

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senators Moore and Walters**

A Bill

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND TITLE 17, CHAPTER 86 OF THE ARKANSAS CODE
9 TO DEFINE, AUTHORIZE THE PRACTICE OF, AND ESTABLISH THE
10 QUALIFICATIONS OF ADVANCED PRACTICE NURSES; TO INCLUDE
11 REPRESENTATIVES OF ADVANCE PRACTICE NURSING ON THE STATE
12 BOARD OF NURSING; AND FOR OTHER PURPOSES."

Subtitle

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14
15 "AN ACT TO AMEND THE NURSE PRACTICES ACT."

16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18
19 SECTION 1. Arkansas Code 17-86-101 is amended to read as follows:

20 "17-86-101. License required - Purpose.

21 (a) In order to safeguard life and health, any person practicing or
22 offering to practice nursing for compensation shall be required to submit
23 evidence that he or she is qualified to so practice and shall be licensed or
24 registered as provided in this chapter:

- 25 (1) Professional nursing;
26 (2) Nurse anesthesia;
27 (3) Registered practitioner nursing;
28 (4) Practical nursing;
29 (5) Psychiatric technician nursing; or
30 (6) Advanced practice nursing.

31 (b) It shall be unlawful for any person not licensed or registered by
32 the board:

- 33 (1) To practice or offer to practice professional nursing, nurse
34 anesthesia, registered practitioner nursing, practical nursing, psychiatric
35 technician nursing or advanced practice nursing; or

1 (2) To use any sign, card, or device to indicate that the person
2 is a professional registered nurse, a certified registered nurse anesthetist,
3 a registered nurse practitioner, a licensed practical nurse, a licensed
4 psychiatric technician nurse or an advanced practice nurse."

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6 SECTION 2. Arkansas Code 17-86-102 is amended to read as follows:

7 "17-86-102. Definitions. As used in this chapter, unless the context
8 otherwise requires:

9 (1) Board means the Arkansas State Board of Nursing;

10 (2) Practice of professional nursing means the performance for
11 compensation of any acts involving the observation, care, and counsel of the
12 ill, injured, or infirm; the maintenance of health or prevention of illness of
13 others; the supervision and teaching of other personnel; or the administration
14 of medications and treatments as prescribed by a licensed physician or
15 dentist, where such acts require substantial specialized judgment and skill
16 based on knowledge and application of the principles of biological, physical,
17 and social sciences.

18 (A) Any nurse registered under the provisions of this chapter who
19 holds a diploma or certificate evidencing his or her successful completion of
20 the educational program of a school of anesthesia duly accredited by the
21 Council on Accreditation of Educational Programs of Nurse Anesthesia or other
22 nationally recognized accrediting body and holds a current certificate of
23 certification from the Council on Certification of Nurse Anesthetists or the
24 Council on Recertification of Nurse Anesthetists or the nationally recognized
25 certifying body may give or administer anesthetics in this state in the
26 presence and under the supervision of a licensed physician or dentist.

27 (B) A registered nurse practitioner is a registered nurse
28 licensed in this state, who has been authorized by the State Board of Nursing
29 to deliver health care in collaboration with a licensed physician. Registered
30 nurse practitioners under the direction of a licensed physician shall be
31 authorized to engage in activities recognized by the nursing profession and as
32 specified in the Arkansas State Board of Nursing rules and regulations
33 relating to registered nurse practitioners.

34 (C) Nothing in subdivision (2)(B) is to be deemed to limit a
35 registered nurse practitioner from engaging in those activities which normally

1 constitute the practice of nursing, or those which may be performed by persons
2 without the necessity of the license to practice medicine;

3 (D) An _advanced practice nurse_ is a registered nurse licensed
4 in this state who, because of specialized education and experience, is
5 certified by the board and authorized to perform acts of prevention and
6 diagnosis and to prescribe therapeutic or corrective measures or both under
7 regulations promulgated by the board.

