

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1568

5 By: Representative L. Johnson
6 By: Senator Irvin
7

For An Act To Be Entitled

9 AN ACT TO ESTABLISH THE ARKANSAS ADVISORY COUNCIL OF
10 HEALTHCARE PROFESSIONS WITHIN THE DEPARTMENT OF
11 HEALTH; AND FOR OTHER PURPOSES.
12
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Subtitle

14 TO ESTABLISH THE ARKANSAS ADVISORY
15 COUNCIL OF HEALTHCARE PROFESSIONS WITHIN
16 THE DEPARTMENT OF HEALTH.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code Title 17, Chapter 80, is amended to add an
23 additional subchapter to read as follows:

24 Subchapter 5 – Arkansas Advisory Council of Healthcare Professions Act

25
26 17-80-501. Title.

27 This subchapter shall be known and may be cited as the "Arkansas
28 Advisory Council of Healthcare Professions Act".
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30 17-80-502. Creation – Arkansas Advisory Council of Healthcare
31 Professions.

32 (a) There is established the Arkansas Advisory Council of Healthcare
33 Professions within the Department of Health.

34 (b) The council shall be composed of:

35 (1) The Surgeon General; and

36 (2) One (1) member from each of the following entities:



- 1 (A) The Arkansas Board of Dispensing Opticians;
- 2 (B) The Arkansas Board of Examiners in Counseling;
- 3 (C) The Arkansas Board of Hearing Instrument Dispensers;
- 4 (D) The Arkansas Board of Podiatric Medicine;
- 5 (E) The Arkansas Dietetics Licensing Board;
- 6 (F) The Arkansas Minority Health Commission;
- 7 (G) The Arkansas Psychology Board;
- 8 (H) The Arkansas Social Work Licensing Board;
- 9 (I) The Arkansas State Board of Athletic Training;
- 10 (J) The Arkansas State Board of Chiropractic Examiners;
- 11 (K) The Arkansas State Board of Dental Examiners;
- 12 (L) The Arkansas State Board of Nursing;
- 13 (M) The Arkansas State Board of Pharmacy;
- 14 (N) The Arkansas State Board of Physical Therapy;
- 15 (O) The Arkansas State Medical Board;
- 16 (P) The Board of Examiners in Speech-Language Pathology
- 17 and Audiology;
- 18 (Q) The State Board of Examiners of Alcoholism and Drug
- 19 Abuse Counselors; and
- 20 (R) The State Board of Optometry.

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22 17-80-503. Powers and duties.

23 The Arkansas Advisory Council of Healthcare Professions shall:

24 (1) Receive requests from:

25 (A) Practitioners seeking to establish new healthcare
 26 professions to be licensed in the state or to establish separate regulatory
 27 entities; and

28 (B) Healthcare professionals seeking to expand or narrow
 29 the scope of practice of a healthcare profession;

30 (2) Provide information to the General Assembly and the Director
 31 of the Department of Health based on the findings of the advisory groups; and

32 (3) Review other healthcare-related issues as requested by the
 33 General Assembly or the Director of the Department of Health.

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35 17-80-504. Advisory groups.

36 (a) The Arkansas Advisory Council of Healthcare Professions shall

1 establish advisory groups to:

2 (1) Evaluate requests received under § 17-80-503(1) based on
3 objective criteria to determine whether the practitioners or healthcare
4 professionals have the requisite knowledge, training, experience, and skills
5 to provide the proposed care;

6 (2) For a request received under § 17-80-503(1), examine:

7 (A) The impact of the requested new healthcare profession,
8 new regulatory entity, or change to a healthcare profession's scope of
9 practice on public health and safety;

10 (B) The economic impact of the requested new healthcare
11 profession, new regulatory entity, or change to a healthcare profession's
12 scope of practice on overall healthcare delivery;

13 (C) Whether the potential benefits of the request outweigh
14 any potential harm; and

15 (D) The extent to which the requested new healthcare
16 profession, new regulatory entity, or change to a healthcare profession's
17 scope of practice would:

18 (i) Affect the availability, accessibility,
19 delivery, and quality of health care in the state; and

20 (ii) Address health disparities and promote health
21 equity;

22 (3) Provide impartial, evidence-based findings and
23 recommendations to the council; and

24 (4) Seek input from academic institutions to assist with
25 analysis of submitted requests.

26 (b)(1) For a request submitted under § 17-80-503(1), the council shall
27 appoint an advisory group composed of the following members:

28 (A) Two (2) members of the profession seeking new
29 licensure, a new regulatory entity, or a modification in scope of practice;

30 (B) Two (2) members of the profession impacted by, or
31 directly in opposition to, the proposed new licensure, new regulatory entity,
32 or modification in scope of practice;

33 (C) Two (2) members who are neither directly or indirectly
34 impacted by the proposed new licensure, new regulatory entity, or
35 modification in scope of practice;

36 (D) The Surgeon General; and

1 (E) One (1) member of the community with experience and
 2 expertise in health care to be appointed by the Director of the Department of
 3 Health.

4 (2) A member appointed to an advisory group is not required to
 5 be a member of the council.

6 (c) The council may aggregate similar requests for review by a single
 7 advisory group.

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 9 17-80-505. Requests.

10 (a) On or before May 1 of each even-numbered year, a practitioner or
 11 healthcare professional may submit a written request to the Arkansas Advisory
 12 Council of Healthcare Professions under § 17-80-503(1) that includes:

13 (1) A description of the requested new healthcare profession,
 14 new regulatory entity, or change to a healthcare profession's scope of
 15 practice written in plain language;

16 (2) A summary of current state laws and rules governing the
 17 profession, if any;

18 (3) Current education and training requirements for the
 19 profession;

20 (4) A history of the scope of practice changes requested or
 21 enacted, or both, for the profession;

22 (5) Regional and national trends in the profession; and

23 (6) A summary of relevant practices in other states.

24 (b) On or before August 1 of each even-numbered year, a practitioner
 25 or healthcare professional who opposes a request may submit a written
 26 response to the council indicating the specific reasons for opposing the
 27 request.

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 29 17-80-506. Reporting.

30 On or before October 31 of each even-numbered year, the Arkansas
 31 Advisory Council of Healthcare Professions shall submit to the General
 32 Assembly and the Director of the Department of Health a report on all
 33 requests received under § 17-80-503(1) that details:

34 (1) Gaps in data that would assist with deliberations by the
 35 council;

36 (2) Data that should be collected by healthcare professional

1 licensing entities to address information gaps;

2 (3) Available data sources that would provide meaningful
3 information for deliberations by the council; and

4 (4) The findings of the advisory groups.

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6 17-80-507. Resources of healthcare professional licensing entities.

7 The Director of the Department of Health may request healthcare
8 professional licensing entities to provide resources necessary to implement
9 the intent of this subchapter including without limitation:

10 (1) Posting of notices on a website of the healthcare
11 professional licensing entity;

12 (2) Disseminating information to licensees;

13 (3) Staffing for advisory groups as described in § 17-80-504;

14 (4) Providing information as needed; and

15 (5) Preparing reports.

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