

DEPARTMENT OF HEALTH, ARKANSAS STATE BOARD OF NURSING

SUBJECT: General Provisions, 17 CAR pt. 120

DESCRIPTION:

Purpose

The Registered Dialysis Patient Care Technician Act requires that a person applying for the Dialysis Patient Care Technician Registry pay the applicable fee as determined by the board.

Background

The amendments added Dialysis Patient Care Technician fees for Initial Licensure and Renewal of Registration.

Key Points

The initial licensure and renewal fees are the same as that required for Medication Assistant-Certified certification. All fees are lower than that required for nurses, who generally earn a high salary with their professional license.

Discussion

Fees for Dialysis Patient Care Technician Registry pursuant to Act 198 of 2025 (Arkansas Code § 17-87-901 et seq.)

PUBLIC COMMENT: A public hearing was not held on this matter. The public comment period expired March 13, 2026. The agency indicated it received no public comments.

The proposed effective date is pending legislative review and approval.

FINANCIAL IMPACT: The agency has indicated that the proposed rule has a financial impact. The agency states that the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed rule, specifically applicants for the Dialysis Patient Care Technician Registry, is \$35.00 for the current fiscal year and \$40.00 for the next fiscal year.

LEGAL AUTHORIZATION: The Arkansas State Board of Nursing shall have the power and responsibility to promulgate whatever rules it deems necessary for the implementation of Arkansas Code Title 17, Chapter 87, concerning nurses. *See* Arkansas Code § 17-87-203(1)(A).

The proposed rule implements Act 198 of 2025, sponsored by Representative Mary Bentley, which created the Registered Dialysis Patient Care Technician Act.

**QUESTIONNAIRE FOR FILING PROPOSED RULES WITH
THE ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT _____
 BOARD/COMMISSION _____
 BOARD/COMMISSION DIRECTOR _____
 CONTACT PERSON _____
 ADDRESS _____
 PHONE NO. _____ EMAIL _____
 NAME OF PRESENTER(S) AT SUBCOMMITTEE MEETING _____

 PRESENTER EMAIL(S) _____

INSTRUCTIONS

In order to file a proposed rule for legislative review and approval, please submit this Legislative Questionnaire and Financial Impact Statement, and attach (1) a summary of the rule, describing what the rule does, the rule changes being proposed, and the reason for those changes; (2) both a markup and clean copy of the rule; and (3) all documents required by the Questionnaire.

If the rule is being filed for permanent promulgation, please email these items to the attention of Rebecca Miller-Rice, miller-ricer@blr.arkansas.gov, for submission to the Administrative Rules Subcommittee.

If the rule is being filed for emergency promulgation, please email these items to the attention of Director Marty Garrity, garritym@blr.arkansas.gov, for submission to the Executive Subcommittee.

Please answer each question completely using layman terms.

1. What is the official title of this rule?

2. What is the subject of the proposed rule? _____
3. Is this rule being filed under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, please attach the statement required by Ark. Code Ann. § 25-15-204(c)(1).

If yes, will this emergency rule be promulgated under the permanent provisions of the Arkansas Administrative Procedure Act? Yes No

4. Is this rule being filed for permanent promulgation? Yes No

If yes, was this rule previously reviewed and approved under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, what was the effective date of the emergency rule? _____

On what date does the emergency rule expire? _____

5. Is this rule required to comply with a *federal* statute, rule, or regulation? Yes No

If yes, please provide the federal statute, rule, and/or regulation citation.

6. Is this rule required to comply with a *state* statute or rule? Yes No

If yes, please provide the state statute and/or rule citation.

7. Are two (2) rules being repealed in accord with Executive Order 23-02? Yes No

If yes, please list the rules being repealed.

If no, please explain.

8. Is this a new rule? Yes No

Does this repeal an existing rule? Yes No

If yes, the proposed repeal should be designated by strikethrough. If it is being replaced with a new rule, please attach both the proposed rule to be repealed and the replacement rule.

Is this an amendment to an existing rule? Yes No

If yes, all changes should be indicated by strikethrough and underline. In addition, please be sure to label the markup copy clearly as the markup.

9. What is the state law that grants the agency its rulemaking authority for the proposed rule, outside of the Arkansas Administrative Procedure Act? Please provide the specific Arkansas Code citation(s), including subsection(s).

10. Is the proposed rule the result of any recent legislation by the Arkansas General Assembly?
Yes No

If yes, please provide the year of the act(s) and act number(s).

11. What is the reason for this proposed rule? Why is it necessary?

12. Please provide the web address by which the proposed rule can be accessed by the public as provided in Ark. Code Ann. § 25-19-108(b)(1).

13. Will a public hearing be held on this proposed rule? Yes No

If yes, please complete the following:

Date: _____

Time: _____

Place: _____

Please be sure to advise Bureau Staff if this information changes for any reason.