8 (3) _Practice of practical nursing_ means the performance for
9 compensation of acts involving the care of the ill, injured, or infirm under
10 the direction of a registered professional nurse or a licensed physician or a
11 licensed dentist, which acts do not require the substantial specialized skill,
12 judgment, and knowledge required in professional nursing;

13 (4) _Practice of psychiatric technician nursing_ means the performance
14 for compensation of acts involving the care of the physically and mentally
15 ill, retarded, injured, or infirm and the carrying out of medical orders under
16 the direction of a registered professional nurse or a licensed physician or a
17 licensed dentist, where such activities do not require the substantial
18 specialized skill, judgment, and knowledge required in professional nursing."
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20 SECTION 3. Arkansas Code 17-86-104 is amended to read as follows:

21 "17-86-104. Penalty.

22 (a) It shall be a misdemeanor for any person, including any
23 corporation, association, or individual, to:

24 (1) Sell or fraudulently obtain or furnish any nursing diploma,
25 license, renewal, or record, or aid or abet therein;

26 (2) Practice nursing as defined by this chapter under cover of
27 any diploma, license, or record illegally or fraudulently obtained or signed
28 or issued unlawfully or under fraudulent representation;

29 (3) Practice professional nursing, nurse anesthesia, registered
30 practitioner nursing, practical nursing, psychiatric technician nursing or
31 advanced practice nursing as defined by this chapter unless licensed or
32 certified by the board to do so;

33 (4) Use in connection with his or her name any designation
34 tending to imply that he or she is a licensed registered nurse, a certified
35 registered nurse anesthetist, a registered nurse practitioner, a licensed

1 practical nurse, a licensed psychiatric technician nurse or a certified
2 advanced practice nurse licensed or certified by the board;

3 (5) Practice professional nursing, nurse anesthesia, registered
4 nurse practitioner nursing, practical nursing, psychiatric technician nursing
5 or advanced practice nursing during the time his or her license or
6 certification shall be suspended;

7 (6) Conduct a nursing education program for the preparation of
8 professional, practical, or psychiatric technician nurses unless the program
9 has been approved by the board; or

10 (7) Otherwise violate any provisions of this chapter.

11 (b) Such misdemeanor shall be punishable by a fine of not less than
12 twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500). Each
13 subsequent offense shall be punishable by fine or by imprisonment of not more
14 than thirty (30) days, or by both fine and imprisonment."

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16 SECTION 4. Arkansas Code 17-86-201 is amended to read as follows:

17 "17-86-201. Creation - Members.

18 (a) There is created the Arkansas State Board of Nursing to be composed
19 of sixteen (16) members to be appointed by the Governor for terms of four (4)
20 years, subject to confirmation by the Senate.

21 (b)(1) Six (6) members shall be registered nurses whose highest level
22 of educational preparation shall be as follows: Two (2) diploma-school
23 graduates; Two (2) associate degree graduates; and two (2) baccalaureate
24 degree or post-baccalaureate degree graduates.

25 (2) Each registered nurse member of the board shall have the
26 following qualifications:

27 (A) Be a United States citizen and Arkansas resident;

28 (B) Have at least five (5) years' successful experience as
29 a registered nurse in nursing practice, administration, or teaching;

30 (C) Be licensed in Arkansas as a registered nurse; and

31 (D) Have been employed as a registered nurse for at least
32 three (3) years immediately preceding appointment, two (2) of which shall have
33 been in Arkansas.

34 (c)(1) Three (3) members shall be licensed practical nurses.

35 (2) Each licensed practical nurse board member shall have the

1 following qualifications:

2 (A) Be a United States citizen and Arkansas resident;

3 (B) Have at least five (5) years' successful experience as
4 a practical nurse or as a teacher in an educational program to prepare
5 practitioners of nursing;

6 (C) Be licensed in Arkansas as a licensed practical nurse;
7 and

8 (D) Have been employed as a licensed practical nurse for at
9 least three (3) years immediately preceding appointment, two (2) of which
10 shall have been in Arkansas.

11 (d)(1) Three (3) members shall be licensed psychiatric technician
12 nurses.

13 (2) Each licensed psychiatric technician nurse board member shall
14 have the following qualifications:

15 (A) Be a United States citizen and Arkansas resident;

16 (B) Have at least five (5) years' successful experience as
17 a psychiatric technician nurse or as a teacher in an educational program to
18 prepare persons for licensure as a licensed psychiatric technician nurse;

19 (C) Be licensed in Arkansas as a licensed psychiatric
20 technician nurse; and

21 (D) Have been actively engaged in nursing as a licensed
22 psychiatric technician nurse for at least three (3) years immediately
23 preceding appointment, two (2) of which shall have been in Arkansas.

