

1 State of Arkansas *As Engrossed: S2/6/13 S2/26/13*
2 89th General Assembly **A Bill**
3 Regular Session, 2013

SENATE BILL 161

4
5 By: Senators E. Cheatham, *Bledsoe*
6

7 **For An Act To Be Entitled**

8 AN ACT TO CREATE THE TITLE OF ADVANCED PRACTICE
9 REGISTERED NURSE; TO ESTABLISH THE QUALIFICATIONS FOR
10 ADVANCED PRACTICE REGISTERED NURSING; AND FOR OTHER
11 PURPOSES.
12
13

14 **Subtitle**

15 TO CREATE THE TITLE OF ADVANCED PRACTICE
16 REGISTERED NURSE; AND TO ESTABLISH THE
17 QUALIFICATIONS FOR ADVANCED PRACTICE
18 REGISTERED NURSING.
19
20

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

23 SECTION 1. Arkansas Code §§ 17-87-101 and 17-87-102 are amended to
24 read as follows:

25 17-87-101. License required – Purpose.

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

- 30 (1) Professional nursing;
31 (2) Advanced practice registered nursing;
32 (3) Registered practitioner nursing;
33 (4) Practical nursing; or
34 (5) Psychiatric technician nursing.

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

- 36 (1) To practice or offer to practice professional nursing,



1 advanced practice registered nursing, registered practitioner nursing,
2 practical nursing, or psychiatric technician nursing; or

3 (2) To use any sign, card, or device to indicate that the person
4 is a professional registered nurse, an advanced practice registered nurse, a
5 registered nurse practitioner, a licensed practical nurse, or a licensed
6 psychiatric technician nurse.

7

8 SECTION 2. 17-87-102. Definitions.

9 As used in this chapter:

10 (1) "Board" means the Arkansas State Board of Nursing;

11 (2) "Collaborative practice agreement" means a written plan that
12 identifies a physician who agrees to collaborate with an advanced practice
13 registered nurse in the joint management of the health care of the advanced
14 practice registered nurse's patients, and outlines procedures for
15 consultation with or referral to the collaborating physician or other health
16 care professionals as indicated by a patient's health care needs;

17 (3) "Consulting physician" means a physician 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., with obstetrical privileges in a hospital, who has
20 agreed to practice in consultation with a certified nurse midwife;

21 (4)(A) "Practice of advanced practice registered nursing" means
22 the delivery of health care services for compensation by professional nurses
23 who have gained additional knowledge and skills through successful completion
24 of an organized program of nursing education that certifies nurses for
25 advanced practice roles as ~~advanced~~ certified nurse practitioners, certified
26 nurse anesthetists, certified nurse midwives, and clinical nurse specialists.

27 (B) "Practice of advanced practice registered nursing"
28 consists of:

29 ~~(B)(i)(i)~~ "Practice of ~~advanced~~ certified nurse
30 practitioner nursing" means the performance for compensation of nursing
31 skills by a registered nurse who, as demonstrated by national certification,
32 has advanced knowledge and practice skills in the delivery of nursing
33 services.

34 (ii)(a) "Practice of certified registered nurse
35 anesthesia" means the performance for compensation of advanced nursing skills
36 relevant to the administration of anesthetics under the supervision of, but

1 not necessarily in the presence of, a licensed physician, licensed dentist,
2 or other person lawfully entitled to order anesthesia.

3 (b) A certified registered nurse anesthetist
4 may order nurses, within ~~their~~ his or her scope of practice, to administer
5 drugs preoperatively and postoperatively in connection with an anesthetic or
6 other operative or invasive procedure, or both, that will be or has been
7 provided.

