

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Representatives Flanagin, Stalnaker, von Gremp, Wren, Hinshaw and
5 McGinnis

A Bill

HOUSE BILL 1488

For An Act To Be Entitled

"AN ACT TO ESTABLISH LICENSURE FOR ADVANCED PRACTICE
NURSES; AND FOR OTHER PURPOSES."

Subtitle

"TO ESTABLISH LICENSURE FOR ADVANCED
PRACTICE NURSES."

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

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

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

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

- (1) Professional nursing;
- (2) Advanced practice nursing;
- (3) Registered practitioner nursing;
- (4) Practical nursing; or
- (5) Psychiatric technician nursing.

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

(1) To practice or offer to practice professional nursing, advanced practice nursing, registered practitioner nursing, practical nursing, or psychiatric technician nursing; or

(2) To use any sign, card, or device to indicate that the person is a professional registered nurse, an advanced practice nurse, a registered

1 nurse practitioner, a licensed practical nurse, or a licensed psychiatric
2 technician nurse."

3

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

6 "17-86-102. Definitions. As used in this chapter:

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

8 (2) Practice of professional nursing means the performance for
9 compensation of any acts involving the observation, care, and counsel of the
10 ill, injured, or infirm; the maintenance of health or prevention of illness
11 of others; the supervision and teaching of other personnel; the delegation of
12 certain nursing practices to other personnel as set forth in regulations
13 established by the board; or the administration of medications and treatments
14 as prescribed by an advanced practice nurse holding a certificate of
15 prescriptive authority, a licensed physician or licensed dentist, where such
16 acts require substantial specialized judgment and skill based on knowledge
17 and application of the principles of biological, physical, and social
18 sciences.

19 (3) Practice of advanced practice nursing means the delivery of
20 health care services for compensation by professional nurses who have gained
21 additional knowledge and skills through successful completion of an organized
22 program of nursing education that certifies nurses for advanced practice
23 roles as Advanced Nurse Practitioners, Certified Nurse Anesthetists,
24 Certified Nurse-Midwives and Clinical Nurse Specialists;

25 (A) Practice of advanced nurse practitioner nursing means the
26 performance for compensation of nursing skills by a registered nurse who, as
27 demonstrated by national certification, has advanced knowledge and practice
28 skills in the delivery of nursing services;

29 (B) Practice of certified nurse anesthesia means the
30 performance for compensation of nursing skills relevant to the administration
31 of anesthetics in the presence and under the supervision of a licensed
32 physician or licensed dentist;

33 (C) Practice of nurse midwifery means the performance for
34 compensation of nursing skills relevant to the management of women's health
35 care, focusing on pregnancy, childbirth, the postpartum period, care of the

1 newborn, family planning and gynecological needs of women, within a health
2 care system that provides for consultation, collaborative management or
3 referral as indicated by the health status of the client;

4 (D) Practice of clinical nurse specialist nursing means the
5 performance for compensation of nursing skills by a registered nurse who,
6 through study and supervised practice at the graduate level and as evidenced
7 by national certification, has advanced knowledge and practice skills in a
8 specialized area of nursing practice;

9 (4) Practice of registered nurse practitioner nursing means the
10 delivery of health care services for compensation in collaboration with and
11 under the direction of a licensed physician or under the *direction* of
12 protocols developed with a licensed physician. Registered nurse
13 practitioners shall be authorized to engage in activities as recognized by
14 the nursing profession and as authorized by the board. Nothing in this
15 subdivision is to be deemed to limit a registered nurse practitioner from
16 engaging in those activities which normally constitute the practice of
17 nursing, or those which may be performed by persons without the necessity of
18 the license to practice medicine;

19 (5) Practice of practical nursing means the performance for
20 compensation of acts involving the care of the ill, injured, or infirm or the
21 delegation of certain nursing practices to other personnel as set forth in
22 regulations established by the board under the direction of a registered
23 professional nurse, an advanced practice nurse, a licensed physician or a
24 licensed dentist, which acts do not require the substantial specialized
25 skill, judgment, and knowledge required in professional nursing;

26 (6) Practice of psychiatric technician nursing means the performance
27 for compensation of acts involving the care of the physically and mentally
28 ill, retarded, injured, or infirm or the delegation of certain nursing
29 practices to other personnel as set forth in regulations established by the
30 board and the carrying out of medical orders under the direction of a
31 registered professional nurse, an advanced practice nurse, a licensed
32 physician or a licensed dentist, where such activities do not require the
33 substantial specialized skill, judgment, and knowledge required in
34 professional nursing;

35 (7) Consulting physician means a physician licensed under the

1 Arkansas Medical Practices Act, § 17-93-201 et seq., with obstetrical
2 privileges in a hospital who has agreed to practice in consultation with a
3 certified nurse midwife.

