

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H3/4/09
A Bill

HOUSE BILL 1134

5 By: Representative Hall
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8 **For An Act To Be Entitled**

9 *AN ACT TO IMPROVE ACCESSIBILITY TO HEALTH CARE IN*
10 *ARKANSAS BY CLARIFYING THE PROCESS NECESSARY FOR*
11 *AN ADVANCED PRACTICE NURSE TO QUALIFY FOR*
12 *PRESCRIPTIVE AUTHORITY; AND FOR OTHER PURPOSES.*
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14 **Subtitle**

15 *THE HEALTH CARE ACCESS IMPROVEMENT ACT.*
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 *SECTION 1. Arkansas Code § 17-87-102(2), concerning the definition of*
21 *a collaborative practice agreement applicable to nursing, is amended to read*
22 *as follows:*

23 *(2) "Collaborative practice agreement" means a written plan that*
24 *identifies a ~~physician~~ prescribing practitioner who agrees to collaborate*
25 *with an advanced practice nurse ~~in the joint management of the health care of~~*
26 *~~the advanced practice nurse's patients,~~ and outlines procedures for*
27 *consultation with or referral to ~~the collaborating physician or~~ other health*
28 *care professionals as indicated by a patient's health care needs;*
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30 *SECTION 2. Arkansas Code § 17-87-310 is amended to read as follows:*
31 *17-87-310. Prescriptive authority.*

32 *(a) The Arkansas State Board of Nursing may grant a certificate of*
33 *prescriptive authority to an advanced practice nurse who:*

34 *(1) Submits proof of successful completion of a board-approved*
35 *advanced pharmacology course that ~~shall include~~ includes preceptorial*
36 *experience in the prescription of drugs, medicines, and therapeutic devices;*



1 and

2 (2) Has a collaborative practice agreement with a ~~physician~~
3 prescribing practitioner who is licensed under the Arkansas Medical Practices
4 Act, §§ 17-95-201 – 17-95-207, 17-95-301 – 17-95-305, and 17-95-401 – 17-95-
5 411, or this chapter and who has ~~a~~ an active practice comparable in scope,
6 specialty, or expertise to that of the advanced practice nurse on file with
7 the board.

8 (b)(1) An advanced practice nurse with a certificate of prescriptive
9 authority may receive and prescribe drugs, medicines, or therapeutic devices
10 appropriate to the advanced practice nurse's area of practice in accordance
11 with rules established by the board.

12 (2) An advanced practice nurse's prescriptive authority shall
13 only extend to drugs listed in Schedules III – V.

14 (c) A The provisions of the collaborative practice agreement shall be
15 determined by the advanced practice nurse and the collaborator and shall
16 include, but not be limited to, provisions addressing:

17 (1) The availability of the ~~collaborating physician~~ collaborator
18 for consultation or referral, or both;

19 (2) Methods of management of the collaborative practice, ~~which~~
20 ~~shall include protocols for prescriptive authority;~~

21 (3) Coverage of the health care needs of a patient in the
22 emergency absence of the advanced practice nurse or ~~physician~~ collaborator;
23 and

24 (4) Quality assurance.

25 (d) If a collaborative practice results in complaints of violations of
26 the Arkansas Medical Practices Act, §§ 17-95-201 – 17-95-207, 17-95-301 – 17-
27 95-305, and 17-95-401 – 17-95-411, the Arkansas State Medical Board may
28 review the role of the physician in the collaborative practice to determine
29 if the physician is unable to manage his or her responsibilities under the
30 collaborative practice agreement without an adverse affect on the quality of
31 care of the patient.

32 (e) If a collaborative practice results in complaints of
33 violations of this chapter, the Arkansas State Board of Nursing may review
34 the role of the advanced practice nurse in the collaborative practice to
35 determine if the nurse is unable to manage his or her responsibilities under
36 the collaborative practice agreement without an adverse affect on the quality

1 of care of the patient.

2 (f) After an advanced practice nurse has accumulated at least one
3 thousand (1000) hours of prescribing practice under a collaborative practice
4 agreement, the advanced practice nurse may apply to the Board to remove the
5 collaborative practice agreement.

6 (g) Nothing in this subsection shall be construed to enlarge or
7 diminish the scope of practice of advanced practice nurses as defined under
8 ACA § 17-87-101 et seq.

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11 SECTION 3. Arkansas Code § 23-79-114, concerning health services
12 provided by professionals, is amended to add an additional subsection to read
13 as follows:

14 (h)(1) Notwithstanding a provision of an individual or group policy of
15 accident and health insurance, or a provision of a policy, contract, plan, or
16 agreement for hospital or medical service or indemnity, whenever the policy,
17 contract, plan, or agreement provides for payment or reimbursement for a
18 health service provided by an advanced practice nurse with prescriptive
19 authority who is licensed under § 17-87-310, or persons licensed under the
20 Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-95-301 et seq., and
21 § 17-95-401 et seq., the person entitled to benefits or the person providing
22 health service under the policy, contract, plan, or agreement is entitled to
23 payment or reimbursement for the health service on an equal basis for such a
24 service when the health service is provided by a person licensed as an
25 advanced practice nurse with prescriptive authority who is operating within
26 his or her area of competence.

27 (2) No person entitled to benefits under this subsection shall
28 be denied freedom of choice to select any practitioner licensed under the
29 Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-95-301 et seq., and
30 § 17-95-401 et seq., or an advanced practice nurse with prescriptive
31 authority that is licensed under § 17-87-310, by an insurer or agency or
32 employee of the insurer or by a department, agency, or employee of this
33 state.

34 (3) Nothing in this subsection shall be construed to enlarge or
35 diminish the practice of an advanced practice nurse under § 17-87-310.

36 (4) The purpose of this subsection is to ensure that a person

1 licensed under the Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-
2 95-301 et seq., and § 17-95-401 et seq., or a person licensed as an advanced
3 practice nurse under § 17-87-310 shall be entitled to the same method of
4 payment for or reimbursement on an equal basis for administering the same
5 health service.

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/s/ Hall