

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

As Engrossed: H3/25/13 H4/1/13

# A Bill

HOUSE BILL 1190

5 By: Representatives Hammer, *Harris*  
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## 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.  
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## Subtitle

17 TO CLARIFY THE LAW REGARDING MEDICAID  
18 REIMBURSEMENTS FOR NURSING PROFESSIONALS.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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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 and state Comprehensive Primary Care initiative payment model;

12 (B) Initially diagnosing;

13 (C) Being included as the patient contact for a team of  
14 family practice professionals and the patient-centered medical home;

15 (D) Maintaining patient's records;

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

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

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

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

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

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

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

1 (e)(1) The Arkansas Medicaid Program shall reimburse an advanced nurse  
2 practitioner for services and costs performed within the scope and licensure  
3 of the advanced nurse practitioner.

4 (2) The scope and licensure of the advanced nurse practitioner  
5 shall be conclusively determined by the Arkansas State Board of Nursing  
6 according to rules reviewed by the Legislative Council.

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

12 (B) However, the amount of the credit allowed under  
13 subdivision (f)(1)(A) of this section shall not exceed five thousand dollars  
14 (\$5,000) for each taxpayer per tax year.

15 (C) Under rules developed by the Department of Finance and  
16 Administration, a charitable clinic may certify not more than two hundred  
17 (200) hours per year per charitable clinic to physicians.

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

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

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

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29 /s/Hammer  
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