1	State of Arkansas	As Engrossed: H2/25/15	
2	90th General Assembly	A Bill	
3	Regular Session, 2015		HOUSE BILL 1160
4			
5	By: Representatives Hammer,	Gonzales	
6			
7		For An Act To Be Entitled	
8	AN ACT TO A	AMEND THE PRESCRIPTIVE AUTHORITY	COF AN
9	ADVANCED PR	RACTICE REGISTERED NURSE; TO CRE	EATE THE
10	CERTIFIED N	NURSE PRACTITIONER MEDICALLY UNI	DERSERVED
11	PERMIT PROG	GRAM; AND FOR OTHER PURPOSES.	
12			
13			
14		Subtitle	
15	TO AM	END THE PRESCRIPTIVE AUTHORITY	OF AN
16	ADVAN	CED PRACTICE REGISTERED NURSE;	TO
17	CREAT	E THE CERTIFIED NURSE PRACTITIO	NER
18	MEDICA	ALLY UNDERSERVED PERMIT PROGRAM	r .
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20			
21	BE IT ENACTED BY THE GE	ENERAL ASSEMBLY OF THE STATE OF	ARKANSAS:
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23	SECTION 1. Arkan	nsas Code § 17-87-310(a) and (b)), concerning the
24	prescriptive authority	of an advanced practice registe	ered nurse, is amended
25	to read as follows:		
26	(a) The Arkansas	s State Board of Nursing may gra	ant a certificate of
27	prescriptive authority	to an advanced practice registe	ered nurse who:
28	(1) Submit	es proof of successful completion	on of a board-approved
29	advanced pharmacology o	course that <i>shall include</i> precep	ptorial experience in
30	the prescription of dru	igs, medicines, and therapeutic	devices; and
31	(2) <u>Either</u>	c: (A) Has on file with the Ark	kansas State Board of
32	Nursing a collaborative	e practice agreement with a phys	sician who is licensed
33	under the Arkansas Medi	ical Practices Act, § 17-95-201	et seq., § 17-95-301 et
34	seq., and $$17-95-401 \epsilon$	et seq., and who has a practice	comparable in scope,
35	specialty, or expertise	e to that of the advanced practi	ice registered nurse on
36	file with the Arkansas	State Board of Nursing; or	

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1	(B) Has fulfilled the requirements to engage in practice
2	without a collaborative agreement under § 17-87-801 et seq.
3	(b)(1) An advanced practice registered nurse with a certificate of
4	prescriptive authority may receive and prescribe drugs, medicines, or
5	therapeutic devices appropriate to the advanced practice registered nurse's
6	area of practice in accordance with rules established by the Arkansas State
7	Board of Nursing.
8	(2) $\underline{(A)}$ An advanced practice registered nurse's prescriptive
9	authority shall only extend to drugs listed in Schedules III $-\ extstyle extstyle $
10	(B) However, a certified nurse practitioner issued a
11	permit under § 17-87-801 et seq. shall have prescriptive authority to drugs
12	<u>listed in Schedules II - V.</u>
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14	SECTION 2. Arkansas Code Title 17, Chapter 87, is amended to add an
15	additional subchapter to read as follows:
16	<u>Subchapter 8 — Certified Nurse Practitioner Medically Underserved Permit</u>
17	<u>Program</u>
18	
19	17-87-801. Title.
20	This subchapter shall be known and may be cited as the "Certified Nurse
21	Practitioner Medically Underserved Permit Program".
22	
23	17-87-802. Purpose.
24	It is the purpose of this subchapter to expand access to health care in
25	medically underserved areas by removing barriers to practice by certified
26	nurse practitioners.
27	
28	17-87-803. Definitions.
29	As used in this subchapter:
30	(1)(A) "Health benefit plan" means an individual, blanket, or
31	group plan, policy, or contract for healthcare services issued or delivered
32	by a healthcare insurer in this state.
33 34	<u>(B) "Health benefit plan" includes:</u> (i) Indemnity and managed care plans; and
35	(ii) Governmental plans as defined in 29 U.S.C. §
36	1002(32) as it existed on January 1 2015.