4 (8) Collaborative practice agreement means a written plan that
5 identifies a physician, who agrees to collaborate with an advanced practice
6 nurse in the joint management of the health care of the advanced practice
7 nurse's patients, and outlines procedures for consultation with or referral
8 to the collaborating physician or other health care professionals as
9 indicated by a patient's health care needs."

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11 SECTION 3. Arkansas Code Annotated 17-86-103 is amended to read as
12 follows:

13 "17-86-103. Exceptions. This chapter does not prohibit:

14 (1) The furnishing of nursing assistance in an emergency;

15 (2) The practice of nursing which is incidental to their program of
16 study by students enrolled in nursing education programs approved by the
17 board;

18 (3) The practice of any legally qualified nurse of another state who
19 is employed by the United States Government, or any bureau, division, or
20 agency thereof, while in the discharge of his or her official duties, in
21 installations where jurisdiction has been ceded by the State of Arkansas;

22 (4) The practice of any legally qualified and licensed nurse of
23 another state, territory, or foreign country, whose responsibilities include
24 transporting patients into, out of, or through this state, while actively
25 engaged in patient transport, that does not exceed forty-eight (48) hours in
26 this state;

27 (5) Nursing or care of the sick, when done in connection with the
28 practice of the religious tenets of any church by adherents thereof;

29 (6) The care of the sick, when done in accordance with the practice of
30 religious principles or tenets of any well-recognized church or denomination
31 which relies upon prayer or spiritual means of healing;

32 (7) The administration of anesthetics in the presence and under the
33 supervision of a licensed physician or dentist by a graduate nurse
34 anesthetist awaiting certification results while holding a temporary permit;

35 (8) The administration of anesthetics in the presence and under the

1 supervision of a licensed physician or dentist by a registered nurse who is
2 enrolled as a bona fide student pursuing a course in a nurse anesthesia
3 school which is approved by a nationally recognized accrediting body and
4 whose graduates are acceptable for certification by a nationally recognized
5 certifying body, provided the giving or administering of the anesthetics is
6 confined to the educational requirements of the course and under the direct
7 supervision of a qualified instructor;

8 (9) The administration of anesthetics in the presence and under the
9 supervision of a licensed physician or dentist by a formerly certified
10 registered nurse who was registered as a certified registered nurse
11 anesthetist and who is not presently certified or recertified and who is
12 actively seeking recertification in the manner authorized and prescribed by
13 the Council on Recertification of Nurse Anesthetists or other nationally
14 recognized recertification body. The recertification is to be accomplished
15 within the time frame allowed by the Council on Recertification of Nurse
16 Anesthetists;

17 (10) Hospital employed professional paramedics from administering
18 medication for diagnostic procedures under the direction of a physician;

19 (11) The prescription and administration of drugs, medicines or
20 therapeutic devices in the presence and under the supervision of an advanced
21 practice nurse holding a certificate of prescriptive authority, a licensed
22 physician or licensed dentist by a registered nurse who is enrolled as a
23 student in an advanced pharmacology course provided the prescription or
24 administration of drugs or medicines or both is confined to the educational
25 requirements of the course and under the direct supervision of a qualified
26 instructor."

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28 SECTION 4. Arkansas Code Annotated 17-86-104 is amended to read as
29 follows:

30 "17-86-104. Penalty.

31 (a) It shall be a misdemeanor for any person to:

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

34 (2) Practice nursing as defined by this chapter under cover of
35 any diploma, license, or record illegally or fraudulently obtained or signed

1 or issued unlawfully or under fraudulent representation;

2 (3) Practice professional nursing, advanced practice nursing,
3 registered nurse practitioner nursing, practical nursing, or psychiatric
4 technician nursing as defined by this chapter unless licensed by the board to
5 do so;

6 (4) Use in connection with his or her name any of the following
7 titles, names or initials, if the user is not properly licensed under this
8 chapter:

9 (A) nurse;

10 (B) registered nurse or R.N.;

11 (C) advanced practice nurse or A.P.N, or any of the

12 following;

13 (i) advanced registered nurse practitioner, A.R.N.P
14 or A.N.P;

15 (ii) nurse anesthetist, certified nurse anesthetist,
16 certified registered nurse anesthetist or C.R.N.A.;

17 (iii) nurse midwife, certified nurse midwife, license
18 nurse midwife, C.N.M. or L.N.M; or

19 (iv) clinical nurse specialist or C.N.S.