14. On what date does the public comment period expire for the permanent promulgation of the rule? Please provide the specific date. _____

15. What is the proposed effective date for this rule? _____

16. Please attach (1) a copy of the notice required under Ark. Code Ann. § 25-15-204(a)(1) and (2) proof of the publication of that notice.

17. Please attach proof of filing the rule with the Secretary of State, as required by Ark. Code Ann. § 25-15-204(e)(1)(A).

18. Please give the names of persons, groups, or organizations that you anticipate will comment on these rules. Please also provide their position (for or against), if known.

19. Is the rule expected to be controversial? Yes No

If yes, please explain.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT _____
BOARD/COMMISSION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ **EMAIL** _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

TITLE OF THIS RULE _____

1. Does this proposed, amended, or repealed rule have a financial impact?
 Yes No

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
 Yes No

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If no, please explain:

(a) how the additional benefits of the more costly rule justify its additional cost;

(b) the reason for adoption of the more costly rule;

(c) whether the reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency’s statutory authority, and if so, how.

4. If the purpose of this rule is to implement a *federal* rule or regulation, please state the following:
 - (a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

5. What is the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

6. What is the total estimated cost by fiscal year to a state, county, or municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes No

If yes, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.



Rule Revision
17 CAR Part 120. General Provisions
Subpart 506

Fees for Dialysis Patient Care Technician Registry

PURPOSE

The Registered Dialysis Patient Care Technician Act requires that a person applying for the Dialysis Patient Care Technician Registry pay the applicable fee as determined by the board.

BACKGROUND

The amendments added Dialysis Patient Care Technician fees for Initial Licensure, Endorsement, and Renewal of Registration.

KEY POINTS

The initial licensure and renewal fees are the same as that required for Medication Assistant-Certified certification. The fee for Endorsement is lower than that required for Medication Assistant-Certified certification. All fees are lower than that required for nurses, who generally earn a high salary with their professional license.

DISCUSSION

Fees for Dialysis Patient Care Technician Registry pursuant to Act 198 of 2025 (A.C.A. § 17-87-901 et seq.)



Arkansas Department of Health

Arkansas State Board of Nursing

1123 S. University Ave., #800 • Little Rock, AR 72204
(501) 686-2700 • Fax (501) 686-2714

MEMORANDUM

TO: Legal Notices
Arkansas Democrat-Gazette

VIA EMAIL: legalads@arkansasonline.com

FROM: Christine Lewis, Executive Assistant to the Director

DATE: February 9, 2026

RE: Legal Notice

Please run the following ad for three (3) consecutive days, beginning Wednesday, February 11, 2026.

NOTICE OF AMENDED RULES ARKANSAS STATE BOARD OF NURSING

On Wednesday, February 11, 2026, the Arkansas State Board of Nursing (ASBN) will begin the thirty-day public comment period regarding the proposed revisions to the following:

ASBN Rules:


- 17 CAR pt. 120 General Provisions
- 17 CAR pt. 121 Licensure: Registered Nurse, Licensed Practical Nurse, and Licensed Psychiatric Technician Nurse
- 17 CAR pt. 122 Registered Nurse Practitioner
- 17 CAR pt. 123 Advanced Practice Registered Nurse
- 17 CAR pt. 124 Delegation
- 17 CAR pt. 126 Rules of Procedure
- 17 CAR pt. 127 Certified Medication Assistant or Medication Assistant-Certified
- 17 CAR pt. 130 Full Independent Practice Credentialing Committee
- 17 CAR pt. 131 Dialysis Patient Care Technicians

Copies of the proposed *Rules* are available at the ASBN office or you may view them at <https://healthy.arkansas.gov/boards-commissions/boards/nursing-arkansas-state-board/laws-rules/>. Written comments should be submitted to the Director, Arkansas State Board of Nursing, 1123 South University Ave.; Suite 800, Little Rock, AR 72204; no later than **Friday, March 13, 2026**.

Please email me at Christine.Lewis@arkansas.gov to confirm that you received this notice and that it will begin running on Wednesday, February 11, 2026, for three (3) consecutive days. Thanks for your kind assistance.

RECEIVED

By Arkansas Secretary of State at 2:33 pm, Feb 09, 2026

 Outlook

For Publication: Notice of Public Comment Period for Amended Rules

From Christine Lewis <Christine.Lewis@arkansas.gov>

Date Mon 2/9/2026 9:55 AM

To legalads@arkansasonline.com <legalads@arkansasonline.com>

Cc Ashley Davis, PhD., RN <Ashley.Davis@arkansas.gov>; Matt Gilmore <Matt.Gilmore@arkansas.gov>; David Dawson, JD <David.Dawson@arkansas.gov>

 1 attachment (236 KB)

Notice Via Dem Gaz.17CARpt120,121,122,123,124,126,127,130,131.pdf;

Please run the attached Notice of Amended Rules as shown in Memorandum for three (3) consecutive days beginning Wednesday, February 11, 2026, and confirm receipt and scheduled publication by emailing Christine.Lewis@arkansas.gov.