8 (iii) "Practice of clinical nurse specialist
9 nursing" means the performance for compensation of nursing skills by a
10 registered nurse who, through study and supervised practice at the graduate
11 level and as evidenced by national certification, has advanced knowledge and
12 practice skills in a specialized area of nursing practice;

13 (iv) "Practice of certified nurse midwifery" means
14 the performance for compensation of nursing skills relevant to the management
15 of women's health care, focusing on pregnancy, childbirth, the postpartum
16 period, care of the newborn, family planning, and gynecological needs of
17 women, within a health care system that provides for consultation,
18 collaborative management, or referral as indicated by the health status of
19 the client;

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

28 (6) "Practice of professional nursing" means the performance for
29 compensation of any acts involving:

30 (A) The observation, care, and counsel of the ill,
31 injured, or infirm;

32 (B) The maintenance of health or prevention of illness of
33 others;

34 (C) The supervision and teaching of other personnel;

35 (D) The delegation of certain nursing practices to other
36 personnel as set forth in regulations established by the board; or

1 (E) The administration of medications and treatments as
2 prescribed by practitioners authorized to prescribe and treat in accordance
3 with state law when such acts require substantial specialized judgment and
4 skill based on knowledge and application of the principles of biological,
5 physical, and social sciences;

6 (7) "Practice of psychiatric technician nursing" means the
7 performance for compensation of acts involving the care of the physically and
8 mentally ~~ill, retarded, impaired, injured~~, or infirm or the delegation of
9 certain nursing practices to other personnel as set forth in regulations
10 established by the board, and the carrying out of medical orders under the
11 direction of a ~~registered~~ professional registered nurse, an advanced practice
12 registered nurse, a licensed physician, or a licensed dentist, when such
13 activities do not require the substantial specialized skill, judgment, and
14 knowledge required in professional nursing; and

15 (8)(A) "Practice of registered nurse practitioner nursing" means
16 the delivery of health care services for compensation in collaboration with
17 and under the direction of a licensed physician or under the direction of
18 protocols developed with a licensed physician.

19 (B) ~~Registered nurse practitioners shall be~~ A registered
20 nurse practitioner is authorized to engage in activities as recognized by the
21 nursing profession and as authorized by the board.

22 (C) ~~Nothing in this subdivision (8) is to be deemed to~~
23 This subdivision (8) does not limit a registered nurse practitioner from
24 engaging in ~~those~~ activities ~~which~~ that normally constitute the practice of
25 nursing, or ~~those which~~ activities that may be performed by persons without
26 the necessity of the license to practice medicine.

27
28 SECTION 3. Arkansas Code § 17-87-103(10), concerning exceptions to the
29 nurse practice act, is amended to read as follows:

30 (10) The prescription and administration of drugs, medicines, or
31 therapeutic devices in the presence of and under the supervision of an
32 advanced practice registered nurse holding a certificate of prescriptive
33 authority, a licensed physician, or licensed dentist by a registered nurse
34 who is enrolled as a student in an advanced pharmacology course, provided the
35 prescription or administration of drugs or medicines, or both, is confined to
36 the educational requirements of the course and under the direct supervision

1 of a qualified instructor;

2

3 SECTION 4. Arkansas Code § 17-87-103(12)(B)(iii), concerning
4 exceptions to the nurse practice act, is amended to read as follows:

5 (iii) "Health maintenance activities" means
6 activities that:

7 (a) Enable a minor child or adult to live in
8 his or her home; and

9 (b) Are beyond activities of daily living
10 that:

11 (1) The minor child or adult is unable
12 to perform for himself or herself; and

13 (2) The attending physician, advanced
14 practice registered nurse, or registered nurse determines can be safely
15 performed in the minor child's or adult's home by a designated care aide
16 under the direction of a competent adult or caretaker.

17

18 SECTION 5. Arkansas Code § 17-87-104(a)(1)(D)(iii), concerning
19 penalties under the nurse practice act, is amended to read as follows:

20 (iii) Advanced practice nurse, advanced practice
21 registered nurse, ~~or A.P.N., or A.P.R.N.~~, or any of the following:

22 (a) Advanced registered nurse practitioner,
23 certified nurse practitioner, A.R.N.P., ~~or A.N.P., or C.N.P.~~;

24 (b) Nurse anesthetist, certified nurse
25 anesthetist, certified registered nurse anesthetist, or C.R.N.A.;