20 (D) registered nurse practitioner, N.P. or R.N.P;

21 (E) licensed practical nurse, practical nurse or L.P.N.;

22 (F) licensed psychiatric technician nurse, psychiatric
23 technician nurse, L.P.T.N., or P.T.N;

24 (G) any other name, title or initials that would cause a
25 reasonable person to believe the user is licensed under this chapter.

26 (5) Practice professional nursing, advanced practice nursing,
27 registered nurse practitioner nursing, practical nursing, or psychiatric
28 technician nursing during the time his or her license shall be suspended;

29 (6) Conduct a nursing education program for the preparation of
30 professional nurses, advanced practice nurses, nurse practitioners, practical
31 nurses, or psychiatric technician nurses unless the program has been approved
32 by the board;

33 (7) Prescribe any drug or medicine as authorized by this chapter
34 unless certified by the board as having prescriptive authority, except that a
35 certified registered nurse anesthetist shall not be required to have

1 prescriptive authority to provide anesthesia care, including the
2 administration of drugs or medicines necessary for the care; or

3 (8) Otherwise violate any provisions of this chapter.

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

8 (c) The board may, after providing notice and a hearing, levy civil
9 penalties, in an amount not to exceed one thousand dollars (\$1000) for each
10 violation against those individuals or entities found to be in violation of
11 this chapter or regulations promulgated thereunder.

12 (1) Each day of violation shall be a separate offense.

13 (2) These penalties shall be in addition to other penalties
14 which may be imposed by the board pursuant to this chapter.

15 (3) Unless the penalty assessed under this subsection is paid
16 within fifteen (15) calendar days following the date for an appeal from the
17 order, the board shall have the power to file suit in the Circuit Court of
18 Pulaski County to obtain a judgment for the amount of penalty not paid."

19

20 SECTION 5. Arkansas Code Annotated 17-86-201 is amended to read as
21 follows:

22 "17-86-201. Creation - Members.

23 (a) There is created the Arkansas State Board of Nursing to be
24 composed of fifteen (15) members to be appointed by the Governor for terms of
25 four (4) years, subject to confirmation by the Senate.

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

30 (2) Each registered nurse member of the board shall have the
31 following qualifications:

32 (A) Be an Arkansas resident;

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

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

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

4 (c)(1) One (1) member shall be a licensed advanced practice nurse.

5 (2) The licensed advanced practice nurse board member shall have
6 the following qualifications:

7 (A) Be an Arkansas resident;

8 (B) Have at least five (5) years experience as an advanced
9 practice nurse;

10 (C) Be licensed in Arkansas as an advanced practice nurse;

11 (D) Have been actively engaged in nursing for at least
12 three (3) years immediately preceding appointment, two (2) of which shall
13 have been in Arkansas; and

14 (E) Have a certificate granting prescriptive authority.

15 (d)(1) Three (3) members shall be licensed practical nurses.

16 (2) Each licensed practical nurse board member shall have the
17 following qualifications:

18 (A) Be an Arkansas resident;

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

22 (C) Be licensed in Arkansas as a licensed practical nurse;
23 and

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

27 (e)(1) Three (3) members shall be licensed psychiatric technician
28 nurses.

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

31 (A) Be an Arkansas resident;

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

35 (C) Be licensed in Arkansas as a licensed psychiatric

1 technician nurse; and

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

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

7 (g) One (1) member of the board shall not be actively engaged in or
8 retired from the profession of nursing, shall be sixty (60) years of age or
9 older, and shall be the representative of the elderly. This member shall be
10 appointed from the state at large, subject to confirmation by the Senate, and
11 shall be a full voting member but shall not participate in the grading of
12 examinations.

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

15 (i) No member shall be appointed to more than two consecutive terms.