Thank you for your assistance.



Christine Lewis

Executive Assistant

Nursing Board | ADH

e: Christine.Lewis@arkansas.gov

t: 501-686-2704

CONFIDENTIALITY NOTICE:

This email and any attachments are the property of the State of Arkansas and may be confidential or legally privileged under applicable state and federal laws, including laws governing the disclosure of private information. They are intended solely for use by the designated recipient(s). If you are not the intended recipient, or have received this message in error, you are hereby notified that any review, use, retention, dissemination, distribution, copying, printing, or reliance on this communication is STRICTLY PROHIBITED and may be unlawful. The sender does not waive any applicable privilege by the transmission of this message. If you have received this communication in error, please notify the sender immediately by reply email and permanently delete all copies of this message and any attachments from your system. This email and any responses to it may be subject to disclosure under the Arkansas Freedom of Information Act, Ark. Code Ann. § 25-19-101 et seq.



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ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
Cole Jester

500 Woodlane Street, Suite 026
Little Rock, Arkansas 72201-1094
(501) 682-5070
www.sos.arkansas.gov



Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____



Rule Revision
17 CAR Part 120. General Provisions
Subpart 506

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NO FINANCIAL IMPACT ANTICIPATED

Re: For Publication: Notice of Public Comment Period for Amended Rules

From Legal Ads <legalads@arkansasonline.com>
Date Tue 2/10/2026 9:26 AM
To Christine Lewis <Christine.Lewis@arkansas.gov>

Scheduled for Wed 2/11, Thurs 2/12, and Fri 2/13.

Thank you.

Gregg Sterne, Legal Advertising
Arkansas Democrat-Gazette
legalads@arkansasonline.com

From: "Christine Lewis" <Christine.Lewis@arkansas.gov>
To: "legalads" <legalads@arkansasonline.com>
Cc: "Ashley Davis, PhD., RN" <Ashley.Davis@arkansas.gov>, "Matt Gilmore" <Matt.Gilmore@arkansas.gov>, "David Dawson, JD" <David.Dawson@arkansas.gov>
Sent: Monday, February 9, 2026 9:55:29 AM
Subject: For Publication: Notice of Public Comment Period for Amended Rules

Please run the attached Notice of Amended Rules as shown in Memorandum for three (3) consecutive days beginning Wednesday, February 11, 2026, and confirm receipt and scheduled publication by emailing Christine.Lewis@arkansas.gov.

Thank you for your assistance.



Christine Lewis
Executive Assistant
Nursing Board | ADH
e: Christine.Lewis@arkansas.gov
t: 501-686-2704

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Stricken language would be deleted from and underlined language would be added to the Code of Arkansas Rules.

Proposed Rulemaking

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 120. General Provisions

Subpart 1. Purpose and Authority

17 CAR § 120-101. Purpose.

(a) The Arkansas Nurse Practice Act requires that any person who practices or offers to practice professional nursing, advanced practice nursing, registered nurse practitioner nursing, practical nursing, or psychiatric technician nursing for compensation be licensed and submit evidence that he or she is qualified to so practice and shall be licensed as hereinafter provided.

(b) The Arkansas State Board of Nursing was established by the Arkansas Nurse Practice Act for the implementation of the statute by carrying on the licensing or certification, disciplinary, and educational functions for professional, advanced practice, registered nurse practitioner, practical, and psychiatric technician nursing and medication assistants.

17 CAR § 120-102. Legal authority.

The authority of the board is contained in Arkansas Code § 17-87-101 et seq.

Subpart 2. The Practice of Nursing

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06/12/2025 09:57:54 AM

17 CAR § 120-201. The practice of professional nursing.

The performance for compensation of any acts involving the:

- (1) Observation, care, and counsel of the:
 - (A) Ill;
 - (B) Injured; or
 - (C) Infirm;
- (2) Maintenance of health or prevention of illness of others;
- (3) Supervision and teaching of other personnel;
- (4) Delegation of certain nursing practices to other personnel as set forth in rules established by the Arkansas State Board of Nursing; or

(5) Administration of medications and treatments as prescribed by practitioners authorized to prescribe and treat according to state law where such acts require substantial specialized judgment and skill based on knowledge and application of the principles of biological, physical, and social sciences.

17 CAR § 120-202. The practice of advanced practice registered nursing.

(a) The practice of advanced practice registered nursing means the delivery of healthcare services for compensation by professional nurses who have gained additional knowledge and skills through successful completion of an organized program of nursing education that certifies nurses for advanced practice roles as:

- (1) Certified nurse practitioners;
- (2) Certified registered nurse anesthetists;
- (3) Certified nurse midwives; and
- (4) Clinical nurse specialists.