26 (c) Nurse midwife, certified nurse midwife,
27 licensed nurse midwife, C.N.M., or L.N.M.; or

28 (d) Clinical nurse specialist or C.N.S.;

29

30 SECTION 6. Arkansas Code § 17-87-104(a)(1)(F), concerning penalties
31 under the nurse practice act, is amended to read as follows:

32 (F) Conduct a nursing education program for the
33 preparation of professional nurses, advanced practice registered nurses,
34 nurse practitioners, practical nurses, or psychiatric technician nurses
35 unless the program has been approved by the board;

36

1 SECTION 7. Arkansas Code § 17-87-201(c), concerning the membership of
2 the Arkansas State Board of Nursing, is amended to read as follows:

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

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

7 (A) Be an Arkansas resident;

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

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

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

15 (E) Have a certificate granting prescriptive authority.
16

17 SECTION 8. Arkansas Code § 17-87-201(j), concerning the terms of the
18 members of the Arkansas State Board of Nursing, is amended to read as
19 follows:

20 (j) The terms of all registered nurse members and advanced practice
21 registered nurse members shall be four (4) years.
22

23 SECTION 9. Arkansas Code § 17-87-203(8), concerning the powers and
24 duties of the Arkansas State Board of Nursing, is amended to read as follows:

25 (8) Prescribe minimum standards and approve curricula for
26 educational programs preparing persons for licensure as registered nurses,
27 advanced practice registered nurses, *registered* nurse practitioner nurses,
28 licensed practical nurses, and licensed psychiatric technician nurses;
29

30 SECTION 10. Arkansas Code § 17-87-203(16), concerning the powers and
31 duties of the Arkansas State Board of Nursing, is amended to read as follows:

32 (16) Grant certificates of prescriptive authority to qualified
33 advanced practice registered nurses;
34

35 SECTION 11. Arkansas Code § 17-87-205(b), concerning the membership of
36 the Prescriptive Authority Advisory Committee, is amended to read as follows:

1 (b) The board shall appoint ~~five (5)~~ six (6) members, to be approved
2 by the Governor, who have the following qualifications:

3 (1) ~~Three (3)~~ Four (4) members shall be advanced practice
4 registered nurses holding at least three (3) of whom hold certificates of
5 prescriptive authority and an active Drug Enforcement Administration number;

6 (2) One (1) member shall be a licensed physician who has been
7 involved in a collaborative practice with ~~a~~ an advanced practice registered
8 nurse ~~practitioner~~ for at least five (5) years; and

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

11
12 SECTION 12. Arkansas Code § 17-87-302 is amended to read as follows:

13 17-87-302. Advanced practice registered nurses.

14 (a) Qualifications. In order to be licensed as an advanced practice
15 registered nurse, an applicant ~~must~~ shall show evidence of education approved
16 by the Arkansas State Board of Nursing, and national certification approved
17 by the board under one (1) of the following roles of an advanced practice
18 registered nurse:

19 (1) ~~Advanced Registered Certified Nurse Practitioner. In order~~
20 ~~to qualify as an advanced registered~~ A certified nurse practitioner, ~~an~~
21 ~~applicant must be currently certified as a nurse practitioner by a nationally~~
22 ~~recognized certifying body~~ shall hold current certification by a national
23 certifying body recognized by the board in the advanced practice registered
24 nurse and population foci appropriate to educational preparation;

25 (2) Certified Registered Nurse Anesthetist. To qualify as a
26 certified registered nurse anesthetist, an applicant ~~must~~ shall:

27 (A) Have earned a diploma or certificate evidencing
28 satisfactory completion, beyond generic nursing preparation, of a formal
29 educational program that meets the standards of the Council on Accreditation
30 of Nurse Anesthesia Educational Programs or another nationally recognized
31 accrediting body and that has as its objective the preparation of nurses to
32 perform as nurse anesthetists; and

33 (B) Hold current certification ~~from the Council on~~
34 ~~Certification of Nurse Anesthetists, the Council on Recertification of Nurse~~
35 ~~Anesthetists, or other nationally recognized certifying body~~ by a national
36 certifying body recognized by the board in the advanced practice registered

