

ARKANSAS STATE BOARD OF NURSING

Enabling Laws

Act 2083 of 2005

A.C.A. §17-87-203 & 205

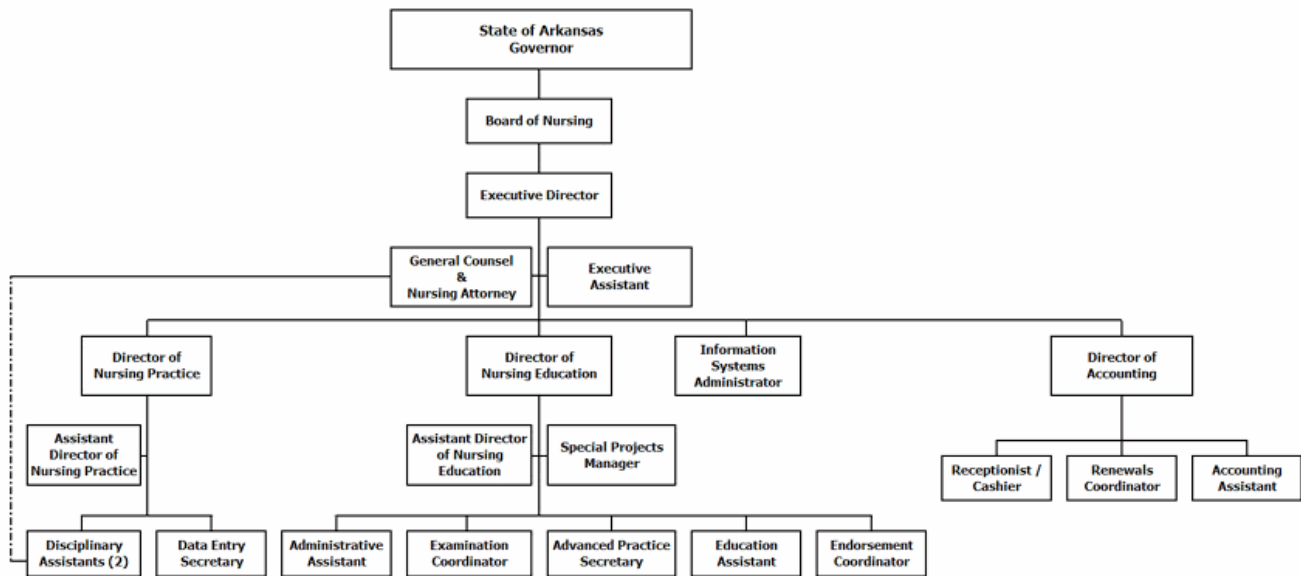
History and Organization

The "State Board of Nurse Examiners" was created by Act 128 of 1913. The Board is composed of thirteen members, appointed by the Governor, subject to confirmation by the Senate. The mission of the Arkansas State Board of Nursing is to protect the public and act as their advocate by effectively regulating the practice of nursing.

Statutory Responsibility & Primary Activities: Pursuant to A.C.A. §17-87-203, the Board of Nursing carries out the following responsibilities in the interest of public protection: (1) Cause the prosecution of persons violating the nurse practice act; (2) Employ personnel necessary for carrying out its functions; (3) Study, review, develop and recommend role levels of technical classes of nursing service and practice to state and federal health agencies and to public and private administrative bodies; (4) Prescribe minimum standards and approve curricula for educational programs preparing persons for licensure as registered nurses, advanced practice nurses, registered nurse practitioners, licensed practical nurses, licensed psychiatric technician nurses and preparing persons for certification as medication assistants; (5) Provide for surveys of such programs at such times as it deems necessary, or at the request of the schools; (6) Approve programs that meet the requirements of the law; (7) Deny or withdraw approval from educational programs for failure to meet prescribed standards; (8) Examine, certify, and renew the certifications of qualified applicants for medication assistants; (9) Examine, license and renew the licenses of duly qualified applicants for professional nursing, practical nursing, and psychiatric technician nursing; (10) License and renew the licenses of qualified applicants for registered nurse practitioner and advanced practice nursing; (11) Grant certificates of prescriptive authority to qualified advanced practice nurses; (12) Convene an advisory committee as provided for in the law to assist with oversight of prescriptive authority and medication assistants; and (13) Conduct disciplinary proceedings as provided for in the law. There are currently 45,000 licenses issued by the Board.

