Proposed Rulemaking

RECEIVED
APR 14 2026
BLR

Title

Promulgated by:
Arkansas State Board of Nursing

Title 17. Professions, Occupations, and Businesses
Chapter XXII. Arkansas State Board of Nursing, Department of Health
Subchapter A. Generally
Part 121. Licensure: Registered Nurse, Licensed Practical Nurse, and Licensed Psychiatric Technician Nurse
Subpart 1. Qualifications

17 CAR § 121-101. Qualifications.

(a) Completion of an approved high school course of study or the equivalent as determined by the appropriate educational agency.

(b) Possession of a valid United States Social Security number or has been issued federal Form I-766 United States Citizenship and Immigration Services-issued Employment Authorization Document.

(c) Completion of an approved nursing education program.

(d) The Arkansas State Board of Nursing may refuse to admit to the examination any candidate and refuse to issue a license, certificate, or registration to any applicant if the license, practice privilege, certificate, or registration of such person has been revoked or suspended or placed on probation and not reinstated by the jurisdiction that took such action.

(e) Effective January 1, 2000, no person shall be eligible to receive or hold a license issued by the board if that person has pleaded guilty or nolo contendere to, or been found guilty by any court in the State of Arkansas, or of any similar offense by a

court in another state, or of any similar offense by a federal court of any offense listed in Arkansas Code § 17-3-102.

Subpart 2. Examination

17 CAR § 121-201. Eligibility.

The applicant shall meet the licensure requirements of the Arkansas State Board of Nursing.

17 CAR § 121-202. Application.

(a) Applications for examination shall be completed and filed with the Arkansas State Board of Nursing prior to the examination.

(b) Examination applications shall not be acceptable if the director or chair of an educational program has certified the applicant prior to date of completion.

(c) Applicants for licensure by examination shall not be deemed eligible to take the licensure examination until such time that the results of the state and federal criminal background checks have been received.

17 CAR § 121-203. Fee.

(a) The application fee shall accompany the application.

(b) The application fee (first time or retake) is not refundable.

(c) The fees for the state and federal criminal background checks:

(1) Are the responsibility of the applicant; and

(2) Shall be submitted to the Arkansas State Board of Nursing with the application for same.

(d) The fees for criminal background checks are:

(1) Determined by the Division of Arkansas State Police and the Federal Bureau of Investigation; and

(2) Not refundable.

17 CAR § 121-204. Passing score.

The passing score on the licensure examination shall be determined by the Arkansas State Board of Nursing.

17 CAR § 121-205. Failing score and eligibility to retake the examination.

(a) Any applicant whose score falls below the passing score shall fail the examination.

(b) Persons failing the examination will be responsible for preparing to retake the examination.

(c) The frequency and number of retests by unsuccessful candidates shall be determined by the Arkansas State Board of Nursing.

(d) Applicants retaking the examination shall have state and federal criminal background checks within the past twelve (12) months on file with the board.

17 CAR § 121-206. Results.

(a) Examination results shall not be released until the applicant's official transcript is received from the school.

(b) Examination results shall be made available to:

(1) All applicants; and

(2) Their respective schools.

17 CAR § 121-207. Internationally educated nurses.

(a) The applicant must present evidence of:

(1) Graduation from an approved or accredited school of nursing as a registered nurse or first-level nurse;

(2) Licensure or proof of eligibility for licensure in the country of graduation;

(3) Theory and practice in medical, surgical, pediatric, obstetric, and psychiatric nursing that is substantially similar in length and content to that in equivalent Arkansas State Board of Nursing-approved nursing programs at the time of application as verified by a credentials review agency;

(4) State and federal criminal background checks within the past twelve (12) months on file with the board; and

(5) Credentials review by a board-approved credentialing evaluation agency, which includes verification of the candidate's education, training, experience, and licensure with respect to the statutory and regulatory requirements for the nursing profession, as well as oral and written competence in English.

(b) Applicants shall be required to take such licensure examinations as required of board-approved nursing education programs.

17 CAR § 121-208. Equivalencies.

(a) **LPTN to LPN.** Candidates holding LPTN licensure who completed Arkansas State Board of Nursing-approved LPTN programs after March 18, 1980, may be admitted to the LPN licensure examination provided they are otherwise qualified.

(b) **RN examination failures.** Graduates of board-approved RN programs, upon submission of an official transcript directly from the school and a copy of their RN examination failure results, may be admitted to the PN licensure examination provided they are otherwise qualified.

