26 | practitioner's scope of practice. |
| 27 | (d)(l) The Arkansas Medicaid Program shall reimburse an advanced nurse |
| 28 | practitioner not less than ninety percent (90%) of the physician |
| 29 | reimbursement rate for services performed within the scope and licensure of |
| 30 | the advanced nurse practitioner. |
| 31 | (2) However, the Arkansas Medicaid Program shall reimburse an |
| 32 | advanced nurse practitioner who performs services at a charitable clinic for |
| 33 | which the advanced nurse practitioner does not pay a fee for a collaborative |
| 34 | agreement with a physician not less than eighty-five percent (85%) of the |
| 35 | standard reimbursement rate. |

| 1 | (3) The Arkansas Medicaid Program shall reimburse an advanced | | | |
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| 2 | nurse practitioner one hundred percent (100%) of the physician reimbursement | | | |
| 3 | rate for all out-of-pocket costs such as laboratory tests, x-rays, and tests | | | |
| 4 | ordered and performed. | | | |
| 5 | (e)(l) The Arkansas Medicaid Program shall reimburse an advanced nurse | | | |
| 6 | practitioner for services and costs performed within the scope and licensure | | | |
| 7 | of the advanced nurse practitioner. | | | |
| 8 | (2) The scope and licensure of the advanced nurse practitioner | | | |
| 9 | shall be conclusively determined by the Arkansas State Board of Nursing | | | |
| 10 | according to rules reviewed by the Legislative Council. | | | |
| 11 | (f)(1)(A) For tax years beginning on and after January 1, 2013, there | | | |
| 12 | is allowed an income tax credit against the income tax imposed by the Income | | | |
| 13 | Tax Act of 1929, § 26-51-101 et seq., in the amount of one hundred dollars | | | |
| 14 | (\$100) for each hour that a physician provides medical services at no cost to | | | |
| 15 | a charitable clinic. | | | |
| 16 | (B) However, the amount of the credit allowed under | | | |
| 17 | subdivision (f)(1)(A) of this section shall not exceed five thousand dollars | | | |
| 18 | (\$5,000) for each taxpayer per tax year. | | | |
| 19 | (C) Under rules developed by the Department of Finance and | | | |
| 20 | Administration, a charitable clinic may certify not more than two hundred | | | |
| 21 | (200) hours per year per charitable clinic to physicians. | | | |
| 22 | (2) The amount of the income tax credit under this subsection | | | |
| 23 | that may be claimed by the taxpayer in a tax year shall not exceed the amount | | | |
| 24 | of income tax due by the taxpayer. | | | |
| 25 | (g) An insurance policy the premiums of which are paid directly or | | | |
| 26 | indirectly by the Arkansas Medicaid Program also shall recognize and | | | |
| 27 | reimburse an advanced practice nurse under subsections (c) and (d) of this | | | |
| 28 | section. | | | |
| 29 | (h) This section does not increase the scope of practice of an | | | |
| 30 | advanced practice nurse. | | | |
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| 33 | /s/Hammer | | | |
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| 36 | Referred by the Arkansas House of Representatives | | | |

| 1 | Prepared | by: | MGF/VJF |
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