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

21

22 SECTION 6. Arkansas Code Annotated 17-86-203 is amended to read as
23 follows:

24 "17-86-203. Powers and duties. The board shall have the following
25 powers and responsibilities:

26 (1) Promulgate whatever regulations it deems necessary for the
27 implementation of this chapter. No regulation promulgated hereafter by the
28 board shall be effective until reviewed by the Legislative Council and the
29 Joint Interim Committee on Public Health, Welfare, and Labor of the Arkansas
30 General Assembly;

31 (2) Cause the prosecution of persons violating this act;

32 (3) Keep a record of all its proceedings;

33 (4) Make an annual report to the Governor;

34 (5) Employ personnel necessary for carrying out its functions;

35 (6) Study, review, develop, and recommend role levels of technical

1 classes of nursing service and practice to state and federal health agencies
2 and to public and private administrative bodies;

3 (7) Fix the time for holding its regular meetings;

4 (8) Prescribe minimum standards and approve curricula for educational
5 programs preparing persons for licensure as registered nurses, advanced
6 practice nurses, registered nurse practitioner nurses, licensed practical
7 nurses, and licensed psychiatric technician nurses;

8 (9) Provide for surveys of such programs at such times as it deems
9 necessary or at the request of the schools;

10 (10) Approve programs that meet the requirements of this chapter;

11 (11) Deny or withdraw approval from educational programs for failure
12 to meet prescribed standards;

13 (12) Examine, license, and renew the licenses of qualified applicants
14 for professional nursing, practical nursing, and psychiatric technician
15 nursing;

16 (13) License and renew the licenses of qualified applications for
17 registered nurse practitioner nursing and advanced practice nursing;

18 (14) Grant certificates of prescriptive authority to qualified
19 advanced practice nurses;

20 (15) Convene an advisory committee as provided for in this chapter to
21 assist with oversight of prescriptive authority; and

22 (16) Conduct disciplinary proceedings as provided for in this
23 chapter."

24

25 SECTION 7. Subchapter 2 of Chapter 86 of Title 17 is amended by adding
26 the following section:

27 "17-86-205. Prescriptive Authority Advisory Committee

28 (a) The Prescriptive Authority Advisory Committee is created as an
29 advisory committee to the board. The board shall appoint five (5) members,
30 to be approved by the Governor, who have the following qualifications:

31 (1) Three (3) members shall be advanced practice nurses holding
32 certificates of prescriptive authority, except that the initial advanced
33 practice nurse appointees shall be exempt from holding a certificate;

34 (2) One (1) member shall be a licensed physician who has been
35 involved in a collaborative practice with a registered nurse practitioner for

1 at least five (5) years; and

2 (3) One (1) member shall be a licensed pharmacist who has been
3 in practice for at least five (5) years.

4 (b) The five (5) initial members appointed to the Prescriptive
5 Authority Advisory Committee shall draw lots to determine the lengths of
6 their initial terms. One (1) initial member shall serve for a term expiring
7 January 1, 1997, two (2) initial members shall serve for terms expiring
8 January 1, 1998, and two (2) initial members shall serve for terms expiring
9 January 1, 1999. Successor members shall serve three (3) year terms.

10 (c) The board shall issue certificates of prescriptive authority to
11 the initial three (3) advanced practice nurse appointees based on the
12 criteria described in this act for prescriptive authority.

13 (d) The board shall make the initial appointments and shall select the
14 initial chairperson from the advisory committee membership not later than
15 January 1, 1996.

16 (e) The board may remove any advisory committee member, after notice
17 and hearing, for incapacity, incompetence, neglect of duty or malfeasance in
18 office.

19 (f) The members shall serve without compensation, but may be
20 reimbursed to the extent special monies are appropriated therefor for actual
21 and necessary expenses incurred in the performance of their duties.

22 (g) The advisory committee shall assist the board in implementing the
23 provisions of this chapter regarding prescriptive authority."
24

25 SECTION 8. Arkansas Code Annotated 17-86-301 is amended to read as
26 follows:

27 "17-86-301. Registered nurses.

28 (a) Qualifications. Before taking the examination or before the
29 issuance of a license by endorsement, an applicant for a license to practice
30 professional nursing shall submit to the board written evidence, verified by
31 oath, that the applicant:

32 (1) Is of good moral character;

33 (2) Has completed an approved high school course of study or the
34 equivalent thereof as determined by the appropriate educational agency; and

35 (3) Has completed the required approved professional nursing

1 education program.

2 (b) Issuance of License. A license to practice as a registered nurse
3 may be issued:

4 (1) By Examination. The applicant shall be required to pass an
5 examination in such subjects as the board may determine. Upon successfully
6 passing the examination, the board shall issue to the applicant a license to
7 practice professional nursing as a registered nurse;

8 (2) By Endorsement. The board may issue a license to practice
9 professional nursing as a registered nurse by endorsement to an applicant who
10 has been duly licensed as a registered nurse under the laws of another state,
11 territory, or foreign country if, in the opinion of the board, the applicant
12 meets the qualifications required of registered nurses in this state at the
13 time of graduation and if the board so recommends.