17 CAR § 121-209. Deferred Action for Childhood Arrivals.

(a) The Arkansas State Board of Nursing may grant a license to an individual who, in addition to fulfilling the requirements to practice nursing in this state, satisfies the following requirements:

(1) The United States Department of Homeland Security has approved the individual's request for exemption under the Deferred Action for Childhood Arrivals policy;

(2) The individual's exemption status under the Deferred Action for Childhood Arrivals policy has not expired or has been properly renewed;

(3) The individual has a current and valid employment authorization document issued by the United States Citizenship and Immigration Services; and

(4) The individual does not have a criminal record of felonies or serious misdemeanors.

(b)(1) If at any time after licensure the individual's exemption status under the Deferred Action for Childhood Arrivals expires or is withdrawn for any reason, the individual shall immediately surrender their license.

(2) If the individual fails to surrender their license, the board shall suspend or not renew the individual's license.

Subpart 3. Interstate Nurse Licensure Compact

17 CAR § 121-301. Text of final rules of Interstate Commission of Nurse Licensure Compact Administrators.

SECTION 100. DEFINITIONS

1. "Commission" is the Interstate Commission of Nurse Licensure Compact Administrators (ICNLCA).

2. "Compact" is the Nurse Licensure Compact that became effective on July 20, 2017 and implemented on January 19, 2018.

3. "Deactivate" is to terminate the active status of a multistate license or privilege to practice in a party state.

4. "Executive Director of the ICNLCA" is the individual approved to perform duties as delegated by the Commission.

5. "Disqualifying Event" is an incident, which results in a person becoming disqualified or ineligible to retain or renew a multistate license. These include but are not limited to the following: any adverse action resulting in an encumbrance as defined in Article II e, current participation in an alternative program, a misdemeanor offense related to the practice of nursing (which includes, but is not limited to, an agreed disposition), or any felony offense (which includes, but is not limited to, an agreed disposition).

6. "Independent Credentials Review Agency" is a non-governmental evaluation agency that verifies and certifies that foreign nurse graduates have graduated from

nursing programs that are academically equivalent to nursing programs in the United States.

7. “Licensure” includes the authority to practice nursing granted through the process of examination, endorsement, renewal, reinstatement and/or reactivation.

8. "Prior Compact" is the Nurse Licensure Compact that was in effect until January 19, 2018.

9. “Unencumbered License” is a license that authorizes a nurse to engage in the full and unrestricted practice of nursing.

SECTION 200. COORDINATED LICENSURE INFORMATION SYSTEM

201. UNIFORM DATA SET AND LEVELS OF ACCESS

1. The Compact Administrator of each party state shall furnish uniform data to the Coordinated Licensure Information System, which shall consist of the following:

a. the nurse’s name;

b. jurisdiction of licensure;

c. license expiration date;

d. licensure classification, license number and status;

e. public emergency and final disciplinary actions, as defined by the contributing state authority;

f. a change in the status of a disciplinary action or licensure encumbrance;

g. status of multistate licensure privileges;

h. current participation by the nurse in an alternative program;

i. information that is required to be expunged by the laws of a party state;

j. the applicant or nurse’s United States social security number;

k. the existence of current significant investigative information; and

l. a correction to a licensee’s data.

2. The public shall have access to items (1)(a) through (g) and information about a licensee’s participation in an alternative program to the extent allowed by state law.

3. In the event a nurse asserts that any Coordinated Licensure Information System data is inaccurate, the burden shall be upon the nurse to provide evidence in a manner determined by the party state that substantiates such claim.

4. A party state shall report the items in the uniform data set to the Coordinated Licensure Information System within fifteen (15) calendar days of the date on which the action is taken.

202. QUERYING THE COORDINATED LICENSURE INFORMATION SYSTEM

1. Upon application for multistate licensure, with the exception of renewal by a nurse, a party state shall query the Coordinated Licensure Information System to ascertain the applicant's current licensure status, previous disciplinary action(s), and member board notifications related to current participation in an alternative program, or current significant investigative information.

2. Upon discovery that an applicant is under investigation in another party state, the party state in receipt of the nurse licensure application shall contact the investigating party state and may request investigative documents and information.