(b) **Certified nurse practitioner.** The practice of certified nurse practitioner nursing means the performance for compensation of nursing skills by a registered nurse who, as demonstrated by national certification, has advanced knowledge and practice skill in the delivery of nursing services.

(c) **Certified registered nurse anesthetist.** The practice of certified registered nurse anesthetist means the performance for compensation of advanced nursing skills relevant to the administration of anesthetics in consultation with, but not necessarily in the presence of, a:

- (1) Licensed physician;
- (2) Licensed dentist; or
- (3) Other person lawfully entitled to order anesthesia.

(d) **Certified nurse midwife.** The practice of nurse midwifery means the performance for compensation of nursing skills relevant to the management of women's health care, focusing on pregnancy, childbirth, the postpartum period, care of the newborn, family planning, and gynecological needs of women, and treatment of the male partners for sexually transmitted disease within a healthcare system that provides for consultation, collaborative management, or referral as indicated by the health status of the client.

(e) **Clinical nurse specialist.** The practice of clinical nurse specialist nursing means the performance for compensation of nursing skills by a registered nurse who, through study and supervised practice at the graduate level and as evidenced by national certification, has advanced knowledge and practice skills in a specialized area of nursing practice.

17 CAR § 120-203. The practice of registered nurse practitioner nursing.

(a) The delivery of healthcare services for compensation in collaboration with and under the direction of a licensed physician or under the direction of protocols developed with a licensed physician.

(b) Registered nurse practitioners shall be authorized to engage in activities as:

- (1) Recognized by the nursing profession; and
- (2) Authorized by the Arkansas State Board of Nursing.

(c) Nothing in this section is to be deemed to limit a registered nurse practitioner from engaging in those activities that normally constitute the practice of nursing or

those that may be performed by persons without the necessity of the license to practice medicine.

17 CAR § 120-204. The practice of practical nursing.

The performance for compensation of acts involving the care of the ill, injured, or infirm or the delegation of certain nursing practices to other personnel as set forth in rules established by the Arkansas State Board of Nursing, under the direction of a registered professional nurse, an advanced practice nurse, a licensed physician, or a licensed dentist that do not require the substantial specialized skill, judgment, and knowledge required in professional nursing.

17 CAR § 120-205. The practice of psychiatric technician nursing.

The performance for compensation of acts involving the care of individuals with physical illness, individuals with mental illness, or individuals who are injured or infirm or the delegation of certain nursing practices to other personnel as set forth in rules established by the Arkansas State Board of Nursing, and the carrying out of medical orders under the direction of a registered professional nurse, an advanced practice nurse, a licensed physician, or a licensed dentist, where such activities do not require the substantial specialized skill, judgment, and knowledge required in professional nursing.

Subpart 3. Identification Insignia

17 CAR § 120-301. Identification insignia.

(a)(1) Any person who holds a license to practice nursing in this state shall use the legal title or the abbreviation as set forth in Arkansas Code § 17-87-101 et seq.

(2) No other person shall assume any other name, title, or abbreviation or any words, letters, signs, or devices that would cause a reasonable person to believe the user is licensed to practice nursing.

(b) Any person licensed to practice nursing shall wear an insignia to identify himself or herself by his or her name and appropriate legal title or abbreviation during times when such person is providing health care to the public for compensation.

(c) The insignia shall be prominently displayed and clearly legible such that the person receiving care may readily identify the type of nursing personnel providing such care.

Subpart 4. Definition of Terms

17 CAR § 120-401. Definitions.

As used in this part and 17 CAR pts. 121 – 130:

(1) "Accredited" means the status granted by an accrediting agency through a voluntary process;

(2) "Active practice" means the act of performing for compensation those acts within specified scope of practice and authorized by the Arkansas State Board of Nursing;

(3) "Activities of daily living" means those self-care activities that must be accomplished each day in order for the client to care for his or her own needs and participate in society;

(4) "Advanced practice registered nurse categories" means:

- (A) Certified nurse practitioner;
- (B) Certified registered nurse anesthetist;
- (C) Certified nurse midwife; and
- (D) Clinical nurse specialist;

(5)(A) "Approval" means recognized by the Arkansas State Board of Nursing as meeting the education standards for preparing graduates for registered or practical nurse licensure.

(B) Approval types:

(i) "Prerequisite" means the status authorizing a program to proceed in establishing a program of nursing;

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(ii) "Initial" means the status awarded to a program that has met all initial requirements and that authorizes the program to proceed to admission of students and completion of educational standards;

(iii) "Full" means the status awarded to a program that has met all educational standards;

(iv) "Continued full" means the status awarded to a program that continues to maintain the educational standards; and

(v)(a) "Conditional" means the status of a program that has not maintained the educational standards.