14 (c) Nurses Registered Prior to March 29, 1971. Any person holding a
15 license or certificate of registration to practice nursing as a registered
16 nurse issued by the board which is valid on March 29, 1971, shall be deemed
17 to be licensed as a registered nurse under the provisions of this chapter.

18 (d) Title and Abbreviation. Any person who holds a license to practice
19 professional nursing in this state shall have the right to use the title
20 Registered Nurse and the abbreviation R.N."

21

22 SECTION 9. Arkansas Code Annotated 17-86-302, is amended to read as
23 follows:

24 "17-86-302. Advanced Practice Nurses.

25 (a) Qualifications. In order to be licensed as an advanced practice
26 nurse, an applicant must show evidence of education approved by the board,
27 and national certification approved by the board under one of the following:

28 (1) Advanced Registered Nurse Practitioner. In order to qualify
29 as an advanced registered nurse practitioner, an applicant must be currently
30 certified as a nurse practitioner by a nationally recognized certifying body;

31 (2) Certified Registered Nurse Anesthetist. To qualify as a
32 certified registered nurse anesthetist, an applicant must;

33 (A) Have earned a diploma or certificate evidencing
34 satisfactory completion, beyond generic nursing preparation, of a formal
35 educational program that meets the standards of the Council on Accreditation

1 of Nurse Anesthesia Educational Programs or another nationally recognized
2 accrediting body and that has as its objective preparation of nurses to
3 perform as nurse anesthetists; and

4 (B) Hold Current certification from the Council on
5 Certification of Nurse Anesthetists, Council on Recertification of Nurse
6 Anesthetists, or other nationally recognized certifying body.

7 (3) Certified Nurse Midwife. To qualify as a certified nurse
8 midwife, an applicant must:

9 (A) Hold current certification as a nurse midwife from the
10 American College of Nurse Midwives or other nationally recognized certifying
11 body; and

12 (B) Have an agreement with a consulting physician on file
13 with the board.

14 (4) Clinical Nurse Specialist. In order to qualify as a
15 clinical nurse specialist, an applicant must hold a masters degree evidencing
16 successful completion of a graduate program in nursing, which shall include
17 supervised clinical practice and classroom instruction in a nursing
18 specialty, and must be nationally certified in a specialty role as a
19 clinical nurse specialist.

20 (b) Issuance of License. A license to practice as an advanced
21 practice nurse may be issued:

22 (1) By Application. Any person holding a license to practice as
23 a registered nurse and meeting the educational qualifications and
24 certification requirements to be licensed as an advanced practice nurse may
25 upon application and payment of necessary fees to the board be licensed as an
26 advanced practice nurse.

27 (2) By Endorsement. The board may issue a license to practice
28 advanced practice nursing by endorsement to any applicant who has been
29 licensed as an advanced practice nurse or a person entitled to perform
30 similar services under a different title under the laws of another state,
31 territory, or foreign country if, in the opinion of the board, the applicant
32 meets the requirements for advanced practice nurses in this state.

33 (c) Title and Abbreviation. Any person who holds a license to
34 practice as an advanced practice nurse shall have the right to use the title
35 of Advanced Practice Nurse and the abbreviation A.P.N.

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SECTION 10. Arkansas Code Annotated 17-86-304 is amended to read as follows:

"17-86-304. Licensed practical nurses.

(a) Qualifications. An applicant for a license to practice practical nursing shall submit to the State Board of Nursing evidence, verified by oath, that the applicant:

- (1) Is of good moral character;
- (2) Has completed an approved high school course of study or the equivalent thereof as determined by the appropriate educational agency; and
- (3) Has completed a prescribed curriculum in a state-approved program for the preparation of practical nurses and holds a diploma or certificate therefrom. However, the State Board of Nursing may waive this requirement if the board determines the applicant to be otherwise qualified.

(b) Issuance of License. A license to practice as a practical nurse may be issued:

(1) By Examination. The applicant shall be required to pass an examination in such subjects as the board may determine. Upon successful completion of the examination, the board shall issue to the applicant a license to practice as a licensed practical nurse.

(2) By Endorsement. The board may issue a license to practice practical nursing by endorsement to any applicant who has duly been licensed or registered as a licensed practical nurse or a person entitled to perform similar services under a different title under the laws of another state, territory, or foreign country if, in the opinion of the board, the applicant meets the requirements for licensed practical nurses in this state at the time of graduation and if the board so recommends.