203. PARTICIPATION IN COORDINATED LICENSURE INFORMATION SYSTEM

All party states shall participate in a coordinated licensure information system of all licensed registered nurses and licensed practical/vocational nurses. Such participation includes participation in all of the following components:

1. Licensure information, which includes the Uniform Data Set as described in Rule 201(1); and

2. Submission of the disciplinary history of each nurse, including information regarding adverse actions taken against a license, application, and/or multistate licensure privilege; and

3. Participation in the licensure verification service for endorsement.

SECTION 300. IMPLEMENTATION

301. IMPLEMENTATION

The Compact was implemented on January 19, 2018.

302. TRANSITION LEGACY CLAUSE

1. A nurse who held a multistate license as of July 20, 2017, whose multistate license remained unencumbered as of the January 19, 2018 implementation, and who retained that multistate license, was not required to meet the new requirements for a multistate license under this Compact.

2. A nurse who retained a multistate license pursuant to subsection (1) of this section and who changes primary state of residence after January 19, 2018, must meet all applicable Article III (c) requirements to obtain a multistate license from a new primary state of residence.

3. A nurse whose multistate license is revoked or deactivated may be eligible for a single state license in accordance with the laws of the party state.

303. IMPLEMENTATION BY NEW PARTY STATES

1. All The Executive Director shall notify party states within fifteen (15) calendar days after a new party state enacts the Compact.

2. The new party state shall establish an implementation date within twelve (12) months from enactment or as specified in the enabling language, and shall notify the Executive Director of the date.

3. Upon implementation, a licensee who holds a single state license in the new party state and holds a multistate license in the new home state, may retain the single state license until it lapses, expires or becomes inactive.

4. At least ninety (90) calendar days prior to the new party state implementation date, party states shall notify any active single state licensee with an address in the new party state that the licensee may only hold one multistate license in the primary state of residence. The licensee shall be advised to obtain or maintain a multistate license only from the primary state of residence.

5. Each party state shall deactivate a multistate license when a new home state issues a multistate license.

SECTION 400. LICENSURE

401. PARTY STATE RESPONSIBILITIES

1. On all application forms for multistate licensure, a party state shall require, at a minimum:

a. A declaration of a primary state of residence and

b. Whether the applicant is a current participant in an alternative program.

2.a. An applicant for licensure who is determined to be ineligible for a multistate license shall be notified by the home state of the qualifications not met.

b. The home state may issue a single state license pursuant to its laws.

3. A remote party state shall not issue a single state license to a nurse who holds a multistate license.

402. MULTISTATE APPLICANT RESPONSIBILITIES

1. On all application forms for multistate licensure in a party state, an applicant shall declare a primary state of residence.

2. A multistate licensee who changes primary state of residence to another party state shall apply for a license in the new party state within 60 days.

3. A party state may require an applicant to provide evidence of residence in the declared primary state of residence. This evidence may include, but is not limited to, a current:

a. driver's license with a home address;

b. voter registration card with a home address;

c. federal income tax return with a primary state of residence declaration;

d. military form no. 2058 (state of legal residence certificate); or

e. W2 form from the United States government or any bureau, division, or agency thereof, indicating residence.

4. A nurse shall not apply for a single state license in a remote state while the nurse holds a multistate license in their primary state of residence.

5. An applicant who is a citizen of a foreign country, and who is lawfully present in the United States and is applying for multistate licensure in a party state may declare either the applicant's country of origin or the party state where they are living as the primary state of residence. If the applicant declares the foreign country as the primary state of residence, the party state shall not issue a multistate license, but may issue a single state license if the applicant meets the party state's licensure requirements.

6. An applicant shall disclose current participation in an alternative program to any party state, whether upon initial application or within ten (10) calendar days of enrollment in the program.

403. CHANGE IN PRIMARY STATE OF RESIDENCE

1. A nurse who changes his or her primary state of residence from one party state to another party state may continue to practice under the existing multistate license while the nurse's application is processed and a multistate license is issued in the new primary state of residence.

2. Upon issuance of a new multistate license, the former primary state of residence shall deactivate its multistate license held by the nurse and provide notice to the nurse.

3. If a party state verifies that a licensee who holds a multistate license changes primary state of residence to a non-party state, the party state shall convert the multistate license to a single state license within fifteen (15) calendar days, and report this conversion to the Coordinated Licensure Information System.

404. TEMPORARY PERMITS AND LICENSES

A temporary permit, license, or similar temporary authorization to practice issued by a party state to an applicant for licensure shall not grant multistate licensure privileges.

405. IDENTIFICATION OF LICENSES

A party state shall clearly identify a license as either a single state license or a multistate license.