(b) Serves as a warning that if the standards are not followed withdrawal of approval may be initiated;

(6) "ATD" means alternative to discipline program;

(7) "Board" means the Arkansas State Board of Nursing;

(8) "Board-approved evaluator" means an individual who meets Arkansas State Board of Nursing-approved standards;

(9) "Board representative" means a person appointed, hired, or otherwise authorized by the Arkansas State Board of Nursing to carry out its functions;

(10) "Case manager" means the ATD program staff person who monitors participants' compliance;

(11)(A) "Clinical experience" means a faculty planned and guided learning activity that is designed to support students in meeting identified programs' educational and course outcomes.

(B) The clinical settings include a variety of clinical practice settings or affiliating agencies, including but not limited to:

(i)(a) Acute care setting.

(b) A hospital-based clinical site where students provide direct patient care and associated clinical conferences;

(ii)(a) Nonacute care setting.

(b) A long-term, extended care, or nursing home-based clinical site where students provide direct patient care and associated clinical conferences; and

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(iii)(a) Community setting.

(b) Community partner experiences with nurses and or professional staff in settings other than acute and nonacute settings where students provide indirect or direct patient care and associated clinical conferences;

(12) "Clinical facility" means a facility outside the framework of the program that provides educational experiences for the student;

(13) "Collaborating physician" means a physician, licensed under the Arkansas Medical Practices Act, Arkansas Code § 17-95-201 et seq., Arkansas Code § 17-95-301 et seq., and Arkansas Code § 17-95-401 et seq., who has a practice comparable in scope, specialty, or expertise to that of the advanced practice nurse or registered nurse practitioner;

(14) "Collaborative practice agreement" means a document setting out how an advanced practice registered nurse and physician intend to cooperate in the delivery of client care;

(15) "Consultation" means the manner and process utilized between a certified registered nurse anesthetist and a licensed physician, licensed dentist, or other person lawfully entitled to order anesthesia performing the procedure or directly involved with the procedure when working jointly toward a common goal of providing services for the patient;

(16) "Consulting physician" means a physician licensed by the Arkansas Medical Practices Act who has privileges in a hospital;

(17) "Contact hour" means a measurement for continuing education, either a fifty-minute or sixty-minute clock hour of continuing education;

(18)(A) "Continuing education unit (CEU)" means a measurement for continuing education.

(B) One (1) CEU equals ten (10) contact hours;

(19) "Contract" means the written agreement executed by a licensee or an applicant for licensure and the Arkansas State Board of Nursing that establishes the terms for participation in the ATD program;

(20) "Controlled substance" means drug substance or immediate precursor in Schedules I – V;

(21) "Coprescribe" means to provide a prescription for an opioid antagonist when prescribing an opioid;

(22) "Credential" means:

(A) A license;

(B) A certificate; or

(C) Other evidence of qualifications;

(23)(A) "Delegation" means entrusting the performance of a selected nursing task to an individual who is qualified, competent, and able to perform such tasks.

(B) The nurse retains the accountability for the total nursing care of the individual;

(24) "Distant learning site" means a location separate from the main campus where course offerings are delivered;

(25) "Documentation" means written proof or evidence to substantiate factual claims or statements satisfactory to the Arkansas State Board of Nursing;

(26) "Drug sample" means a unit of a legend drug that is:

(A) Distributed to a practitioner by a manufacturer or a manufacturer's representative at no charge;

(B) Not intended to be sold; and

(C) Intended to promote the sale of the drug;

(27) "Emergency care" means unanticipated care provided to a person who is unconscious, ill, or injured when the:

(A) Circumstances require prompt decisions and actions; and

(B) Necessity of immediate care is so apparent that any delay would seriously worsen the physical condition or endanger the life of the person;

(28) "Failed drug screen" means the analysis of a biological specimen that is determined to be dilute, substituted, abnormal, adulterated, or tests positive for controlled substances, abuse potential substances, or their metabolites without a valid prescription;

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(29)(A) "First-level nurse" means a nurse who provides and coordinates patient care after graduating from an approved program of at least two (2) years in length.

(B) Regionally, the nurse may be referred to as a professional or a registered nurse (RN);

(30) "Full practice authority/full independent practice" means the ability of a certified nurse midwife, certified nurse practitioner, or clinical nurse specialist to practice independently with prescriptive authority without a collaborative practice agreement;

(31) "Graduate competencies" means educational outcomes expected of the nursing program's graduates;

(32) "Impaired nurse" means a licensee or applicant for licensure who is impaired by:

(A) Alcohol use;

(B) A substance use disorder; or

(C) Co-occurring disorder;

(33) "Legend drug" means a drug limited by Section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act to being dispensed by or upon a practitioner's prescription;

(34) "May" indicates permission;

(35) "Medical procedure" means a course of action intended to achieve a result in the delivery of health care as consulted by:

(A) A licensed physician;

(B) A licensed dentist; or

(C) Another person lawfully entitled to order anesthesia;

(36) "Mission" means beliefs accepted by the parent institution for the framework of the school's programs and offerings;

(37) "Noncompliance" means failure of the ATD participant to comply with the terms and conditions of the contract;

