

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1160

5 By: Representatives Hammer, Gonzales
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE PRESCRIPTIVE AUTHORITY OF AN
9 ADVANCED PRACTICE NURSE; TO CREATE THE CERTIFIED
10 NURSE PRACTITIONER MEDICALLY UNDERSERVED PERMIT
11 PROGRAM; AND FOR OTHER PURPOSES.
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Subtitle

14 TO AMEND THE PRESCRIPTIVE AUTHORITY OF AN
15 ADVANCED PRACTICE NURSE; TO CREATE THE
16 CERTIFIED NURSE PRACTITIONER MEDICALLY
17 UNDERSERVED PERMIT PROGRAM.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 17-87-310(a) and (b), concerning the
24 prescriptive authority of an advanced practice registered nurse, is amended
25 to read as follows:

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

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

32 (2) Either: (A) Has on file with the Arkansas State Board of
33 Nursing a collaborative practice agreement with a physician who is licensed
34 under the Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-95-301 et
35 seq., and § 17-95-401 et seq., and who has a practice comparable in scope,
36 specialty, or expertise to that of the advanced practice registered nurse ~~on~~



1 ~~file with the Arkansas State Board of Nursing; or~~

2 (B) Has fulfilled the requirements to engage in practice
 3 without a collaborative agreement under § 17-87-801 et seq.

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

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

11 (B) However, a certified nurse practitioner issued a
 12 permit under § 17-87-801 et seq. shall have prescriptive authority to drugs
 13 listed in Schedules II – V.

14
 15 SECTION 2. Arkansas Code Title 17, Chapter 87, is amended to add an
 16 additional subchapter to read as follows:

17 Subchapter 8 – Certified Nurse Practitioner Medically Underserved Permit
 18 Program

19
 20 17-87-801. Title.

21 This subchapter shall be known and may be cited as the "Certified Nurse
 22 Practitioner Medically Underserved Permit Program".

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 24 17-87-802. Purpose.

25 It is the purpose of this subchapter to expand access to health care in
 26 medically underserved areas by removing barriers to practice by certified
 27 nurse practitioners.

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 29 17-87-803. Definitions.

30 As used in this subchapter:

31 (1) "Certified nurse practitioner" means a nurse licensed by the
 32 Arkansas State Board of Nursing who has advanced practice nursing skills and,
 33 as demonstrated by national certification, has advanced knowledge and
 34 practice skills in the delivery of advanced practice nursing services;

35 (2) "Collaborative agreement" means a written plan that
 36 identifies a physician who agrees to collaborate with a certified nurse

1 practitioner in the joint management of the health care of the certified
 2 nurse practitioner's patients and outlines procedures for consultation with
 3 or referral to the collaborating physician or other healthcare professionals
 4 as indicated by a patient's healthcare needs;

5 (3)(A) "Health benefit plan" means an individual, blanket, or
 6 group plan, policy, or contract for healthcare services issued or delivered
 7 by a healthcare insurer in this state.

8 (B) "Health benefit plan" includes:

9 (i) Indemnity and managed care plans; and

10 (ii) Governmental plans as defined in 29 U.S.C. §
 11 1002(32), as it existed on January 1, 2015;

12 (4) "Medicaid" means the medical assistance program established
 13 under § 20-77-101 et seq.;

14 (5) "Medically underserved area" means an area determined by the
 15 Department of Health to be medically underserved; and

16 (6) "Permitted certified nurse practitioner" means a certified
 17 nurse practitioner who holds a permit from the Arkansas State Board of
 18 Nursing and who has either:

19 (A) Entered into a collaborative agreement with at least
 20 one (1) physician regarding the provision of services under this subchapter;
 21 or

22 (B) Fulfilled the requirements of this subchapter to
 23 practice in a medically underserved area without a collaborative agreement.

24
 25 17-87-804. Permits – Fees.

26 (a) A certified nurse practitioner licensed by the Arkansas State
 27 Board of Nursing is eligible for a medically underserved permit if the
 28 certified nurse practitioner:

29 (1) Has:

30 (A) A collaborative agreement with a physician; or

31 (B) The approval of the Arkansas State Board of Nursing to
 32 engage in practice without collaborative agreement under § 17-87-805(c); and

33 (2) Practices in a medically underserved area.

34 (b)(1) The board may charge a fee to a collaborative certified nurse
 35 practitioner who applies for a medically underserved permit.

36 (2) The board shall calculate the fee to cover the costs of

1 administering and processing the application and the costs of inspecting the
2 certified nurse practitioner's practice to determine his or her compliance
3 with rules adopted under this subchapter.

4 (3)(A) A certified nurse practitioner who holds a medically
5 underserved permit shall renew the permit at the same time as the certified
6 nurse practitioner's license expires.

7 (B)(i) The board may charge a renewal fee for
8 administering the renewal of the permit.

9 (ii) The board shall calculate the fee to cover the
10 costs of administering and processing the renewal of the permit.

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12 17-87-805. Collaborative agreement.

13 (a) The collaborative agreement under this subchapter shall include
14 without limitation:

15 (1) The availability of the physician for consultation or
16 referral, or both;

17 (2) The methods of management of the collaborative agreement,
18 which shall include protocols for prescriptive authority;

19 (3) The coverage of healthcare needs of a patient in the
20 emergency absence of the certified nurse practitioner or physician; and

21 (4) The quality assurance.

22 (b) A permitted certified nurse practitioner shall maintain signed and
23 dated copies of all collaborative agreements.

24 (c) A permitted certified nurse practitioner who maintains a
25 continuous collaborative agreement in good standing for two (2) years and
26 practices in a medically underserved area:

27 (1) Shall notify the Arkansas State Board of Nursing and the
28 Arkansas State Medical Board of his or her collaborative agreement status;
29 and

30 (2) May engage in practice without a collaborative agreement and
31 without a collaborating physician upon approval of application to the
32 Arkansas State Board of Nursing.

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34 17-87-806. Provision of services.

35 A permitted certified nurse practitioner who obtains a medically
36 underserved permit under this subchapter may:

1 (1) Practice to the full extent of his or her scope of practice
 2 as defined by § 17-87-102;

3 (2) Be included as the leader and patient contact for a team of
 4 family practice professionals and the patient-centered medical home;

5 (3) Be recognized as the initial healthcare provider in the
 6 Arkansas Health Care Payment Improvement Initiative; and

7 (4) Refer a patient when necessary to a physician, specialist,
 8 hospital, or other appropriate provider.

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 10 17-87-807. Reimbursement.

11 (a) A permitted certified nurse practitioner shall be paid or
 12 reimbursed to the same extent as a physician for performing a healthcare
 13 service.

14 (b) The Arkansas Medicaid Program and all health benefit plans issued
 15 and renewed in this state shall reimburse a permitted certified nurse
 16 practitioner at one hundred percent (100%) of the physician reimbursement
 17 rate for all out-of-pocket costs, including without limitation laboratory
 18 tests, x-rays, and any test ordered and performed.

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 20 17-87-808. Rules.

21 (a) The Arkansas State Board of Nursing shall adopt rules to implement
 22 this subchapter.

23 (b) The board shall be conclusively the final interpretive body for
 24 scope of practice for a permitted certified nurse practitioner.

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 26 17-87-809. Malpractice insurance.

27 A permitted certified nurse practitioner who provides services
 28 permitted under this subchapter shall be insured under a malpractice
 29 liability policy for the provision of the services.

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