406. FEDERAL CRIMINAL RECORDS

Communication between a party state and the Commission and communication between party states regarding verification of the nurse's eligibility for licensure pursuant to the Compact shall not include any Criminal History Record Information (CHRI) received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a member board under Public Law 92-544

407. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSE

An active duty service member, or the member's spouse, shall designate a primary state of residence where the service member or spouse has a current license in good standing. The service member or spouse may retain the primary state of residence designation during the period the service member or spouse is on active duty. Subsequent to designating a primary state of residence, the service member or spouse shall only change primary state of residence through application for licensure in the new primary state of residence.

SECTION 500. ADMINISTRATION

501. DUES ASSESSMENT

1. The Commission shall determine the annual assessment to be paid by party states. The assessment formula is a flat fee per party state. The Commission shall provide public notice of any proposed revision to the annual assessment fee at least ninety (90) calendar days prior to the Commission meeting to consider the proposed revision.

2. The annual assessment shall be due within the Commission's first fiscal year after a new party state's implementation date and annually thereafter.

502. DISPUTE RESOLUTION

1. In the event that two or more party states have a dispute, the parties shall attempt resolution following the steps set out in this rule.

2. The parties shall first attempt informal resolution. The Compact Administrators in the states involved shall contact each other. Each Compact Administrator shall submit a written statement describing the situation to the other Compact Administrators involved in the dispute. Each Compact Administrator may submit a response. The submission of the statement and the response shall be in a mutually agreed upon time. If the dispute is related to an interpretation of the Compact, the parties shall contact the Executive Director to request assistance from the Executive Committee. If all issues are resolved, no further action is required. If any issue remains unresolved, the parties shall notify the Executive Committee, through the Executive Director to request mediation and provide the Executive Committee with a concise statement of unresolved issue(s) and analysis including references to NLC statutes, rules and any supporting documents. The Executive Committee may refer the matter to the Compliance Committee. After review by the Compliance Committee, its recommendations will be sent to the parties and the Executive Committee for further review.

3.a. A party state that has a dispute with one or more other party states, and informal resolution was unsuccessful, shall attempt mediation. Mediation shall be conducted by a mediator appointed by the Executive Committee from a list of mediators approved by the National Association of Certified Mediators or as agreed to by all parties. If all issues are resolved through mediation, no further action is required. If mediation is unsuccessful, the parties shall submit to binding dispute resolution.

b. The costs of mediation shall be shared by all party states involved.

c. All party state Compact Administrators shall be notified of all issues and disputes that rise to the mediation stage in order to comment on those matters and disputes that may impact all party states.

4.a. In the event of a dispute between party states that was not resolved through informal resolution or mediation, the party states shall submit to binding dispute

resolution. The parties may choose binding dispute resolution either by submitting the question in dispute to the Commission for final action or by arbitration.

b. All party states involved shall agree in order to proceed with arbitration. In the absence of agreement, the matter shall be referred to the Commission for final determination.

c. Each party state involved shall be responsible for its own respective expenses, including attorney fees.

d. The party state Compact Administrators involved in the dispute shall recuse themselves from consideration or voting by the full Commission.

503. COMPLIANCE AND ENFORCEMENT

1. Compliance and enforcement issues shall be initiated by the Executive Committee.

2. The Executive Committee, through the Executive Director, shall send a written statement to the Compact Administrator in the party state with the alleged non-compliance issue. That Compact Administrator shall respond to the written statement within thirty calendar days.

3. The Compact Administrator may appear before the Executive Committee at a time and place as designated by the Executive Committee.

4. The Executive Committee shall make a recommendation to the Commission concerning the issue of non-compliance.

Subpart 4. Endorsement

17 CAR § 121-401. Eligibility.

(a) An applicant for licensure by endorsement must meet the requirements of the Arkansas State Board of Nursing at the time of graduation.

(b) An applicant licensed in another state after January 1950 must have taken a state board licensing examination and achieved a passing score.

(c) LPTN applicants will be accepted from California and Kansas only.

(d)(1) Internationally educated nurses practicing in other states may appeal to the Arkansas State Board of Nursing for licensure if not otherwise qualified.

(2) An applicant for licensure by endorsement who has not been engaged in the active practice of nursing for a period greater than five (5) years shall:

(A) Document completion of the following:

(i) Completion of an Arkansas State Board of Nursing-approved refresher course within one (1) year of the date of application; or

(ii) Graduation from an approved nursing education program within one (1) year of the date of application; and

(B) Provide other evidence as requested by the Arkansas State Board of Nursing.

