

State of Arkansas  
91st General Assembly  
Regular Session, 2017

# A Bill

HOUSE BILL 1186

By: Representative Brown

## For An Act To Be Entitled

AN ACT TO REMOVE THE COLLABORATIVE PRACTICE AGREEMENT  
AS APPLICABLE TO ADVANCED PRACTICE REGISTERED NURSES;  
TO IMPROVE HEALTHCARE ACCESSIBILITY IN ARKANSAS BY  
CLARIFYING THE PROCESS NECESSARY FOR AN ADVANCED  
PRACTICE REGISTERED NURSE TO QUALIFY FOR PRESCRIPTIVE  
AUTHORITY; TO AMEND THE PRESCRIPTIVE AUTHORITY FOR AN  
ADVANCED PRACTICE REGISTERED NURSE; AND FOR OTHER  
PURPOSES.

## Subtitle

TO REMOVE THE COLLABORATIVE PRACTICE  
AGREEMENT AS APPLICABLE TO ADVANCED  
PRACTICE REGISTERED NURSES; AND TO  
CLARIFY THE PROCESS NECESSARY FOR AN  
ADVANCED PRACTICE REGISTERED NURSE TO  
QUALIFY FOR PRESCRIPTIVE AUTHORITY.

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

SECTION 1. DO NOT CODIFY. Legislative findings and intent.

(a) The General Assembly finds that:

(1) Advanced practice registered nurses are nurses with advanced  
education and clinical competencies in providing care to diverse populations  
in a variety of settings;

(2) Advanced practice registered nurses are nationally certified  
and practice in all fifty (50) states;

(3) Twenty-one (21) states authorize advanced practice



1 registered nurses to have full practice authority that includes full  
2 prescriptive authority without supervision;

3 (4) Nearly fifty (50) years of research consistently support the  
4 high quality and cost-effectiveness of advanced practice registered nurses;

5 (5) Since the 1960s, studies have found no difference in health  
6 outcomes, including patient health status, number of prescriptions written,  
7 return visits requested, or referral to other providers, of care delivered by  
8 an advanced practice registered nurse or physician;

9 (6) Collaborative practice agreements do not add patient safety  
10 or added value to the healthcare system, but add to the cost of care for the  
11 consumer;

12 (7) Negative impacts of mandatory collaborative practice  
13 agreements include without limitation:

14 (A) Potential interruption or closing of an advanced  
15 practice registered nurse-operated clinic due to a loss of a collaborative  
16 practice physician;

17 (B) Significant added cost to overhead of the practice due  
18 to higher fees charged by many collaborative physicians;

19 (C) Added paperwork for the advanced practice registered  
20 nurse and the physician, which adds to the cost of care;

21 (D) Decreased healthcare access by adding a barrier for  
22 advanced practice registered nurses who would like to establish a new clinic;

23 (E) Inhibits the establishment of new healthcare access  
24 points in rural and medically underserved areas of the state; and

25 (F) Acts as a disincentive to remain in the state to  
26 practice for new graduates of Arkansas advanced practice registered nurse  
27 programs;

28 (8) The following major groups and organizations support full  
29 practice authority for advanced practice registered nurses:

30 (A) The National Governors Association;

31 (B) The Institute of Medicine;

32 (C) The American Association of Retired Persons; and

33 (D) The Federal Trade Commission; and

34 (9) The State of Arkansas should modernize scope of practice  
35 laws for advanced practice registered nurses by removing the mandatory  
36 collaborative practice agreement.

(b) It is the intent of the General Assembly to:

(1) Increase patient access to health care, reduce healthcare costs, and promote efficient and timely health care in the State of Arkansas; and

(2) Authorize advanced practice registered nurses to have full practice authority without a collaborative practice agreement.

SECTION 2. Arkansas Code § 17-87-102(2), concerning the definition of collaborative practice agreement, is repealed.

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

SECTION 3. Arkansas Code § 17-87-205(b), concerning the Prescriptive Authority Advisory Committee, is amended to read as follows:

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

(1) Four (4) members shall be advanced practice registered nurses, at least three (3) of whom hold certificates of prescriptive authority and an active United States Drug Enforcement Administration registration number;

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

~~(3)~~ (2) One (1) member shall be a licensed pharmacist who has been licensed for at least five (5) years.

SECTION 4. Arkansas Code § 17-87-310 is amended to read as follows:  
17-87-310. Prescriptive authority.

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

~~(1) Submits~~ submits proof of successful completion of an ~~Arkansas State Board of Nursing approved~~ advanced pharmacology course

1 approved by the Arkansas State Board of Nursing that shall include  
 2 preceptorial experience in the prescription of drugs, medicines, and  
 3 therapeutic devices; ~~and~~

4 ~~(2) Has a collaborative practice agreement with a practicing~~  
 5 ~~physician who is licensed under the Arkansas Medical Practices Act, § 17-95-~~  
 6 ~~201 et seq., § 17-95-301 et seq., and § 17-95-401 et seq., and who has~~  
 7 ~~training in scope, specialty, or expertise to that of the advanced practice~~  
 8 ~~registered nurse on file with the Arkansas State Board of Nursing.~~

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

14 (2) An advanced practice registered nurse's prescriptive  
 15 authority shall extend ~~only to drugs listed in Schedules III - V and, if~~  
 16 ~~expressly authorized by the collaborative practice agreement, also to those~~  
 17 ~~hydrocodone combination products reclassified from Schedule III to Schedule~~  
 18 ~~II as of October 6, 2014~~ to drugs listed in Schedules II - V.

19 (3)(A) The Arkansas State Board of Nursing shall promptly adopt  
 20 rules applicable to an advance practice registered nurse that are consistent  
 21 with the Arkansas State Medical Board's rules governing the prescription of  
 22 dangerous drugs and controlled substances.

23 (B) Prior to approval of the Arkansas State Board of  
 24 Nursing's rules, the Arkansas State Medical Board shall review the proposed  
 25 rules and verify that the proposed rules are consistent with the Arkansas  
 26 State Medical Board's rules concerning the prescription of dangerous drugs  
 27 and controlled substances.

28 ~~(c) A collaborative practice agreement shall include, but not be~~  
 29 ~~limited to, provisions addressing:~~

30 ~~(1) The availability of the collaborating physician for~~  
 31 ~~consultation or referral, or both;~~

32 ~~(2) Methods of management of the collaborative practice, which~~  
 33 ~~shall include protocols for prescriptive authority;~~

34 ~~(3) Coverage of the healthcare needs of a patient in the~~  
 35 ~~emergency absence of the advanced practice registered nurse or physician; and~~

36 ~~(4) Quality assurance.~~

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

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