

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 H3/9/09

# A Bill

HOUSE BILL 1134

5 By: Representatives Hall, *Dunn*  
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## 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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### Subtitle

14 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 or other prescribing practitioner who agrees to  
25 collaborate with an advanced practice nurse in the joint management of the  
26 health care of the advanced practice nurse's patients, and outline procedures  
27 for consultation with or referral to the collaborating physician or other  
28 health 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 or  
3 other prescribing practitioner who is licensed under the Arkansas Medical  
4 Practices Act, §§ 17-95-201 – 17-95-207, 17-95-301 – 17-95-305, and 17-95-401  
5 – 17-95-411, or § 17-87-310 and who has a an active practice comparable in  
6 scope, specialty, or expertise to that of the advanced practice nurse on file  
7 with 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 collaborative practice agreement shall include, but not be  
15 limited to, provisions addressing:

16 (1) The availability of the collaborating physician or other  
17 prescribing practitioner for consultation or referral, or both;

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

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

22 (4) Quality assurance.

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

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

36 (f) After an advanced practice nurse has accumulated at least one

1 thousand (1000) hours of prescribing practice under a collaborative practice  
2 agreement, the advanced practice nurse may apply to the Board to remove the  
3 collaborative practice agreement.

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

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

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

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

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

34 (4) The purpose of this subsection is to ensure that a person  
35 licensed under the Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-  
36 95-301 et seq., and § 17-95-401 et seq., or a person licensed as an advanced

1 practice nurse under § 17-87-310 shall be entitled to the same method of  
2 payment for or reimbursement on an equal basis for administering the same  
3 health service.

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/s/ Hall