17 CAR § 121-402. Equivalencies.

(a) **RN examination failures.** Graduates of Arkansas State Board of Nursing-approved RN programs, holding LPN licensure by examination in other jurisdictions, may be endorsed provided they are otherwise qualified.

(b)(1) Canadian registered nurses licensed by NLN State Board Test Pool Examination in the following provinces during the years indicated:

(A) Alberta, 1952–1970;

(B) British Columbia, 1949–1970;

(C) Manitoba, 1955–1970;

(D) Newfoundland, 1961–1970;

(E) Nova Scotia, 1955–1970;

(F) Prince Edward Island, 1956–1970;

(G) Quebec (English language), 1959–1970; and

(H) Saskatchewan, 1956–1970.

(2) These applicants may be endorsed provided they are otherwise qualified.

17 CAR § 121-403. Application.

(a) Applications must be completed and filed with the Arkansas State Board of Nursing.

(b) Endorsement certification will be accepted from the state of original licensure only.

(c) Applicants for licensure by endorsement shall not be issued a permanent license to practice until such time that the results of the state and federal criminal background checks have been received.

17 CAR § 121-404. Fee.

(a) The endorsement fee must accompany the application.

(b) The fees for the state and federal criminal background checks are the responsibility of the applicant and shall be submitted to the Arkansas State Board of Nursing with the application for same.

(c) The fees are not refundable.

Subpart 5. Criminal Background Check

17 CAR § 121-501. Criminal background checks.

(a) No application for issuance of an initial license will be considered without state and federal criminal background checks by the Division of Arkansas State Police and the Federal Bureau of Investigation.

(b) Federal background checks originating within the State of Arkansas shall be submitted electronically.

(c) Each applicant shall:

(1) Sign a release of information on the criminal background check application and licensure applications; and

(2) Be solely responsible for the payment of any fees associated with the state and federal criminal background checks.

(d) Upon completion of the state and federal criminal background checks, the Identification Bureau of the Division of Arkansas State Police shall forward all

information obtained concerning the applicant in the commission of any offense listed in Arkansas Code § 17-3-102.

(e) The state and federal criminal background checks conducted by the division and the Federal Bureau of Investigation shall have been completed:

(1) No earlier than twelve (12) months prior to the application for an initial license issued by the Arkansas State Board of Nursing; and

(2) At any other time thereafter that the board deems necessary.

(f) The board shall not issue a permanent license until the state and federal criminal background checks conducted by the division and the Federal Bureau of Investigation have been completed.

(g)(1) Pursuant to Acts 2019, No. 990, an individual may petition for a prelicensure determination of whether:

(A) The individual's criminal record will disqualify the individual from licensure; and

(B) A waiver may be obtained.

(2) A request for a waiver shall:

(A) Be in writing; and

(B) Accompany the completed application and fees.

(3) All decisions of the board in response to the petition will be determined by the information provided by the individual.

(4) The board's response shall state the reason or reasons for the decision.

(5) Any decision made by the board in response to a prelicensure criminal background waiver petition is not subject to appeal.

(h) A waiver of the denial of licensure pursuant to the provisions of Arkansas Code § 17-3-102 is not required for an individual who:

(1) Held a valid license on July 24, 2019;

(2) Held a valid license on or before July 24, 2019, but failed to renew his or her license for any reason; or

(3) Was a student on or before July 24, 2019, in a nursing school or program.

(i) A request to seek waiver of the denial of licensure pursuant to the provisions of Arkansas Code § 17-3-102 may be made to the board by the:

(1) Affected applicant for licensure; or

(2) Person holding a license subject to revocation.

(j)(1) The request for a waiver shall be made in writing to the Director of the Arkansas State Board of Nursing or his or her designee within thirty (30) calendar days after notification of denial of a license.

(2) The request for waiver shall include, but not be limited to the following:

(A) Certified copy of court records indicating grounds for conviction; and

(B) Any other pertinent documentation to indicate surrounding circumstances.

(k) If an individual notifies the board in writing that he or she desires a hearing regarding their request for a waiver, the board will schedule the individual for a hearing pursuant to the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

Subpart 6. Temporary Permits

17 CAR § 121-601. Endorsement and examination applicants.

(a)(1) The Arkansas State Board of Nursing shall be authorized to issue a nonrenewable temporary permit for a period not exceeding six (6) months.

(2) This temporary permit shall be issued only to those applicants who meet all other qualifications for licensure by the board.