(38) "Observational experience" means one in which the nursing student provides no nursing care;

(39) "Parent institution" means the official institution sponsoring the nursing program;

(40) "Participant" means a licensee who executes a contract with the Arkansas State Board of Nursing;

(41) "Patient harm" means actual or potential physical or mental injury, abuse, or neglect of a patient;

(42) "Peri-obstetrical" means preanesthetic preparation or evaluation, anesthesia induction, maintenance or emergence, or postanesthesia care of the pregnant female;

(43) "Perioperative" means preanesthetic preparation or evaluation, anesthesia induction, maintenance or emergence, or postanesthesia care of clients;

(44) "Personal care" means assistance with activities of daily living not requiring a medical prescription;

(45) "Philosophy" means beliefs adopted by the nursing faculty for the framework of the program;

(46) "Practice-focused" means academic study or continuing education targeted to meet the needs of the nurse in his or her nursing practice role;

(47) "Preceptor" means a currently licensed nurse or physician, meeting the requirements of this part, who serves as a facilitator of student learning in a practice setting;

(48) "Preceptorship" means practice under the supervision of a qualified preceptor in the care of consumers of health services while a student in an Arkansas State Board of Nursing-approved program;

(49)(A) "Prescriptive authority" means authorization, given by the Arkansas State Board of Nursing, for an advanced practice nurse who meets established requirements to prescribe.

(B) Prescriptive authority for controlled substances shall only extend to drugs listed in Schedules II – V subject to the provisions of 17 CAR § 123-601 et seq.;

DRAFT

(50) "Professional boundaries" means social, physical, and psychological limits in a therapeutic relationship between a nurse and a patient or their family that promote the client's:

- (A) Dignity;
- (B) Independence; and
- (C) Best interests;

(51)(A) "Program" means an education unit that offers courses and learning experiences preparing graduates who are:

- (i) Competent to practice nursing safely; and
- (ii) Eligible to take the NCLEX-PN or RN® examination.

(B) The program is often referred to as a prelicensure nursing program.

(C) Types of prelicensure nursing education programs are:

(i)(a) Associate degree program.

(b) A professional nursing program leading to an associate degree with a major in nursing;

(ii)(a) Baccalaureate degree program.

(b) A professional nursing program leading to a baccalaureate degree with a major in nursing;

(iii)(a) Diploma program.

(b) A professional nursing program leading to a diploma with a major in nursing;

(iv)(a) Master's degree program.

(b) A professional nursing program leading to a master's degree that is an individual's first professional degree in nursing;

(v)(a) Practical nursing program.

(b) A nursing program leading to a certificate in practical nursing;

and

(vi)(a) Psychiatric technician nursing program.

(b) A nursing program leading to a certificate in psychiatric

technician nursing;

DRAFT

(52) "Program director" means the individual employed by the Arkansas State Board of Nursing to administer the ATD program or the person responsible for the specific educational unit in nursing, regardless of the official title in the institution;

(53) "Program outcomes" means measurable indicators that reflect the extent to which the results of the nursing program are achieved and by which nursing program effectiveness is documented;

(54) "Protocol" means a written statement that delineates agreed-upon approaches in client care and management;

(55) "Refresher course" means a formal course of instruction designed to provide a review and update of nursing theory and practice;

(56) "Qualified provider" means individuals engaged in the treatment of substance use disorder, including alcohol, with sufficient:

- (A) Education;
- (B) Training; and
- (C) Experience;

(57) "Relapse" means use of any unauthorized controlled or abuse potential substance, including alcohol, as reported by the participant or the submission of any confirmed positive drug screen;

(58) "Satellite campus" means a separate geographic location where a program is offered that has a separate student body and a separate faculty leader/coordinator and/or faculty;

(59) "Self-report" means a licensee or an applicant for licensure who provides voluntary written notification to board staff or the ATD program director that the licensee or applicant for licensure is or has been impaired;

(60) "Shall", "will", "must" indicates a mandatory requirement;

(61) "Should" indicates a recommendation;

(62) "SUD" means substance use disorder, defined by the United States Substance Abuse and Mental Health Services Administration as the recurrent use of alcohol and/or drugs that causes clinically and functionally significant impairment, such as:

DRAFT

- (A) Health problems;
- (B) Disability; and
- (C) Failure to meet major responsibilities at:
 - (i) Work;
 - (ii) School; or
 - (iii) Home;

(63) "Survey" means a visit to determine compliance with minimum requirements;

(64) "Therapeutic device" means an instrument or apparatus, requiring a prescription, that is intended for use in diagnosis or treatment and in the prevention of disease or maintenance or restoration of health;

(65) "Transmitting" means relaying an order for a:

- (A) Medication;
- (B) Treatment; or
- (C) Therapeutic device;

(66) "Under the direction of a licensed physician" means the performance of specific acts and procedures that:

- (A) Have been authorized by a licensed physician; and
- (B) May be performed outside the presence of the physician under conditions where a physician is readily available for consultation; and

(67) "Unencumbered license" means free of disciplinary limitations.