(c) Person Licensed Prior to March 29, 1971. Any person holding a license to practice as a practical nurse issued by the board and which is valid on March 29, 1971, shall be deemed to be licensed as a practical nurse under the provisions of this chapter.

(d) Title and Abbreviation. Any person who holds a license to practice practical nursing in this state shall have the right to use the title Licensed Practical Nurse and the abbreviation L.P.N.

1 SECTION 11. Arkansas Code Annotated 17-86-305 is amended to read as
2 follows:

3 "17-86-305. Licensed psychiatric technician nurses.

4 (a) Qualifications. An applicant for a license to practice psychiatric
5 technician nursing shall submit to the State Board of Nursing evidence,
6 verified by oath, that the applicant:

7 (1) Is of good moral character;

8 (2) Has completed an approved high school course of study or the
9 equivalent thereof as determined by the appropriate educational agency; and

10 (3) Has completed a prescribed curriculum in a state-approved
11 program for the preparation of psychiatric technician nurses and holds a
12 diploma or certificate therefrom. However, the State Board of Nursing may
13 waive this requirement if the board determines the applicant to be otherwise
14 qualified.

15 (b) Issuance of License. A license to practice as a psychiatric
16 technician nurse may be issued:

17 (1) By Examination. The applicant shall be required to pass a
18 written examination in such subjects as the board may determine. Each written
19 examination may be supplemented by an oral examination. Upon successfully
20 passing the examination, the board shall issue to the applicant a license to
21 practice as a psychiatric technician nurse. All such examinations shall be
22 conducted by an examiner, who shall be a registered nurse, and by an
23 assistant examiner, who shall be a licensed psychiatric technician nurse;

24 (2) By Endorsement. The board may issue a license to practice
25 psychiatric technician nursing by endorsement to an applicant who has duly
26 been licensed or registered as a licensed psychiatric technician nurse or a
27 person entitled to perform similar services under a different title under the
28 laws of another state, territory, or foreign country if, in the opinion of
29 the board, the applicant meets the requirements for licensed psychiatric
30 technician nurses in this state at the time of graduation and if the board so
31 recommends.

32 (c) Person Licensed Prior to March 29, 1971. Any person holding a
33 license to practice as a psychiatric technician issued by the board in
34 accordance with Acts 1953, No. 124 [repealed], and which is valid on March
35 29, 1971, shall be deemed to be licensed as a psychiatric technician nurse

1 under the provisions of this chapter.

2 (d) Title and Abbreviation. Any person who holds a license to practice
3 psychiatric technician nursing in this state shall have the right to use the
4 title Licensed Psychiatric Technician Nurse and the abbreviation
5 L.P.T.N."

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7 SECTION 12. Arkansas Code Annotated 17-86-306 is amended to read as
8 follows:

9 "17-86-306. Fees. The board shall establish and collect fees and
10 penalties for services relating to examination, licensing, endorsement,
11 certification for prescriptive authority, temporary permits, license renewal
12 and other reasonable services as determined by the board."

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14 SECTION 13. Arkansas Code Annotated 17-86-307 is amended to read as
15 follows:

16 "17-86-307. Temporary permits.

17 (a)(1) Upon application and payment of the required fee, the board may
18 issue a temporary permit to practice professional, practical, or psychiatric
19 technician nursing to a qualified applicant who has:

20 (A) Completed a program in professional, practical, or
21 psychiatric technician nursing approved by the appropriate state or national
22 authorizing agency of this state or country and by the appropriate
23 authorizing agency of other states or territories or foreign countries; and

24 (B) Applied for or is awaiting results of the first
25 examination he or she is eligible to take after the permit is issued.

26 (2) The permit shall become invalid upon notification to the
27 applicant of the results of the first examination he or she is eligible to
28 take after the permit is issued.

29 (b)(1) Upon application and payment of the required fee, the board
30 shall issue a temporary permit to a qualified applicant holding a current
31 professional, practical, or psychiatric technician license from another
32 jurisdiction from any other state or territory awaiting endorsement.

33 (2) This permit must have an issuance date and a date when it
34 shall become invalid and shall not exceed ninety (90) days.

35 (c)(1) Upon application and payment of the required fee, an applicant

1 shall be issued a temporary permit to practice advanced practice nursing;
2 who:

3 (A) Has satisfactorily completed an educational program
4 for advanced practice nursing approved by the board; and

5 (B) Has been accepted by the appropriate certification
6 body to sit for the first national certification exam he or she is eligible
7 to take.