(b) The temporary permit shall immediately become invalid upon:

(1) Receipt of information obtained from the state or federal criminal background check indicating any offense listed in Arkansas Code § 17-3-102; or

(2) Notification to the applicant or board of results on the first licensure examination he or she is eligible to take after the permit is issued.

(c) Falsification of the applicant's criminal record history shall be grounds for disciplinary action by the board.

17 CAR § 121-602. Fees and applications.

(a) The temporary permit fee shall be submitted with the application.

(b) The fee is not refundable.

Subpart 7. Continuing Education

17 CAR § 121-701. Continuing education generally.

Each person holding an active license or applying for reinstatement of a license under the provisions of the Nurse Practice Act shall be required to complete certain continuing education requirements prior to licensure renewal or reinstatement.

17 CAR § 121-702. Declaration of compliance.

(a) Each nurse shall declare his or her compliance with the requirements for continuing education at the time of license renewal or reinstatement.

(b) The declaration shall be made at the time of renewal.

17 CAR § 121-703. Audits of licensees.

(a) The Arkansas State Board of Nursing shall perform random audits of licensees for compliance with the continuing education requirement.

(b) If audited, the licensee shall prove participation in the required continuing education during the twenty-four (24) months immediately preceding the renewal date by presenting photocopies of original certificates of completion to the board.

(c) The licensee shall provide evidence of continuing education requirements within thirty (30) calendar days from the mailing date of the audit notification letter sent from the board to the last known address of the licensee.

17 CAR § 121-704. Continuing education requirement standards.

(a)~~(1)~~ **Standards for renewal of active licensure status.**

(1) Licensees who hold an active nursing license shall:

(A) Document completion of one (1) of the following during each renewal period:

(i) Fifteen (15) practice-focused contact hours from a nationally recognized or state continuing education approval body recognized by the Arkansas State Board of Nursing;

(ii) Certification or recertification during the renewal period by a national certifying body recognized by the board; or

(iii) An academic course in nursing or related field; and

(B) Provide other evidence as requested by the board.

(2) Effective January 1, 2010, APRNs with prescriptive authority shall complete five (5) contact hours of pharmacotherapeutics continuing education in the APRN's area of certification each biennium prior to license renewal.

(b) **Standards for nurses on inactive status.** Nurses who have their license placed on inactive status have no requirements for continuing education.

(c) **Standards for reinstatement of active licensure status.**

(1) Nurses reinstating a nursing license to active status within five (5) years or less shall:

(A) Document completion of the following within the past two (2) years:

(i) Twenty (20) practice-focused contact hours within the past two (2) years from a nationally recognized or state continuing education approval body recognized by the board;

(ii) Certification or recertification by a national certifying body recognized by the board; or

(iii) An academic course in nursing or related field; and/or

(B) Provide other evidence as requested by the board.

(2) Nurses reinstating a nursing license to active status after greater than five (5) years shall document completion of the following:

(A) Twenty (20) practice-focused contact hours within the past two (2) years from a nationally recognized or state continuing education approval body recognized by the board; or

(B) Certification or recertification by a national certifying body recognized by the board; or

(C) An academic course in nursing or related field; and

(D)(i) Active practice of nursing for a minimum of one thousand (1,000) hours within the two (2) years immediately prior to application.

(ii) Verification of employment shall be submitted; or

(E) Completion of a board-approved refresher course within one (1) year of the date of application; or

(F) Graduation from an approved nursing education program within one (1) year of the date of application; and

(G) Provide other evidence as requested by the board.

(d) **Standards for reinstatement of prescriptive authority.** Effective January 1, 2010, APRNs whose prescriptive authority is inactive shall complete five (5) contact hours of pharmacotherapeutics continuing education in the APRN's area of certification for each twelve (12) months of nonprescribing activity in addition to the five (5) contact hours required for APRN license renewal, as noted in 17 CAR § 123-207(h), prior to reactivation of prescriptive authority.

(e) The board may issue a temporary permit to a nurse during the time enrolled in a board-approved nursing refresher course or an employer competency orientation program upon submission of:

(1) An application;

(2) Fees; and

(3) Verification of enrollment in such program.

(f) Continuing education hours beyond the required contact hours shall not be carried over to the next renewal period.

17 CAR § 121-705. Responsibilities of the individual licensee.

(a) It shall be the responsibility of each licensee to select and participate in those continuing activities that will meet the criteria for acceptable continuing education as specified in Arkansas Code § 17-87-207 and this part.