Advisory Board or Commission: A.C.A. §17-87-205 created a Prescriptive Authority Advisory Committee to assist the Board in implementing the provisions for prescriptive authority, which was authorized by Act 409 of 1995. This is a five (5) member multidisciplinary committee, which meets as needed to deal with prescriptive issues. A.C.A. §17-87-710 created a Medication Assistive Persons Advisory Committee to assist the Board in implementing the provisions of the medication assistant legislation passed in 2005.

In addition, the Board has an advisory group comprised of directors of each nursing education program in the State. The Nurse Administrators of Nursing Education Programs is a fifty-four (54) member advisory group, which advises the Board on nursing educational issues in the State.



Agency Commentary

Receipts from license fees finance the Board of Nursing operations. The Board is responsible for licensing, examination, endorsement, education and discipline of over 45,000 nurses and has sufficient revenue and fund balance to accommodate the requests described herein. In comparison with other states in the region, the annual operating budget is the lowest and the ratio of numbers of licensees to each staff person is the second highest in the region. In order to execute the Board's responsibilities and fulfill the public protection mission, the following change requests are imperative.

The Board of Nursing requests Base Level for the 2007-2009 biennium plus the following Change Level requests:

- To increase efficiency and reduce costs, the Board is requesting Operating Expense appropriation in the amount of \$120,000 each year to increase the number of investigations processed by the use of a technical services contract. In the fiscal year 2006, the Board received 732 complaints. The outside source currently used by the Board investigated 51 complaints in fiscal year 2006. That agency is unable to process cases more quickly as it has lost investigators who have not been replaced. As of June 30, 2006, the Board had 350 pending complaints. The Board is being sued for being unable to investigate and take board action in a timely manner. With disciplinary complaints from healthcare institutions and consumers increasing, a technical services contract is needed to expedite the investigation process.
- To be compliant with the Records Retention policies mandated by Arkansas Act 918 of 2005, the Board requests Professional Fees of \$8,500 each year of the biennium as well as Operating Expense appropriation in the amount of \$4,500 in FY08 and \$540 in FY09 to implement a document imaging program. As the policy will require maintaining some documents for 7 years, and most of our documents are only kept for 2 years, we are facing a substantial storage issue in housing the required documentation. Some documents are currently maintained on microfilm. However, this mode of storage is outdated and becoming difficult to

find supplies to maintain the machinery. Images from the scanners are clearer, require less personnel time, and makes retrieval of documents quicker. There is also HIPPA compliant security with greater preparedness for a catastrophic event with this form of document storage.

- Capital Outlay in the amount of \$22,000 in FY08 and \$13,000 in FY09 is requested by the Board to replace an outdated server, a network switch as well as licensure software upgrade and customization. This software is used to maintain licensure, disciplinary, and education information for the nurses licensed by the Board. Capital Outlay is also needed to cover expenses of equipment malfunction and replacement. A total of \$19,000 in Capital Outlay is needed in the upcoming Biennium to replace equipment that is beyond repair, equipment that becomes obsolete or equipment that is too expensive to maintain. These purchases would assist the agency to maintain efficient operations.
- The Board's IT request of \$22,780 each year in Operating Expenses includes annual software maintenance contracts for the licensure software and the paperless board meeting software. The purchases will assist the agency to maintain operations and reduce costs in this time of budget constraints and staffing limitations.
- The Board requests additional cash fund appropriation to cover printing, rent of facilities, equipment, and speakers for continuing education workshops mandated by A.C.A. §17-87-207. The Board plans to double the number of workshops provided, thereby increasing the opportunities for nursing education as well as implementing a continuing education program for medication assistive personnel. Appropriation is also requested to outsource the development of online continuing education courses. The associated costs are less than traditional workshops, and will provide easier access for participants. Increases will be funded by registration fees.