8 (2) The permit shall expire upon notification to the applicant
9 of the results of the examination. The permit is not renewable and does not
10 apply to prescriptive authority.

11 (d)(1) Upon application and payment of the required fee, the board
12 shall issue a temporary permit to a qualified applicant holding a current
13 advanced practice nurse license or the equivalent from another jurisdiction
14 from any other state or territory awaiting endorsement.

15 (2) This permit must have an issuance date and a date when it
16 shall become invalid. The permit shall automatically become invalid upon
17 notification of the applicant's failure to pass the appropriate national
18 certification exam. In no event, shall the permit be valid in excess of six
19 (6) months."

20

21 SECTION 14. Arkansas Code Annotated 17-86-308 is amended to read as
22 follows:

23 "17-86-308. Renewal of licenses.

24 (a)(1) The board shall prescribe the procedure for the cyclical
25 biennial renewal of licenses to every person licensed by the board.

26 (2) In each case, the board shall mail an application for
27 renewal to the licensee at least thirty (30) days prior to the expiration
28 date of the license.

29 (b) Upon receipt of the application and the fee, the board shall
30 verify the accuracy of the application and issue to the applicant a
31 certificate of renewal for a period to expire on the last day of the current
32 biennial cycle.

33 (c) The procedure prescribed by the State Board of Nursing for license
34 renewal shall not be implemented until the proposal has been reviewed by the
35 Joint Interim Committee on Public Health, Welfare, and Labor of the General

1 Assembly. The renewal shall render the holder thereof a legal practitioner of
2 nursing for the period stated in the certificate of renewal.

3 (d) Any licensee who allows his or her license to lapse by failing to
4 renew the license as provided above may be reinstated by the board on payment
5 of the renewal fee plus a penalty.

6 (e) Any person practicing nursing during the time his or her license
7 has lapsed shall be considered an illegal practitioner and shall be subject
8 to the penalties provided for violations of this chapter.

9 (f) An individual may place his or her license on inactive status with
10 written notification to the board. The holder of an inactive license shall
11 not practice nursing in this state. An inactive license may be placed in an
12 active status upon compliance with the rules established by the board.

13 (g) The provisions relating to the denial, suspension, and revocation
14 of a license shall be applicable to an inactive or lapsed license. When
15 proceedings to suspend or revoke an inactive license have been initiated, the
16 license shall not be reinstated until the proceedings have been completed.

17 (h) As a condition of licensure renewal, an advanced practice nurse
18 shall submit proof of current national certification and successful
19 completion of continuing education as required by the board."
20

21 SECTION 15. Arkansas Code Annotated 17-86-309 is amended to read as
22 follows:

23 "17-86-309. Disciplinary actions.

24 (a) The board shall have sole authority to deny or suspend any license
25 to practice nursing or certificate of prescriptive authority issued by the
26 board or applied for in accordance with the provisions of this chapter or to
27 otherwise discipline a licensee upon proof that the person:

28 (1) Is guilty of fraud or deceit in procuring or attempting to
29 procure a license to practice nursing;

30 (2) Is guilty of a crime or gross immorality;

31 (3) Is unfit or incompetent by reason of negligence, habits, or
32 other causes;

33 (4) Is habitually intemperate or is addicted to the use of
34 habit-forming drugs;

35 (5) Is mentally incompetent;

1 (6) Is guilty of unprofessional conduct;

2 (7) Has had a license, certificate or registration revoked,
3 suspended or placed on probation or under disciplinary order in any
4 jurisdiction;

5 (8) Has voluntarily surrendered a license, certification or
6 registration and has not been reinstated in any jurisdiction; or

7 (9) Has willfully or repeatedly violated any of the provisions of
8 this chapter.

9 (b) Proceedings under this section shall be as provided in the
10 Administrative Procedure Act, as amended, § 25-15-201 et seq."

11

12 SECTION 16. Subchapter 3 of Chapter 86 of Title 17 is amended by
13 adding the following section:

14 "17-86-311. Prescriptive Authority.

15 (a) The board may grant a certificate of prescriptive authority to an
16 advanced practice nurse, who:

17 (1) Submits proof of successful completion of a board approved
18 advanced pharmacology course that shall include preceptorial experience in
19 the prescription of drugs, medicines and therapeutic devices; and

20 (2) Has a collaborative practice agreement with a physician who
21 is licensed under the Arkansas Medical Practices Act, 17-93-201 et seq., and
22 who has a practice comparable in scope, specialty or expertise to that of the
23 advanced practice nurse, on file with the board.

