

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

As Engrossed: H3/25/19

# 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  
13

### Subtitle

15 TO ESTABLISH THE ARKANSAS ADVISORY  
16 COUNCIL OF HEALTHCARE PROFESSIONS WITHIN  
17 THE DEPARTMENT OF HEALTH.  
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19

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".  
29

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 as a nonvoting member; 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;  
32                   (3) Review other healthcare-related issues as requested by the  
33 General Assembly or the director;  
34                   (4) Notify the Senate Committee on Public Health, Welfare, and  
35 Labor and the House Committee on Public Health, Welfare, and Labor of all  
36 meetings of the council and of the advisory groups;

1 (5) Present all requests under this subchapter, including any  
2 written response to the request described in § 17-80-505, to the Senate  
3 Committee on Public Health, Welfare, and Labor and the House Committee on  
4 Public Health, Welfare, and Labor; and

5 (6) Provide additional information as requested by the Senate  
6 Committee on Public Health, Welfare, and Labor and the House Committee on  
7 Public Health, Welfare, and Labor.

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9 17-80-504. Advisory groups.

10 (a) The Arkansas Advisory Council of Healthcare Professions shall  
11 establish advisory groups to:

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

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

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

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

23 (C) Whether the potential benefits of the request outweigh  
24 any potential harm; and

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

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

30 (ii) Address health disparities and promote health  
31 equity;

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

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

36 (b)(1) For a request submitted under § 17-80-503(1), the council shall

1 appoint an advisory group composed of the following members:

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

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

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

10 (D) The Surgeon General as a nonvoting member; and

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

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

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

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19 17-80-505. Requests.

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

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

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

28 (3) Current education and training requirements for the  
29 profession;

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

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

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

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

1 request.

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3 17-80-506. Reporting.

4 On or before October 31 of each even-numbered year, the Arkansas  
5 Advisory Council of Healthcare Professions shall submit to the Senate  
6 Committee on Public Health, Welfare, and Labor, the House Committee on Public  
7 Health, Welfare, and Labor, and the Director of the Department of Health a  
8 report on all requests received under § 17-80-503(1) that details:

9 (1) Gaps in data that would assist with deliberations by the  
10 council;

11 (2) Data that should be collected by healthcare professional  
12 licensing entities to address information gaps;

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

15 (4) The findings of the advisory groups.

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

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

21 (1) Posting of notices on a website of the healthcare  
22 professional licensing entity;

23 (2) Disseminating information to licensees;

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

25 (4) Providing information as needed; and

26 (5) Preparing reports.

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28 17-80-508. Sunset.

29 This subchapter shall expire on January 1, 2021.

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31 /s/L. Johnson  
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