(b) It shall be the licensee's responsibility to:

(1) Maintain records of continuing education as well as documented proof, such as original certificates of attendance, contact hour certificates, academic transcripts, or grade slips; and

(2) Submit copies of this evidence when requested by the Arkansas State Board of Nursing.

(c) Records shall be maintained by the licensee for a minimum of:

(1) Two (2) consecutive renewal periods; or

(2) Four (4) years.

17 CAR § 121-706. Recognition of providers.

(a)(1) The Arkansas State Board of Nursing shall identify organizations, agencies, and groups that shall be recognized as valid approval bodies/providers of nursing continuing education.

(2) The recognition may include providers approved by national organizations and state agencies with comparable standards.

(b) The board shall work with professional organizations, approved nursing schools, and other providers of continuing education programs to ensure that continuing education activities are available to nurses in Arkansas.

17 CAR § 121-707. Activities acceptable for continuing education.

(a) Activities presented by recognized providers that may be acceptable include:

(1) National/regional educational conferences;

(2) Classroom instruction;

(3) Individualized instruction (home study/programmed instruction);

(4) Academic courses; and

(5) Institutional-based instruction.

(b) The content shall:

(1) Be relevant to nursing practice; and

(2) Provide for professional growth of the licensee.

(c)(1) If participation is in an academic course or other program in which grades are given, a grade equivalent to "C" or better shall be required, or "pass" on a pass/fail grading system.

(2) An academic course may also be taken as "audit", provided that class attendance is verified by the instructor.

(d) Volunteer service as defined in the Volunteer Health Care Act, Arkansas Code § 20-8-801 et seq.

17 CAR § 121-708. Activities that are not acceptable as continuing education.

Activities that are not acceptable as continuing education:

(1)(A) In-service programs.

(B) Activities intended to assist the nurse to acquire, maintain, and/or increase the competence in fulfilling the assigned responsibilities specific to the expectations of the employer;

(2)(A) Refresher courses.

(B) Programs designed to update basic general knowledge and clinical practice, which consist of a didactic and clinical component to ensure entry-level competencies into nursing practice;

(3)(A) Orientation programs.

(B) A program by which new staff are introduced to the philosophy, goals, policies, procedures, role expectations, physical facilities, and special services in a specific work setting.

(C) Orientation is provided at the time of employment and at other times when changes in roles and responsibilities occur in a specific work setting; and

(4) Courses designed for lay people.

17 CAR § 121-709. Individual review of a continuing education activity provided by a nonrecognized agency/organization.

(a) A licensee may request an individual review by:

(1) Submitting an "Application for Individual Review"; and

(2) Paying a fee.

(b) Approval of a nonrecognized continuing education activity shall be limited to the specific event under consideration.

17 CAR § 121-710. Failure to comply.

(a) Any licensee who fails to complete continuing education or who falsely certifies completion of continuing education shall be subject to disciplinary action, nonrenewal of the nurse's license, or both, pursuant to Arkansas Code § 17-87-207 and § 17-87-309(a)(1) and (a)(6).

(b) If the Arkansas State Board of Nursing determines that a licensee has failed to comply with continuing education requirements, the licensee will be:

(1) Allowed to meet continuing education requirements within ninety (90) days of notification of noncompliance; and

(2)(A) Assessed a late fee for each contact hour that requirements are not met after the ninety-day grace period and be issued a letter of reprimand.

(B) Failure to pay the fee may result in further disciplinary action.

Subpart 8. Renewals

17 CAR § 121-801. Renewals generally.

(a) Each person licensed under the provisions of the Nurse Practice Act shall renew biennially.

(b) Sixty (60) days prior to the expiration date, the Arkansas State Board of Nursing shall mail a renewal notice to the last known address of each nurse to whom a license was issued or renewed during the current period.

(c) The application shall be completed before the license renewal is processed.

(d) The fee for renewal shall accompany the application.

(e) The fee is not refundable.

(f) Pursuant to Acts 2017, No. 204, upon notification of active duty status and submission of appropriate documentation, the license renewal fee will be waived for members of the military.

17 CAR § 121-802. Lapsed license.

(a) The license is lapsed if not renewed or placed in inactive status by the expiration date.

(b) Failure to receive the renewal notice at the last address of record in the Arkansas State Board of Nursing office shall not relieve the licensee of the responsibility for renewing the license by the expiration date.

(c) Any licensee whose license has lapsed shall:

(1) File a renewal application; and

(2) Pay the current renewal fee and the late fee.

