

Stricken language would be deleted from and underlined language would be added to present law.
Act 412 of the Regular Session

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: H2/25/21 H3/4/21

A Bill

HOUSE BILL 1258

By: Representative L. Johnson

By: Senator K. Hammer

For An Act To Be Entitled

AN ACT TO AUTHORIZE FULL INDEPENDENT PRACTICE
AUTHORITY FOR CERTIFIED NURSE PRACTITIONERS WHO MEET
CERTAIN REQUIREMENTS; TO CREATE THE FULL INDEPENDENT
PRACTICE CREDENTIALING COMMITTEE TO REVIEW AND
APPROVE APPLICATIONS FOR FULL INDEPENDENT PRACTICE
AUTHORITY FOR CERTIFIED NURSE PRACTITIONERS; AND FOR
OTHER PURPOSES.

Subtitle

*TO AUTHORIZE FULL INDEPENDENT PRACTICE
AUTHORITY FOR CERTIFIED NURSE
PRACTITIONERS WHO MEET CERTAIN
REQUIREMENTS; AND TO CREATE THE FULL
INDEPENDENT PRACTICE CREDENTIALING
COMMITTEE.*

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

SECTION 1. DO NOT CODIFY. Legislative intent.

It is the intent of the General Assembly to:

*(1) Provide a legitimate pathway to full practice authority for
certified nurse practitioners; and*

*(2) Reevaluate the composition of the Full Independent Practice
Credentialing Committee in three (3) years.*

SECTION 2. Arkansas Code Title 17, Chapter 87, Subchapter 3, is



amended to add an additional section to read as follows:

17-87-314. Full independent practice authority – Full Independent Practice Committee – Members and duties – Definition.

(a) As used in this section, "full independent practice authority" means the ability of a certified nurse practitioner to practice with prescriptive authority without a collaborative practice agreement as described in § 17-87-310.

(b)(1) The Full Independent Practice Credentialing Committee may grant a certificate of full independent practice authority to a certified nurse practitioner who submits:

(A) An application;

(B) An appropriate application fee as determined by the Full Independent Practice Credentialing Committee;

(C) Proof of successful completion of six thousand two hundred forty (6,240) hours of practice under a collaborative practice agreement with a physician; and

(D) Any other relevant information as determined by the Full Independent Practice Credentialing Committee.

(2) A certificate of full independent practice authority shall be renewed every three (3) years with an appropriate renewal fee as determined by the Full Independent Practice Credentialing Committee.

(c) A certified nurse practitioner with a certificate of full independent practice authority may receive and prescribe drugs, medicines, or therapeutic devices appropriate to the certified nurse practitioner's area of practice.

(d)(1) The Full Independent Practice Credentialing Committee is created within the Department of Health.

(2) The Full Independent Practice Credentialing Committee shall consist of the following members:

(A) The following members appointed by the Governor:

(i) Three (3) faculty physicians from each of the following institutions upon consulting with the heads of the institutions:

(a) The College of Medicine of the University of Arkansas for Medical Sciences;

(b) The Arkansas College of Osteopathic Medicine in Fort Smith; and

(c) The New York Institute of Technology
College of Osteopathic Medicine at Arkansas State University in Jonesboro;

(ii) One (1) physician from the state at large;

(iii) Three (3) faculty certified nurse
practitioners from nursing schools in this state upon consulting with the
heads of the nursing schools; and

(iv) One (1) certified nurse practitioner from the
state at large;

(B) The Director of the Arkansas State Medical Board as an
ex officio nonvoting member; and

(C) The Director of the Arkansas State Board of Nursing as
an ex officio nonvoting member.

(3)(A)(i) Committee members shall serve three-year terms.

(ii) Committee members shall not serve more than two
(2) consecutive terms.

(B) A committee member shall serve until a successor is
appointed by the appropriate appointing entity.

(4)(A) The Full Independent Practice Credentialing Committee
shall elect a chair with powers and duties determined by the Full Independent
Practice Credentialing Committee.

(B) The chair may be elected for no more than two (2)
consecutive terms.