Audit Findings

DIVISION OF LEGISLATIVE AUDIT
AUDIT OF :
ARKANSAS STATE BOARD OF NURSING
FOR THE YEAR ENDED JUNE 30, 2004

Findings

Recommendations

Agency rules and regulations require nurses to submit a biennial application and fee for license renewal. After the application and payment have been processed, the Agency's practice is to mail the nurse a license renewal card. During the period July 2004 through January 2005, the Agency received telephone calls from seventy-four (74) nurses indicating a license renewal card had not been received although checks written to the Agency had cleared the nurses' personal bank accounts. The Agency determined the nurses checks, totaling \$3,905, had been deposited into the Agency's State Treasury account, but the payments were not entered into the accounting records. In addition, three (3) nurses informed the Agency the renewal fee was paid in cash, while the Agency's transaction log, maintained by former receptionist Deanna C. Williams, indicated a check number. On June 7, 2004, Ms. Williams

DIVISION OF LEGISLATIVE AUDIT
 AUDIT OF :
 ARKANSAS STATE BOARD OF NURSING
 FOR THE YEAR ENDED JUNE 30, 2004

Findings

Recommendations

resigned. The Agency has been unable to locate receipt books for the time period June 17, 2003 through June 20, 2004; therefore, we were unable to determine if funds were misappropriated during this period. The Agency has strengthened controls by adopting a policy of not accepting cash payments.

Employment Summary

	Male	Female	Total	%
White Employees	2	16	18	82 %
Black Employees	0	3	3	14 %
Other Racial Minorities	0	1	1	4 %
Total Minorities			4	18%
Total Employees			22	100 %

Publications

A.C.A 25-1-204

Name	Statutory Authorization	Required for		# Of Copies	Reason (s) for Continued Publication and Distribution
		Governor	General Assembly		
Annual Report	17-87-203(4)	Y	N	200	Statutory requirement and public information

Department Appropriation

Appropriation	Historical Data						Agency Request and Executive Recommendation							
	2005-2006		2006-2007		2006-2007		2007-2008				2008-2009			
	Actual	Pos	Budget	Pos	Authorized	Pos	Agency	Pos	Executive	Pos	Agency	Pos	Executive	Pos
1PZ Scholar Loans	0	0	45,000	0	45,000	0	45,000	0	45,000	0	45,000	0	45,000	0
286 Board of Nursing-Operations	1,809,089	22	2,199,687	23	2,160,345	23	2,379,192	23	2,197,912	23	2,378,232	23	2,197,912	23
2MA Nursing Education Workshops	16,524	0	16,000	0	16,000	0	37,000	0	37,000	0	32,000	0	32,000	0
Total	1,825,613	22	2,260,687	23	2,221,345	23	2,461,192	23	2,279,912	23	2,455,232	23	2,274,912	23

Funding Sources		%		%		%		%		%		%			
Fund Balance	4000005	2,098,092	48.4	2,511,243	54.2			2,372,193	51.9	2,372,193	51.9	2,129,710	49.3	2,310,990	51.3
Special Revenue	4000030	2,205,321	50.9	2,086,085	45.0			2,144,489	47.0	2,144,489	47.0	2,144,489	49.6	2,144,489	47.6
Cash Fund	4000045	33,443	0.7	35,552	0.8			49,650	1.1	49,650	1.1	49,650	1.1	49,650	1.1
Total Funds		4,336,856	100.0	4,632,880	100.0			4,566,332	100.0	4,566,332	100.0	4,323,849	100.0	4,505,129	100.0
Excess Appropriation/(Funding)		(2,511,243)		(2,372,193)				(2,105,140)		(2,286,420)		(1,868,617)		(2,230,217)	
Grand Total		1,825,613		2,260,687				2,461,192		2,279,912		2,455,232		2,274,912	

The FY07 Budgeted amount in Nursing Bd. Operations exceeds the Authorized amount due to stipend payments to board members as well as the increase in the retirement rate from 11.09% to 12.54%. The FY06 Actual amount for Nursing Education Workshops exceeds the Authorized amount due to a cash fund increase received from the DFA Holding Account. Excess funding in FY09 is due to unfunded appropriation of \$24,570 in the Scholar Loans program.

Agency Position Usage Report

FY2004-2005						FY2005-2006						FY2006-2007					
Authorized in Act	Budgeted			Unbudgeted	% of Authorized Unused	Authorized in Act	Budgeted			Unbudgeted	% of Authorized Unused	Authorized in Act	Budgeted			Unbudgeted	% of Authorized Unused
	Filled	Unfilled	Total	Total			Filled	Unfilled	Total	Total			Filled	Unfilled	Total	Total	
19	20	-1	19	0	-5.26%	23	22	1	23	0	4.35%	23	22	1	23	0	4.35%

In FY05 the agency received and filled a supplemental position(Disciplinary Coordinator), resulting in filled positions being greater than number of positions authorized in the 2003-05 biennium act. This position is currently authorized in the 2005-07 biennium.