Subpart 5. General Matters

17 CAR § 120-501. Office and hours.

- (a) The office of the Arkansas State Board of Nursing is in Little Rock, Arkansas.
- (b) The office shall be open during business hours each day, Saturday, Sunday, and holidays excepted.

17 CAR § 120-502. Examination, inquiry, or investigation.

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(a) The Arkansas State Board of Nursing may, through one (1) or more of its members, or staff especially authorized, conduct at its office in Little Rock, Arkansas, or in any part of the state, any examination, inquiry or investigation, hearing, or other proceeding necessary to perform its duties and functions.

(b) The Director of the Arkansas State Board of Nursing shall:

(1) Have custody of the seal and official records; and

(2) Be responsible for the maintenance and custody of the files and records of the board, including:

(A) The credentials for all Arkansas licensed nurses;

(B) Transcripts of testimony and exhibits;

(C) The minutes of all actions taken by the board; and

(D) All of its:

(i) Findings;

(ii) Determinations;

(iii) Reports;

(iv) Opinions;

(v) Orders;

(vi) Rules; and

(vii) Approved forms.

17 CAR § 120-503. Authentication.

All notices and other actions of the Arkansas State Board of Nursing shall be authenticated or signed by the:

(1) President of the Arkansas State Board of Nursing;

(2) Secretary of the Arkansas State Board of Nursing; or

(3) Such other person as may be authorized by the board.

17 CAR § 120-504. Notice.

Upon order of the Arkansas State Board of Nursing, the President of the Arkansas State Board of Nursing, Secretary of the Arkansas State Board of Nursing, or Director of

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the Arkansas State Board of Nursing shall issue all notices of hearings and other process as may be directed by the board.

17 CAR § 120-505. Director.

The Director of the Arkansas State Board of Nursing shall:

- (1) Be a registered nurse; and
- (2) Meet the qualifications required by the Arkansas State Board of Nursing.

17 CAR § 120-506. Board funds and fees.

(a) The Arkansas State Board of Nursing shall establish and collect fees for services as follows:

Initial Licensure

APRN	\$125.00
RN/LPN	\$100.00
Medication Assistant-Certified	\$35.00
International Nurse	\$200.00
<u>Dialysis Patient Care Technician</u>	<u>\$35.00</u>

Endorsement

APRN	\$125.00
RN & LPN	\$125.00
LPTN	\$100.00
Certification to another state	\$30.00
Medication Assistant-Certified	\$65.00
<u>Dialysis Patient Care Technician</u>	<u>\$35.00</u>

Renewal of Licensure

APRN	\$65.00
RN	\$100.00
LPN/LPTN	\$90.00

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RNP	\$40.00
Lapsed (expired) Reinstatement	\$100.00
Medication Assistant-Certified	\$40.00
<u>Dialysis Patient Care Technician</u>	<u>\$40.00</u>
Miscellaneous Fees	
Prescriptive Authority	\$160.00
Temporary permit	\$30.00
CE Late Fee	\$50.00/contact hour
CRNA Corporation Registration	\$25.00
CRNA Corporation Renewal	\$10.00
Continuing Education Workshop Registration	\$45.00
Criminal Records Review (prelicensure waiver)	\$75.00
CE Approval Request	\$10.00
Returned Check Fee	\$30.00
VISA Screening	\$30.00

(b) All funds received by the board shall be deposited into the State Treasury to the credit of the board.

(c) Fees paid to the board may be in the form of:

- (1) Cashier checks;
- (2) Credit cards; or
- (3) Money orders.

(d) Fees paid to the board are processing fees and are not refundable.

17 CAR § 120-507. Waiver of initial licensure fees.

Effective January 1, 2022, application fees shall be waived if the applicant:

- (1) Is receiving assistance through the:
 - (A) Arkansas Medicaid Program;
 - (B) Supplemental Nutrition Assistance Program;

- (C) Special Supplemental Nutrition Program for Women, Infants, and Children;
 - (D) Temporary Assistance for Needy Families Program; or
 - (E) Lifeline Assistance Program;
- (2) Was approved for unemployment within the last twelve (12) months; or
- (3) Has an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines, as verified by the Department of Human Services and the Division of Workforce Services.

17 CAR § 120-508. Records.

(a) **Record maintenance.** The Director of the Arkansas State Board of Nursing shall:

- (1) Enter, in permanent form:
 - (A) Credentials of all nurses; and
 - (B) Records of official transactions and proceedings; and
- (2) Keep such records in safekeeping.

(b) **Tapes.** Meetings may be taped as necessary for purposes of minute taking.

(c) **Destruction.** The director may destroy or dispose of records in the office in accord with applicable law.