1 nurse and population foci appropriate to educational preparation;

2 (3) Certified Nurse Midwife. To qualify as a certified nurse
3 midwife, an applicant ~~must~~ shall:

4 (A) Hold current certification ~~as a nurse midwife from the~~
5 ~~American College of Nurse Midwives or other nationally recognized certifying~~
6 ~~body~~ by a national certifying body recognized by the board in the advanced
7 practice registered nurse and population foci appropriate to educational
8 preparation; and

9 (B) Have an agreement with a consulting physician if
10 providing intrapartum care;

11 (4) Clinical Nurse Specialist. In order to qualify as a
12 clinical nurse specialist, an applicant ~~must~~ shall:

13 (A) ~~hold~~ Hold a master's degree evidencing successful
14 completion of a graduate program in nursing, which shall include supervised
15 clinical practice and classroom instruction in a nursing specialty; and

16 (B) ~~must be nationally certified in a specialty role as a~~
17 ~~clinical nurse specialist~~ Hold current certification by a national certifying
18 body recognized by the board in the advanced practice registered nurse and
19 population foci appropriate to educational preparation.

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

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

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

34 (c) Title and Abbreviation. Any person who holds a license to
35 practice as an advanced practice registered nurse shall have the right to use
36 the title of "advanced practice registered nurse" and the abbreviation

1 ~~"A.P.N."~~ "A.P.R.N.".

2
3 SECTION 13. Arkansas Code § 17-87-307(d)(1), concerning temporary
4 permits to practice professional, practical, or psychiatric technician
5 nursing, is amended to read as follows:

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

10
11 SECTION 14. Arkansas Code § 17-87-308(g), concerning renewal of
12 nursing licenses, is amended to read as follows:

13 (g) As a condition of licensure renewal, an advanced practice
14 registered nurse shall submit proof of current national certification and
15 successful completion of continuing education as required by the board.

16
17 SECTION 15. Arkansas Code § 17-87-310 is amended to read as follows:
18 17-87-310. Prescriptive authority.

19 (a) The Arkansas State Board of Nursing may grant a certificate of
20 prescriptive authority to an advanced practice registered nurse who:

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

24 (2) Has a collaborative practice agreement with a physician who
25 is licensed under the Arkansas Medical Practices Act, § 17-95-201 et seq., §
26 17-95-301 et seq., and § 17-95-401 et seq., and who has a practice comparable
27 in scope, specialty, or expertise to that of the advanced practice registered
28 nurse on file with the Arkansas State Board of Nursing.

29 (b)(1) An advanced practice registered nurse with a certificate of
30 prescriptive authority may receive and prescribe drugs, medicines, or
31 therapeutic devices appropriate to the advanced practice registered nurse's
32 area of practice in accordance with rules established by the Arkansas State
33 Board of Nursing.

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

36 (c) A collaborative practice agreement shall include, but not be

1 limited to, provisions addressing:

2 (1) The availability of the collaborating physician for
3 consultation or referral, or both;

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

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

8 (4) Quality assurance.

9 (d) If a collaborative practice results in complaints of violations of
10 the Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-95-301 et seq.,
11 and § 17-95-401 et seq., the Arkansas State Medical Board may review the role
12 of the physician in the collaborative practice to determine if the physician
13 is unable to manage his or her responsibilities under the agreement without
14 an adverse effect on the quality of care of the patient.

15 (e) If a collaborative practice results in complaints of violations of
16 this chapter, the Arkansas State Board of Nursing may review the role of the
17 advanced practice registered nurse in the collaborative practice to determine
18 if the nurse is unable to manage his or her responsibilities under the
19 agreement without an adverse effect on the quality of care of the patient.

20

21 SECTION 16. Arkansas Code § 17-87-311(a), concerning nurse's direct
22 reimbursement agreements, is amended to read as follows:

23 (a) An advanced practice registered nurse or a registered nurse
24 practitioner may enter into a direct reimbursement agreement with the agency
25 administering the state medicaid program.

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27 */s/E. Cheatham*

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