Analysis of Budget Request

Appropriation: 1PZ - Scholar Loans

Funding Sources: MBP-Nursing Student Loan Revolving Fund

The State Board of Nursing Student Loan Revolving Fund consist of funds appropriated for the Nursing Student Loan Program, federal funds, gifts, grants, bequests, devises, donations, and general revenues, there to be used by the Arkansas State Board of Nursing for making loans for nursing scholarship, as authorized by A.C.A. §6-81-1401.

The Agency is requesting continuation of the appropriation at the current level of \$45,000 each year of the biennium. In order to build up the funding for this program, the Agency chose not to award any loans during FY06.

The Executive Recommendation provides for Agency Request.

Appropriation

Appropriation: 1PZ Scholar Loans
Funding Sources: MBP-Nursing Student Loan Revolving Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item	2005-2006	2006-2007	2006-2007	2007-2008			2008-2009		
	Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Loans 5120029	0	45,000	45,000	45,000	45,000	45,000	45,000	45,000	45,000
Total	0	45,000	45,000	45,000	45,000	45,000	45,000	45,000	45,000
Funding Sources									
Fund Balance 4000005	27,734	39,430		8,930	8,930	8,930	0	0	0
Special Revenue 4000030	11,696	14,500		11,500	11,500	11,500	11,500	11,500	11,500
Total Funding	39,430	53,930		20,430	20,430	20,430	11,500	11,500	11,500
Excess Appropriation/(Funding)	(39,430)	(8,930)		24,570	24,570	24,570	33,500	33,500	33,500
Grand Total	0	45,000		45,000	45,000	45,000	45,000	45,000	45,000

Analysis of Budget Request

Appropriation: 286 - Board of Nursing-Operations

Funding Sources: SBN-State Board of Nursing Fund

The State Board of Nursing is funded from the receipt of fees charged by the Agency, as authorized by Arkansas Code Annotated §17-87-306. The mission of the Board is to protect the public and act as their advocate by effectively regulating the practice of nursing.

A cost of living increase is not incorporated in Base Level pending the outcome of the Classification and Compensation Study. The Base Level request of \$1,171,247 each year for Regular Salaries does include board member Stipend payments. Personal Services Matching may reflect increases in the Base Level due to certain increases in Worker's Compensation and Unemployment Tax rates. Personal Services Matching also includes a \$30 increase in the monthly contribution for State employee's health insurance for a total State match per budgeted employee of \$350 per month.

This is the operation's appropriation for the Board of Nursing and supports 23 full-time positions as well as maintenance and operation expenses totaling \$2,197,912 each year of the biennium. The majority of the additional amount being requested for the next biennium is for a technical services contract in the amount of \$120,000 each year to assist with investigations. As of June 30, 2006, there were currently 350 outstanding complaints. The Board is being sued for being unable to investigate and take Board action in a timely manner. In order to be compliant with the Records Retention policies mandated by Act 918 of 2005, the Board is requesting Operating Expenses and Professional Fees in the amount of \$13,000 in FY08 and \$9,040 in FY09. These dollars will allow the Board to retain documents for the required period of time and also transfer documents currently maintained on microfilm. The remaining portion of the request is for software, maintenance contracts and replacement of equipment that is beyond repair or obsolete totaling \$48,280 in FY08 and \$51,280 in FY09.

The Executive Recommendation provides for the Base Level amount of \$2,197,912 each year of the biennium with a reallocation each year of \$45,500 from Data Processing and \$20,000 from Professional Fees line items to Operating Expenses and Capital Outlay line items.