(d) **Certified copies.** Upon written request and payment of a fee, the director shall provide to any nurse holding Arkansas licensure a certified copy of any of his or her records on file in the Arkansas State Board of Nursing office.

(e) **Public inspection.** Records shall be open to public inspection except as may be specifically exempted by statute.

(f) **Request for copies of rules.** Copies of rules of the board will be furnished free of charge to any official of a government agency requesting them in the performance of his or her duties.

17 CAR § 120-509. Examination review.

A registered nurse, practical nurse, or psychiatric technician nurse candidate who has failed the licensure examination may review his or her examination and/or challenge examination items according to the policies and procedures of the test development vendor.

Subpart 6. Faith A. Fields Nursing Scholarship/Loan Program

17 CAR § 120-601. Eligibility requirements.

(a) As funds are made available, any Arkansas resident who is enrolled in, or has been accepted for admission to, an approved school of nursing in this state or in a nationally accredited school outside the state in a course of study leading to qualification as a registered nurse, licensed practical nurse, or nurse educator shall be eligible to make application to the Arkansas State Board of Nursing for a nursing educator loan or a nursing practice loan.

(b) The board may, depending upon available funds, make a nursing educator loan or a nursing practice loan to an applicant when it determines that the applicant:

(1) Warrants financial assistance to complete his or her nursing studies; and

(2) Has signed a written agreement to, upon graduation and licensure and for one (1) year for each year a loan is granted:

(A) Either:

(i) Teach in a nursing education program in the State of Arkansas if granted a nursing educator loan; or

(ii) Engage in practice as a registered nurse or licensed practical nurse in the State of Arkansas if granted a nursing practice loan; and

(B) Repay each loan with interest at the maximum legal rate if the applicant fails to fulfill the requirements of the board.

17 CAR § 120-602. Maintenance requirements.

(a) Subject to the availability of funds and the limits set out in this part, each loan made to an applicant shall be renewable annually for the number of years required to complete studies leading to qualification as a:

- (1) Registered nurse;
- (2) Licensed practical nurse; or
- (3) Nursing educator.

(b) Any loan made to an applicant subsequent to an initial loan shall be made only upon application of the recipient and upon finding by the Arkansas State Board of Nursing that the applicant:

(1) Has successfully completed the nursing studies of the preceding academic year and remains in good standing as an enrolled student in the appropriate nursing program;

(2) Warrants financial assistance to complete his or her nursing studies;

(3) Has signed a written agreement to, upon graduation and licensure and for one (1) year for each year a loan is granted:

(A) Either:

(i) Teach in a nursing education program in the State of Arkansas; or

(ii) Engage in practice as a registered nurse or licensed practical nurse in the State of Arkansas; and

(B) Repay each loan with interest at the maximum legal rate if the applicant fails to fulfill the requirements of the board; and

(4) Continues to be a lawful resident of the State of Arkansas.

(c) The total of the loans made to any one (1) student shall not exceed twenty thousand dollars (\$20,000).

17 CAR § 120-603. Borrower's loss of good standing.

If the recipient of a loan ceases to be enrolled in good standing in a recognized nursing program before completing the education requirements to qualify as a registered nurse, licensed practical nurse, or nursing educator, the principal and interest

of all loans made to the recipient shall become due and payable immediately or as provided in the loan agreement.

17 CAR § 120-604. Loan repayment.

(a) A recipient of a loan shall repay each loan together with interest at the maximum rate allowed by Arkansas law if the recipient:

(1) Ceases to be enrolled in good standing in a recognized nursing program before completing the education requirements to qualify as a:

- (A) Registered nurse;
- (B) Licensed practical nurse; or
- (C) Nursing educator;

(2) Does not, for the period specified in the agreement, teach in an Arkansas nursing education program if granted a nursing educator loan or engage in practice as a registered nurse or licensed practical nurse in Arkansas if granted a nursing practice loan; or

(3) Fails to comply with any other requirements of the agreement.

(b) Interest shall accrue from the date each payment of funds was received by the recipient.

(c) No interest shall accrue and no obligation to repay a loan exists during any period of time that the recipient of the loan serves on active duty in the United States Armed Forces.

(d) If repayment of a loan is required, upon the death of the recipient of the loan all unpaid principal and interest is due and payable.

(e) The failure to repay a loan as specified may be considered unprofessional conduct for disciplinary purposes.

17 CAR § 120-605. Default or delinquent student loans and scholarships.

Except as provided for rural medical practice student loans and scholarships under Arkansas Code § 6-81-701 et seq., the Arkansas State Board of Nursing shall not

suspend or revoke a license that has been issued to an individual solely on the basis of that individual being:

(1) In default on the repayment obligations required by one (1) or more student loans;

(2) Delinquent in the payments of one (1) or more student loans;

(3) In default on the satisfaction of the requirements and conditions of a scholarship; or

(4) Delinquent in the satisfaction of the requirements and conditions of a scholarship.