24 (b) An advanced practice nurse with a certificate of prescriptive
25 authority may receive and prescribe drugs, medicines or therapeutic devices
26 appropriate to the advanced practice nurses's area of practice in accordance
27 with rules established by the board. An advanced practice nurse's
28 prescriptive authority shall only extend to drugs listed in Schedules III
29 *through V*.

30 (c) A collaborative practice agreement shall include, but not be
31 limited to, provisions addressing:

32 (1) availability of the collaborating physician for consultation
33 or referral or both;

34 (2) methods of management of the collaborative practice, which
35 *shall include protocols for prescriptive authority;*

1 (3) coverage of the health care needs of a patient in the
2 emergency absence of the advance practice nurse or physician; and

3 (4) quality assurance.

4 (d) If a collaborative practice results in complaints of violations of
5 Arkansas Code 17-93-201, et seq., the Arkansas State Medical Board may review
6 the role of the physician in the collaborative practice to determine if the
7 physician is unable to manage his or her responsibilities under the agreement
8 without an adverse affect on the quality of care of the patient.

9 (e) If a collaborative practice results in complaints of violations of
10 Arkansas Code 17-86-101, et seq., the Arkansas State Board of Nursing may
11 review the role of the advanced practice nurse in the collaborative practice
12 to determine if the nurse is unable to manage his or her responsibilities
13 under the agreement without an adverse affect on the quality of care of the
14 patient."

15

16 SECTION 17. Subchapter 3 of Chapter 86 of Title 17 is amended by
17 adding the following section:

18 "17-86-312. Direct Reimbursement Agreements.

19 (a) An advanced practice nurse or a registered nurse practitioner may
20 enter into a direct reimbursement agreement with the agency administering the
21 state Medicaid program.

22 (b) The agency administering the state Medicaid program shall not
23 discriminate against practitioners providing covered services within the
24 scope of their practice based on the type of practitioner."

25

26 SECTION 18. Arkansas Code Annotated 17-86-401 is amended to read as
27 follows:

28 "17-86-401. Nursing education programs.

29 (a) An institution desiring to conduct a nursing education program to
30 prepare professional, advanced practice, nurse practitioner, practical, and
31 psychiatric technician nurses shall apply to the board and submit evidence
32 that:

33 (1) It is prepared to carry out a program in professional
34 nursing education, advanced practice nursing education, nurse practitioner
35 nursing education, practical nursing education, psychiatric technician

1 training, as the case may be; and

2 (2) It is prepared to meet such standards as shall be
3 established by this chapter and by the board.

4 (b)(1) A survey of the institution and its entire nursing education
5 program shall be made by an authorized representative of the board, who shall
6 submit a written report of the survey to the board.

7 (2) If, in the opinion of the board, the requirements for an
8 approved nursing education program are met, the program shall be approved as
9 a nursing education program for professional, advanced practice, nurse
10 practitioner, practical, and psychiatric technician nurses.

11 (c)(1) From time to time, as deemed necessary, it shall be the duty of
12 the board, through its authorized representative, to survey its nursing
13 education programs in the state.

14 (2) Written reports of such surveys shall be submitted to the
15 board.

16 (3) If the board shall determine that any approved nursing
17 education program under its supervision is not maintaining the standards
18 required by the statutes and by the board, notice thereof in writing
19 specifying the defect or defects shall be immediately given to the
20 institution conducting the program.

21 (4) A program which fails within a reasonable time to correct
22 these conditions to the satisfaction of the board shall be withdrawn after a
23 hearing."

24

25 SECTION 19. Subchapter 5 of Chapter 86 of Title 17, relating to
26 certified nurse midwives, is hereby repealed.

27

28 SECTION 20. Subchapter 1 of Chapter 91 of Title 17 of Arkansas Code
29 Annotated is amended by adding the following section:

30 "17-91-110. Prescriptive authority of advanced practice nurses.

31 Pharmacists licensed in the State of Arkansas are authorized to fill
32 prescriptions in the State of Arkansas for advanced practice nurses holding
33 certificates of prescriptive authority."

34

35 SECTION 21. Nothing in this act relating to the practice of advanced

1 practice nursing shall be construed to limit or alter the scope of practice
2 of any registered nurse practitioner or any other licensed nurse."

3

4 SECTION 22. All provisions of this act of a general and permanent
5 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
6 Code Revision Commission shall incorporate the same in the Code.

7

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

13

14 SECTION 24. All laws and parts of laws in conflict with this act are
15 hereby repealed.

16

/s/Rep. Flanagan, et al

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