Appropriation

Appropriation: 286 Board of Nursing-Operations
Funding Sources: SBN-State Board of Nursing Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item		2005-2006	2006-2007	2006-2007	2007-2008			2008-2009		
		Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	1,015,496	1,171,247	1,150,247	1,171,247	1,171,247	1,171,247	1,171,247	1,171,247	1,171,247
#Positions		22	23	23	23	23	23	23	23	23
Personal Services Matching	5010003	294,600	317,406	299,064	331,131	331,131	331,131	331,131	331,131	331,131
Operating Expenses	5020002	456,668	550,509	550,509	550,509	697,789	590,509	550,509	693,829	590,509
Conference & Travel Expenses	5050009	25,048	29,048	29,048	29,048	29,048	29,048	29,048	29,048	29,048
Professional Fees	5060010	8,508	57,477	57,477	57,477	65,977	37,477	57,477	65,977	37,477
Data Processing	5090012	5,642	57,500	57,500	57,500	57,500	12,000	57,500	57,500	12,000
Refunds/Reimbursements	5110014	7	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
Capital Outlay	5120011	3,120	15,500	15,500	0	25,500	25,500	0	28,500	25,500
Total		1,809,089	2,199,687	2,160,345	2,197,912	2,379,192	2,197,912	2,197,912	2,378,232	2,197,912
Funding Sources										
Fund Balance	4000005	2,057,827	2,442,363		2,314,261	2,314,261	2,314,261	2,068,058	2,068,058	2,249,338
Special Revenue	4000030	2,193,625	2,071,585		1,951,709	2,132,989	2,132,989	1,952,669	2,132,989	2,132,989
Total Funding		4,251,452	4,513,948		4,265,970	4,447,250	4,447,250	4,020,727	4,201,047	4,382,327
Excess Appropriation/(Funding)		(2,442,363)	(2,314,261)		(2,068,058)	(2,068,058)	(2,249,338)	(1,822,815)	(1,822,815)	(2,184,415)
Grand Total		1,809,089	2,199,687		2,197,912	2,379,192	2,197,912	2,197,912	2,378,232	2,197,912

Regular Salaries and Personal Services Matching in FY07 exceed the Authorized amount due to stipend payments to board members as well as the increase in the retirement rate from 11.09% to 12.54%.

Change Level by Appropriation

Appropriation: 286-Board of Nursing-Operations

Funding Sources: SBN-State Board of Nursing Fund

Agency Request

Change Level		2007-2008	Pos	Cumulative	% of BL	2008-2009	Pos	Cumulative	% of BL
BL	Base Level	2,197,912	23	2,197,912	100.0	2,197,912	23	2,197,912	100.0
C01	Existing Program	123,500	0	2,321,412	105.6	135,500	0	2,333,412	106.1
C08	Technology	57,780	0	2,379,192	108.2	44,820	0	2,378,232	108.2

Executive Recommendation

Change Level		2007-2008	Pos	Cumulative	% of BL	2008-2009	Pos	Cumulative	% of BL
BL	Base Level	2,197,912	23	2,197,912	100.0	2,197,912	23	2,197,912	100.0
C01	Existing Program	23,500	0	2,221,412	101.0	35,500	0	2,233,412	101.6
C08	Technology	42,000	0	2,263,412	102.9	30,000	0	2,263,412	102.9
C19	Executive Changes	(65,500)	0	2,197,912	100.0	(65,500)	0	2,197,912	100.0

Justification

C01	To increase efficiency and reduce costs, the Board is requesting Operating Expense appropriation in the amount of \$120,000 each year to increase the number of investigations processed by the use of a technical services contract. In the fiscal year 2006, the Board received 732 complaints. The outside source currently used by the Board investigated 51 complaints in fiscal year 2006. The Agency is unable to process cases more quickly as it has lost investigators who have not been replaced. As of June 30, 2006, the Board had 350 pending complaints. The Board is being sued for being unable to investigate and take board action in a timely manner. With disciplinary complaints from healthcare institutions and consumers increasing, a technical services contract is needed to expedite the investigation process. The Capital Outlay request is needed to cover expenses of equipment malfunction and replacement. A total of \$19,000 for the upcoming Biennium is requested to replace equipment that is beyond repair, equipment that becomes obsolete or equipment that is too expensive to maintain. These purchases would assist the agency to maintain efficient operations.
C08	To be compliant with the Records Retention policies mandated by Arkansas Act 918 of 2005, the Board is requesting professional fees of \$8,500 each year of the biennium as well as Operating Expense appropriation in the amount of \$4,500 in FY08 and \$540 in FY09 to implement a document imaging program. As the policy will require maintaining some documents for 7 years, and most of our documents are only kept for 2 years, we are facing a substantial storage issue in housing the required documentation. Some documents are currently maintained on microfilm. However, this mode of storage is outdated and becoming difficult to find supplies to maintain the machinery. Images from the scanners are more clear, require less personnel time and cost to maintain, and makes retrieval of documents quicker. There is also HIPPA compliant security with greater preparedness for a catastrophic event with this form of document storage. Capital Outlay in the amount of \$22,000 in FY08 and \$13,000 in FY09 is requested by the Board to replace an outdated server, a network switch as well as licensure software upgrade and customization. This software is used to maintain licensure, disciplinary, and education information for the nurses licensed by the Board. The remaining IT request of \$22,780 in Operating Expenses is for annual software maintenance contracts for the licensure software and the paperless board meeting software. The purchases will assist the Agency to maintain operations and to reduce costs in this time of budget constraints and staffing limitations.
C19	Executive Recommendation provides for the reallocation each year of \$45,500 from Data Processing and \$20,000 from Professional Fees line items to Operating Expenses and Capital Outlay.