(5)(A) A quorum of the Full Independent Practice Credentialing
Committee shall be five (5) members.

(B) The Full Independent Practice Credentialing Committee
shall hold a meeting at least quarterly and at other times the Full
Independent Practice Credentialing Committee considers advisable to perform
the duties described in subsection (e) of this section.

(6) The members of the Full Independent Practice Credentialing
Committee shall receive mileage and per diem as is now provided to members of
the appropriate appointing entity.

(e) The Full Independent Practice Credentialing Committee shall:

(1)(A) Review and approve or deny all applications for a
certificate of full independent practice authority for certified nurse
practitioners and for renewal of a certificate of full independent practice
authority for a certified nurse practitioner.

(B) If the Full Independent Practice Credentialing Committee denies an application for a certificate of full independent practice authority, the Full Independent Practice Credentialing Committee shall explain the reasons for the denial in writing to the applicant;

(2) Review complaints made against certified nurse practitioners who has a certificate of full independent practice authority;

(3) Review recommendations made by the Arkansas State Medical Board and the Arkansas State Board of Nursing and notify the certified nurse practitioner of any action taken by the Full Independent Practice Credentialing Committee based on the recommendations;

(4)(A) If the action taken is suspension or revocation of the certificate of full independent practice authority, hold a hearing providing the certified nurse practitioner who has a certificate of full independent practice authority with ten (10) days' notice in writing to appear before the Full Independent Practice Credentialing Committee, at the time and place as the Full Independent Practice Credentialing Committee may direct, to show cause as to why his or her certificate of full independent practice authority should not be suspended or revoked.

(B) At the hearing, the Full Independent Practice Credentialing Committee shall:

(i)(a) Have the power to subpoena witnesses.

(b) The chair of the Full Independent Practice Credentialing Committee or his or her designee shall sign subpoenas and have the power to administer oaths;

(ii) Hear evidence; and

(iii)(a) Determine if the certificate of full independent practice authority should be suspended or revoked.

(b) If the Full Independent Practice Credentialing Committee determines that the certificate of full independent practice authority should be suspended or revoked, the suspension or revocation shall take place immediately.

(C) However, only the Arkansas State Board of Nursing has the authority to suspend or revoke the nursing license of a certified nurse practitioner; and

(5) Provide reports quarterly and upon request regarding the number of applicants approved and denied to the Senate Committee on Public

Health, Welfare, and Labor and the House Committee on Public Health, Welfare, and Labor.

(f)(1) The Full Independent Practice Credentialing Committee may consult with the Arkansas State Medical Board and the Arkansas State Board of Nursing as determined by the Full Independent Practice Credentialing Committee based on the complaint.

(2) The Arkansas State Medical Board and the Arkansas State Board of Nursing may make recommendations to the Full Independent Practice Credentialing Committee.

(g) A certified nurse practitioner whose certificate of full independent practice authority has been denied, suspended, or revoked by the committee under this section may appeal the action of the committee under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(h) A certified nurse practitioner with a certificate of full independent practice authority shall conspicuously identify the certificate of full independent practice authority and that the certified nurse practitioner is not required to have a collaborative practice agreement on signage in the office where the certified nurse practitioner practices.

SECTION 3. Arkansas Code § 17-87-310(a), concerning prescriptive authority for advanced practice registered nurses, is amended to read as follows:

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

(1) Submits proof of successful completion of an Arkansas State Board of Nursing-approved advanced pharmacology course that shall include preceptorial experience in the prescription of drugs, medicines, and therapeutic devices; and

(2) Has either:

(A) A certificate of full independent practice authority under § 17-87-314; or

(B) A ~~Has~~ a collaborative practice agreement with a practicing physician who is licensed under the Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-95-301 et seq., and § 17-95-401 et seq., or a podiatrist licensed by the Arkansas Board of Podiatric Medicine under § 17-96-101 et seq., if employed by the podiatrist, and who has training in scope,

specialty, or expertise to that of the advanced practice registered nurse on file with the Arkansas State Board of Nursing.

/s/L. Johnson

APPROVED: 3/22/21