(d) Any person practicing nursing during the time his or her license has lapsed shall be:

(1) Considered an illegal practitioner; and

(2) Subject to the penalties provided for violation of the Nurse Practice Act.

17 CAR § 121-803. Inactive status.

(a) Any licensee who desires to temporarily inactivate their nursing license in this state shall submit a request, and the current license shall be placed on inactive status.

(b) While inactive, the licensee shall not practice nursing nor be subject to the payment of renewal fees.

(c) When the licensee desires to resume practice, he or she shall:

(1) Submit a reinstatement application; and

(2) Meet the continuing education requirements.

(d) When disciplinary proceedings have been initiated against an inactive licensee, the license shall not be reinstated until the proceedings have been completed.

17 CAR § 121-804. Retired nurse.

(a) Any licensee in good standing who desires to retire for any length of time from the practice of nursing in this state shall submit a request, and the current license shall be placed on retired status.

(b) While retired, the licensee shall not practice nursing, however:

(1) A registered nurse with a retired license status may use the title "registered nurse" or the abbreviation "RN";

(2) A practical nurse with a retired license status may use the title "licensed practical nurse" or the abbreviation "LPN";

(3) A psychiatric technician nurse with a retired license status may use the title "licensed psychiatric technician nurse" or the abbreviation "LPTN"; and

(4) An advanced practice registered nurse with a retired license status may use the title "advanced practice registered nurse" or the abbreviation "APRN".

(c) When the licensee desires to resume practice, he or she shall:

(1) Submit a reinstatement application; and

(2) Meet the continuing education requirements.

(d) When disciplinary proceedings have been initiated against a retired licensee, the license shall not be reinstated until the proceedings have been completed.

17 CAR § 121-805. Background checks.

(a) The licensee may be required to submit to a state and federal criminal background check if the Arkansas State Board of Nursing deems it necessary.

(b) A waiver is not required for renewal of a license for an individual convicted of a crime listed in Arkansas Code § 17-3-102 if the licensee:

(1) Has completed the waiver requirements at the time of initial licensure;

(2) Was licensed prior to July 24, 2019; or

(3) Attended a professional or occupational school, program, or training in pursuit of an occupational license before the enactment of subdivision (b)(1) of this section (July 24, 2019) and would have been qualified to hold an occupational license on or before July 24, 2019.

Subpart 9. Miscellaneous Provisions

17 CAR § 121-901. Certification/verification to another jurisdiction.

Upon payment of a certification/verification fee, a nurse seeking licensure in another state may have a certified statement of Arkansas licensure issued to the board of nursing in that state.

17 CAR § 121-902. Name or address change.

(a) A licensee whose name is legally changed shall submit:

(1) A name change request;

(2) A copy of marriage license or court action; and

(3) The required fee.

(b) A licensee ~~whose address changes from the address on file with the Arkansas State Board of Nursing shall immediately notify the board in writing of the change~~ shall immediately notify the Arkansas State Board of Nursing in writing of a change in:

(1) mailing address,

(2) residential address,

(3) email address, or

(4) telephone number.

17 CAR § 121-903. Licensure for uniformed service members, veterans, and spouses.

(a) **Automatic licensure.**

(1) Temporary permits for individuals listed in subdivision (a)(2) of this section shall be issued within twenty-four (24) hours of receipt of all required documents.

(2) The Arkansas State Board of Nursing will give preference in the order of processing to applications for full licensure filed by the following individuals:

(A) A uniformed service member stationed in the State of Arkansas;

(B) A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or

(C) The spouse of a:

(i) Person under subdivisions (a)(2)(A) and (a)(2)(B) of this section;

(ii) Uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to Arkansas; or

(iii) Uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in Arkansas.

(b) **Extension of licensure expiration date.**

(1) Upon written request and submission of appropriate documentation, a 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.

(2) The extension shall be effective for one hundred eighty (180) days after the service member or spouse returns from active deployment.

(c) **Consideration of military training and experience.** When considering an application for licensure, the board shall:

(1) Consider whether or not the applicant's military education, training, national certification, service-issued credential, and experience in the practice of nursing is substantially similar to the experience or education required for licensure; and

(2) Accept the applicant's military education, training, national certification, service-issued credential, and experience in the practice of nursing in lieu of experience or education required for licensure, if the board determines that the military training and experience is a satisfactory substitute for the experience or education required for licensure.

(d) **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 who is deployed; or

(B) The spouse of a deployed uniformed service member.

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