

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas *As Engrossed: H2/25/15 H3/2/15*
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 AMEND THE PRESCRIPTIVE AUTHORITY OF AN
9 ADVANCED PRACTICE REGISTERED NURSE; TO CREATE THE
10 CERTIFIED NURSE PRACTITIONER MEDICALLY UNDERSERVED
11 PERMIT PROGRAM; AND FOR OTHER PURPOSES.
12

13
14 **Subtitle**

15 *TO AMEND THE PRESCRIPTIVE AUTHORITY OF AN*
16 *ADVANCED PRACTICE REGISTERED NURSE; AND*
17 *TO CREATE THE CERTIFIED NURSE*
18 *PRACTITIONER MEDICALLY UNDERSERVED PERMIT*
19 *PROGRAM.*
20

21
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 17-87-310(a) and (b), concerning the
25 prescriptive authority of an advanced practice registered nurse, is amended
26 to read as follows:

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

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

23
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.

28
29 17-87-803. Definitions.

30 As used in this subchapter:

31 (1)(A) "Health benefit plan" means an individual, blanket, or
32 group plan, policy, or contract for healthcare services issued or delivered
33 by a healthcare insurer in this state.

34 (B) "Health benefit plan" includes:

35 (i) Indemnity and managed care plans; and

36 (ii) Governmental plans as defined in 29 U.S.C. §

1 1002(32), as it existed on January 1, 2015;

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

4 (3)(A) "Medically underserved area" means the following
5 counties:

6 (i) Arkansas;

7 (ii) Ashley;

8 (iii) Baxter;

9 (iv) Bradley;

10 (v) Calhoun;

11 (vi) Chicot;

12 (vii) Clay;

13 (viii) Cleveland;

14 (ix) Crittenden;

15 (x) Cross;

16 (xi) Dallas;

17 (xii) Desha;

18 (xiii) Drew;

19 (xiv) Fulton;

20 (xv) Grant;

21 (xvi) Greene;

22 (xvii) Independence;

23 (xviii) Izard;

24 (xix) Jackson;

25 (xx) Jefferson;

26 (xxi) Lawrence;

27 (xxii) Lafayette;

28 (xxiii) Lee;

29 (xxiv) Lincoln;

30 (xxv) Lonoke;

31 (xxvi) Marion;

32 (xxvii) Mississippi;

33 (xxviii) Monroe;

34 (xxix) Ouachita;

35 (xxx) Phillips;

36 (xxxii) Poinsett;

- 1 (xxxii) Prairie;
- 2 (xxxiii) Randolph;
- 3 (xxxiv) Searcy;
- 4 (xxxv) Sharp;
- 5 (xxxvi) St. Francis;
- 6 (xxxvii) Stone;
- 7 (xxxviii) Union;
- 8 (xxxix) Van Buren; and
- 9 (xl) Woodruff.

10 (B) Additional counties may be added in the future as
11 determined necessary by the Department of Health upon review by the
12 Legislative Council; and

13 (4) "Permitted certified nurse practitioner" means a certified
14 nurse practitioner who holds a permit from the Arkansas State Board of
15 Nursing and who has either:

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

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

21
22 17-87-804. Permits – Fees.

23 (a) A certified nurse practitioner licensed by the Arkansas State
24 Board of Nursing is eligible for a medically underserved permit if the
25 certified nurse practitioner:

26 (1) Has:

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

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

30 (2) Practices in a medically underserved area.

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

33 (2) The board shall calculate the fee to cover the costs of
34 administering and processing the application and the costs of inspecting the
35 certified nurse practitioner's practice to determine his or her compliance
36 with rules adopted under this subchapter.

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

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

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

8
9 17-87-805. Collaborative agreement.

10 (a) The collaborative agreement under this subchapter shall include
11 without limitation:

12 (1) The availability of the physician for consultation or
13 referral, or both;

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

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

18 (4) The quality assurance.

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

21 (c) A permitted certified nurse practitioner who *maintains or has*
22 *maintained* a continuous collaborative agreement in good standing for *three*
23 *(3) years with a minimum of three thousand (3,000) hours of nursing practice*
24 *and practices in a medically underserved area:*

25 (1) Shall notify the Arkansas State Board of *Nursing* of his or
26 her collaborative agreement status; and

27 (2) May engage in practice without a collaborative agreement and
28 without a collaborating physician upon approval of *the application to the*
29 *Arkansas State Board of Nursing with the application, including without*
30 *limitation the recommendations of the Advanced Practice Registered Nurse*
31 *Committee of the Arkansas State Board of Nursing.*

32
33 17-87-806. Provision of services.

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

36 (1) Practice to the full extent of his or her scope of practice

1 as defined by § 17-87-102;

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

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

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

8
9 17-87-807. Reimbursement.

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

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

18
19 17-87-808. Rules.

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

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

24
25 17-87-809. Malpractice insurance.

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

29
30 *SECTION 3. Arkansas Code Title 17, Chapter 87, Subchapter 2, is*
31 *amended to add an additional section to read as follows:*

32 17-87-208. Advanced Practice Registered Nurse Committee – Membership.

33 (a)(1) The Advanced Practice Registered Nurse Committee is created
34 within the Arkansas State Board of Nursing.

35 (2) The committee shall consist of five (5) members appointed by
36 the board from a list of individuals who are advanced practice registered

1 nurses.

2 (b)(1) Committee members shall serve three-year terms.

3 (2) A committee member shall serve until a successor is
4 appointed by the board.

5 (3) If a vacancy occurs, the board shall appoint a new member to
6 fill the vacancy.

7 (c)(1) The committee shall elect a chair with powers and duties the
8 committee shall fix.

9 (2) The chair shall serve a two-year term.

10 (3) A chair may be elected for no more than two (2) consecutive
11 terms.

12 (d)(1) A quorum of the committee shall be three (3) members.

13 (2) The committee shall hold a meeting at least quarterly and at
14 other times the committee considers advisable.

15 (e)(1) The committee members shall serve without remuneration.

16 (2) However, if funds are available, the committee members may
17 receive expense reimbursement and stipends in accordance with § 25-16-902, as
18 follows:

19 (A) The member's actual expenses while attending regular
20 and special meetings of the committee; and

21 (B) A per diem allowance when in attendance at regular or
22 special meetings of the committee.

23 (f) Members of the committee who are members of the board shall
24 receive remuneration as now provided to members of the board.

25 (g) The purpose of the committee is to review all applications for a
26 certified nurse practitioner medically underserved permit under the Certified
27 Nurse Practitioner Medically Underserved Permit Program, § 17-87-801 et seq.

28
29 SECTION 4. DO NOT CODIFY. Implementation.

30 (a) On the effective date of this act, a certified nurse practitioner
31 who is presently practicing in a county listed in the medically underserved
32 area in Section 2 of this act may immediately apply for a certified nurse
33 practitioner medically underserved permit under the Certified Nurse
34 Practitioner Medically Underserved Permit Program, § 17-87-801 et seq.

35 (b) If a county listed in Section 2 of this act is removed from the
36 list of counties in the medically underserved area, additional certified

1 nurse practitioner medically underserved permits under the Certified Nurse
2 Practitioner Medically Underserved Permit Program, § 17-87-801 et seq., shall
3 not be granted in the county that is removed from the list of counties.

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/s/Hammer