Analysis of Budget Request

Appropriation: 2MA - Nursing Education Workshops

Funding Sources: NNR-Cash in Treasury

The Board conducts Continuing Education Workshops as mandated by A.C.A. §17-87-207. The Board initially received a cash fund appropriation from the DFA Cash Holding Account in FY05 for expenses associated with conducting the educational workshops.

During FY06, the Board conducted six workshops. In order to increase the opportunities for nursing education as well as provide a continuing education program for medication assistive personnel, the Board is requesting an additional \$21,000 in FY08 and \$16,000 in FY09. This increase doubles the current annual workshop budget of \$15,000. The increase is needed for printing, rent of facilities and speakers. In FY08, \$5,000 in Professional Fees is being requested to outsource the development of online continuing education courses. These online courses will provide easier access for participants and associated costs are less than traditional workshops. Funding for these increases will be supported by registration fees.

The Executive Recommendation provides for Agency Request. Expenditure of appropriation is contingent upon available funding.

Appropriation

Appropriation: 2MA Nursing Education Workshops
Funding Sources: NNR-Cash in Treasury

Historical Data

Agency Request and Executive Recommendation

Commitment Item	2005-2006	2006-2007	2006-2007	2007-2008			2008-2009		
	Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Operating Expenses 5020002	16,073	15,000	15,000	15,000	30,000	30,000	15,000	30,000	30,000
Conference & Travel Expenses 5050009	0	0	0	0	0	0	0	0	0
Professional Fees 5060010	451	1,000	1,000	1,000	7,000	7,000	1,000	2,000	2,000
Data Processing 5090012	0	0	0	0	0	0	0	0	0
Capital Outlay 5120011	0	0	0	0	0	0	0	0	0
Total	16,524	16,000	16,000	16,000	37,000	37,000	16,000	32,000	32,000
Funding Sources									
Fund Balance 4000005	12,531	29,450		49,002	49,002	49,002	61,652	61,652	61,652
Cash Fund 4000045	33,443	35,552		28,650	49,650	49,650	33,650	49,650	49,650
Total Funding	45,974	65,002		77,652	98,652	98,652	95,302	111,302	111,302
Excess Appropriation/(Funding)	(29,450)	(49,002)		(61,652)	(61,652)	(61,652)	(79,302)	(79,302)	(79,302)
Grand Total	16,524	16,000		16,000	37,000	37,000	16,000	32,000	32,000

FY06 Actual amount in Operating Expenses exceeds the Authorized amount due to a cash fund increase received from the DFA Holding Account.

Change Level by Appropriation

Appropriation: 2MA-Nursing Education Workshops

Funding Sources: NNR-Cash in Treasury

Agency Request

Change Level		2007-2008	Pos	Cumulative	% of BL	2008-2009	Pos	Cumulative	% of BL
BL	Base Level	16,000	0	16,000	100.0	16,000	0	16,000	100.0
C01	Existing Program	16,000	0	32,000	200.0	16,000	0	32,000	200.0
C08	Technology	5,000	0	37,000	231.2	0	0	32,000	200.0

Executive Recommendation

Change Level		2007-2008	Pos	Cumulative	% of BL	2008-2009	Pos	Cumulative	% of BL
BL	Base Level	16,000	0	16,000	100.0	16,000	0	16,000	100.0
C01	Existing Program	16,000	0	32,000	200.0	16,000	0	32,000	200.0
C08	Technology	5,000	0	37,000	231.2	0	0	32,000	200.0

Justification

C01	The Board requests a cash fund appropriation to cover printing, rent of facilities, equipment, and speakers for continuing education workshops mandated by ACA §17-87-207. The Board plans to double the number of workshops provided, thereby increasing the opportunities for nursing education as well as implementing a continuing education program for medication assistive personnel. The requests will be funded by registration fees.
C08	Appropriation is requested to outsource the development of online continuing education courses. The associated costs are less than traditional workshops, and will provide easier access for participants. Funding for the request will be supported by registration fees.