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1	(2) "Medicaid" means the medical assistance program established	
2	under § 20-77-101 et seq.;	
3	(3) "Medically underserved area" means the specific counties	
4	identified in the Medicaid Primary Care Case Management Program with the	
5	addition of Lafayette County and any other counties as determined by the	
6	Department of Health; and	
7	(4) "Permitted certified nurse practitioner" means a certified	
8	nurse practitioner who holds a permit from the Arkansas State Board of	
9	Nursing and who has either:	
10	(A) Entered into a collaborative agreement with at least	
11	one (1) physician regarding the provision of services under this subchapter;	
12	<u>or</u>	
13	(B) Fulfilled the requirements of this subchapter to	
14	practice in a medically underserved area without a collaborative agreement.	
15		
16	17-87-804. Permits — Fees.	
17	(a) A certified nurse practitioner licensed by the Arkansas State	
18	Board of Nursing is eligible for a medically underserved permit if the	
19	certified nurse practitioner:	
20	(1) Has:	
21	(A) A collaborative agreement with a physician; or	
22	(B) The approval of the Arkansas State Board of Nursing to	
23	engage in practice without collaborative agreement under § 17-87-805(c); and	
24	(2) Practices in a medically underserved area.	
25	(b)(1) The board may charge a fee to a collaborative certified nurse	
26	practitioner who applies for a medically underserved permit.	
27	(2) The board shall calculate the fee to cover the costs of	
28	administering and processing the application and the costs of inspecting the	
29	certified nurse practitioner's practice to determine his or her compliance	
30	with rules adopted under this subchapter.	
31	(3)(A) A certified nurse practitioner who holds a medically	
32	underserved permit shall renew the permit at the same time as the certified	
33	nurse practitioner's license expires.	
34	(B)(i) The board may charge a renewal fee for	
35	administering the renewal of the permit.	
36	(ii) The board shall calculate the fee to cover the	

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T	costs of administering and processing the renewal of the permit.
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3	17-87-805. Collaborative agreement.
4	(a) The collaborative agreement under this subchapter shall include
5	without limitation:
6	(1) The availability of the physician for consultation or
7	referral, or both;
8	(2) The methods of management of the collaborative agreement,
9	which shall include protocols for prescriptive authority;
10	(3) The coverage of healthcare needs of a patient in the
11	emergency absence of the certified nurse practitioner or physician; and
12	(4) The quality assurance.
13	(b) A permitted certified nurse practitioner shall maintain signed and
14	dated copies of all collaborative agreements.
15	(c) A permitted certified nurse practitioner who maintains or has
16	maintained a continuous collaborative agreement in good standing for two (2)
17	years with a minimum of two thousand (2,000) hours of nursing practice and
18	practices in a medically underserved area:
19	(1) Shall notify the Arkansas State Board of Nursing of his or
20	her collaborative agreement status; and
21	(2) May engage in practice without a collaborative agreement and
22	without a collaborating physician upon approval of application to the
23	Arkansas State Board of Nursing.
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25	17-87-806. Provision of services.
26	A permitted certified nurse practitioner who obtains a medically
27	underserved permit under this subchapter may:
28	(1) Practice to the full extent of his or her scope of practice
29	<u>as defined by § 17-87-102;</u>
30	(2) Be included as the leader and patient contact for a team of
31	healthcare professionals and the patient-centered medical home;
32	(3) Be recognized as the healthcare provider in the Arkansas
33	Health Care Payment Improvement Initiative; and
34	(4) Refer a patient when necessary to a physician, specialist,
35	hospital, or other appropriate provider.
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1	17-87-807. Reimbursement.
2	(a) A permitted certified nurse practitioner shall be paid or
3	reimbursed to the same extent as a physician for performing a healthcare
4	service.
5	(b) The Arkansas Medicaid Program and all health benefit plans issued
6	and renewed in this state shall reimburse a permitted certified nurse
7	practitioner at one hundred percent (100%) of the physician reimbursement
8	rate for all out-of-pocket costs, including without limitation laboratory
9	tests, x-rays, and any test ordered and performed.
10	
11	<u>17-87-808. Rules.</u>
12	(a) The Arkansas State Board of Nursing shall adopt rules to implement
13	this subchapter.
14	(b) The board shall be conclusively the final interpretive body for
15	scope of practice for a permitted certified nurse practitioner.
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17	17-87-809. Malpractice insurance.
18	A permitted certified nurse practitioner who provides services
19	permitted under this subchapter shall be insured under a malpractice
20	liability policy for the provision of the services.
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22	/s/Hammer
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