24 (e) Two (2) members shall be certified advanced practice nurses. Each
25 advanced practice nurse shall hold an academic degree in nursing at the
26 masters or doctoral level as well as certification as an advanced practice
27 nurse from a nationally recognized nursing accreditation body.

28 (f) One (1) member shall be a lay person representing consumers of
29 health care services.

30 (g) One (1) member of the board shall not be actively engaged in or
31 retired from the profession of nursing, shall be sixty (60) years of age or
32 older, and shall be the representative of the elderly. This member shall be
33 appointed from the state at large, subject to confirmation by the Senate, and
34 shall be a full voting member but shall not participate in the grading of
35 examinations.

1 (h) The consumer representative and the representative of the elderly
2 positions may not be filled by the same person.

3 (i) No member shall be appointed to consecutive terms.

4 (j) Board members shall receive travel and hotel expenses incurred
5 while actually engaged in the discharge of official duties and receive
6 compensation at the rate of thirty-five dollars (\$35.00) per day for each day
7 actually engaged in attending meetings or other essential work of the board
8 within the state."

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10 SECTION 5. Arkansas Code 17-86-306 is amended to read as follows:

11 "17-86-306. Advanced practice nurses.

12 (a) (1) Any person holding a license to practice as a registered nurse
13 and possessing the educational qualifications required under subsection (b) of
14 this section to be certified as an advanced practice nurse may, upon
15 application and payment of necessary fees to the board, be certified as an
16 advanced practice nurse and have the right to use the title of Advanced
17 Practice Nurse and the abbreviation A.P.N.

18 (2) No other person shall assume such title or use such
19 abbreviation or any other words, letters, signs, or devices to indicate that
20 the person using them is an advanced practice nurse.

21 (b) In order to be certified as an advanced practice nurse, a
22 registered nurse must hold an academic degree in nursing at the masters or
23 doctoral level as well as certification from a nationally recognized nursing
24 accreditation body which has its objective the preparation of nurses to
25 perform the duties appropriate to advanced practice nursing.

26 (c) An advanced practice nurse certified under Arkansas Code 17-86-101,
27 et seq. shall not be deemed to be an agent or employee of a physician, unless
28 specifically so engaged, and is authorized to enter into independent provider
29 agreements with insurers for reimbursement for services of such advanced
30 practice nurse."

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32 SECTION 6. (a) If an individual, group or blanket disability insurance
33 contract, or a subscription contract of a hospital or medical service
34 corporation provides or offers reimbursement for any service which is within
35 the scope of the practice of an advanced practice nurse, the contract benefits

1 shall not be denied to a subscriber who receives the services of such nurse.
2 The cost of the service shall be reimbursed directly to such nurse or to the
3 subscriber if another provider or health care institution was not reimbursed
4 for the cost of the service.

5 (b) Notwithstanding any provision of a group or individual policy, or
6 contract or any certification issued thereunder, of health and/or sickness,
7 and/or accident, and/or disability insurance which is written on an expense
8 incurred basis, delivered within the State, or issued to a group which is
9 incorporated or has a main office located in the state, or covering persons
10 who reside or work within the state, whenever such policy, contract, or
11 certification provides for reimbursement for any service which is within the
12 lawful scope of practice of an advanced practice nurse, the insured, or any
13 other person covered by the policy, contract or certificate, shall be entitled
14 to reimbursement for such service, whether the service is performed by a
15 doctor of medicine or an advanced practice nurse.

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17 SECTION 7. All provisions of this act of a general and permanent nature
18 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
19 Revision Commission shall incorporate the same in the Code.

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21 SECTION 8. If any provision of this act or the application thereof to
22 any person or circumstance is held invalid, such invalidity shall not affect
23 other provisions or applications of the act which can be given effect without
24 the invalid provision or application, and to this end the provisions of this
25 act are declared to be severable.

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27 SECTION 9. All laws and parts of laws in conflict with this act are
28 hereby repealed.

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