

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: H3/25/13

A Bill

HOUSE BILL 1190

5 By: Representatives Hammer, *Harris*
6

For An Act To Be Entitled

8 AN ACT TO CLARIFY THE LAW REGARDING MEDICAID
9 REIMBURSEMENTS FOR NURSING PROFESSIONALS AS PRIMARY
10 CARE MEDICAID PROVIDERS; TO REQUIRE THAT ADVANCED
11 NURSE PRACTITIONERS BE RECOGNIZED AS PRIMARY CARE
12 PROVIDERS IN THE MEDICAID PROGRAM; TO ESTABLISH
13 MEDICAID REIMBURSEMENT RATES FOR ADVANCED NURSE
14 PRACTITIONERS; AND FOR OTHER PURPOSES.

Subtitle

15
16
17
18 TO CLARIFY THE LAW REGARDING MEDICAID
19 REIMBURSEMENTS FOR NURSING PROFESSIONALS.
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 *SECTION 1. Arkansas Code Title 20, Chapter 77, Subchapter 1, is*
25 *amended to add an additional section to read as follows:*

26 20-77-125. Advanced nurse practitioners.

27 (a) As used in this section, "charitable clinic" means a charitable
28 nonprofit corporation or a facility organized as a not-for-profit corporation
29 under §§ 4-28-201 – 4-28-206 and 4-28-209 – 4-28-224 that:

30 (1) Holds a valid exemption from federal income taxation issued
31 under § section 501(a) of the Internal Revenue Code;

32 (2) Is listed as an exempt organization under § 501(c)(3) of the
33 Internal Revenue Code; and

34 (3) Provides advice, counseling, diagnosis, treatment, surgery,
35 care, or services relating to the preservation or maintenance of health on an
36 outpatient basis for a period of less than twenty-four (24) consecutive hours



1 to persons not residing or confined at the facility.

2 (b) The General Assembly intends that the savings to the Arkansas
3 Medicaid Program achieved under subsection (c) of this section shall be used
4 to assist hospitals in Arkansas in meeting the healthcare needs of the
5 hosptials' communities and the overall Medicaid healthcare cost.

6 (c)(1) The Arkansas Medicaid Program shall recognize a qualifying
7 advanced nurse practitioner as a primary care provider for all purposes.

8 (2) Purposes under subdivision (c)(1) of this section include
9 without limitation:

10 (A) Being recognized as the initial health care provider
11 in the federal Comprehensive Primary Care initiative payment model;

12 (B) Initially diagnosing;

13 (C) Leading a team of family practice professionals;

14 (D) Maintaining patient's records;

15 (E) Ordering laboratory tests and records management as
16 needed for patient care;

17 (F) Providing preventive and periodic examinations within
18 primary care;

19 (G) Referring a patient when necessary to a physician, a
20 specialist or a hospital; and

21 (H) Treating a patient to the extent of the advanced nurse
22 practitioner's scope of practice.

23 (d)(1) The Arkansas Medicaid Program shall reimburse an advanced nurse
24 practitioner not less than ninety percent (90%) of the physician
25 reimbursement rate for services performed within the scope and licensure of
26 the advanced nurse practitioner.

27 (2) However, the Arkansas Medicaid Program shall reimburse an
28 advanced nurse practitioner who performs services at a charitable institution
29 for which the advanced nurse practitioner does not pay a fee for a
30 collaborative agreement with a physician not less than eighty-five percent
31 (85%) of the standard reimbursement rate.

32 (3) The Arkansas Medicaid Program shall reimburse an advanced
33 nurse practitioner one hundred percent (100%) of the standard reimbursement
34 rate for all out-of-pocket costs such as laboratory tests, x-rays, and tests
35 ordered and performed.

36 (e)(1) The Arkansas Medicaid Program shall reimburse an advanced nurse

1 practitioner for services and costs performed within the scope and licensure
2 of the advanced nurse practitioner.

3 (2) The scope and licensure of the advanced nurse practitioner
4 shall be conclusively determined by the Arkansas State Board of Nursing.

5 (f)(1)(A) For tax years beginning on and after January 1, 2013, there
6 is allowed an income tax credit against the income tax imposed by the Income
7 Tax Act of 1929, § 26-51-101 et seq., in the amount of one hundred dollars
8 (\$100) for each hour that a physician provides medical services at no cost to
9 a charitable clinic.

10 (B) However, the amount of the credit allowed under
11 subdivision (e)(1)(A) of this section shall not exceed five thousand dollars
12 (\$5,000) for each taxpayer per tax year.

13 (2) The amount of the income tax credit under this subsection
14 that may be claimed by the taxpayer in a tax year shall not exceed the amount
15 of income tax due by the taxpayer.

16 (g) An insurance policy the premiums of which are paid directly or
17 indirectly by the Arkansas Medicaid Program also shall reimburse an advanced
18 practice nurse under subsections (c) and (d) of this section.

19 (h) This section does not increase the scope of practice of an
20 advanced practice nurse.

21
22
23 /s/Hammer
24
25
26
27
28
29
30
31
32
33
34
35
36