

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

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: H3/25/13 H4/1/13
A Bill

HOUSE BILL 1190

By: Representatives Hammer, *Harris*

For An Act To Be Entitled

AN ACT TO CLARIFY THE LAW REGARDING MEDICAID
*REIMBURSEMENTS FOR NURSING PROFESSIONALS AS PRIMARY
CARE MEDICAID PROVIDERS; TO REQUIRE THAT ADVANCED
NURSE PRACTITIONERS BE RECOGNIZED AS PRIMARY CARE
PROVIDERS IN THE MEDICAID PROGRAM; TO ESTABLISH
MEDICAID REIMBURSEMENT RATES FOR ADVANCED NURSE
PRACTITIONERS; AND FOR OTHER PURPOSES.*

Subtitle

TO CLARIFY THE LAW REGARDING MEDICAID
REIMBURSEMENTS FOR NURSING PROFESSIONALS.

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

SECTION 1. Arkansas Code Title 20, Chapter 77, Subchapter 1, is amended to add an additional section to read as follows:

20-77-125. Advanced nurse practitioners.

(a) As used in this section, "charitable clinic" means a charitable nonprofit corporation or a facility organized as a not-for-profit corporation under §§ 4-28-201 – 4-28-206 and 4-28-209 – 4-28-224 that:

(1) Holds a valid exemption from federal income taxation issued under § section 501(a) of the Internal Revenue Code;

(2) Is listed as an exempt organization under § 501(c)(3) of the Internal Revenue Code; and

(3) Provides advice, counseling, diagnosis, treatment, surgery, care, or services relating to the preservation or maintenance of health on an outpatient basis for a period of less than twenty-four (24) consecutive hours



to persons not residing or confined at the facility.

(b) The General Assembly intends that the savings to the Arkansas Medicaid Program achieved under subsection (c) of this section shall be used to assist hospitals in Arkansas in meeting the healthcare needs of the hospitals' communities and the overall Medicaid healthcare cost.

(c)(1) The Arkansas Medicaid Program shall recognize a qualifying advanced nurse practitioner as a primary care provider for all purposes.

(2) Purposes under subdivision (c)(1) of this section include without limitation:

(A) Being recognized as the initial health care provider in the federal and state Comprehensive Primary Care initiative payment model;

(B) Initially diagnosing;

(C) Being included as the patient contact for a team of family practice professionals and the patient-centered medical home;

(D) Maintaining patient's records;

(E) Ordering laboratory tests and records management as needed for patient care;

(F) Providing preventive and periodic examinations within primary care;

(G) Referring a patient when necessary to a physician, a specialist or a hospital; and

(H) Treating a patient to the extent of the advanced nurse practitioner's scope of practice.

(d)(1) The Arkansas Medicaid Program shall reimburse an advanced nurse practitioner not less than ninety percent (90%) of the physician reimbursement rate for services performed within the scope and licensure of the advanced nurse practitioner.

(2) However, the Arkansas Medicaid Program shall reimburse an advanced nurse practitioner who performs services at a charitable clinic for which the advanced nurse practitioner does not pay a fee for a collaborative agreement with a physician not less than eighty-five percent (85%) of the standard reimbursement rate.

(3) The Arkansas Medicaid Program shall reimburse an advanced nurse practitioner one hundred percent (100%) of the physician reimbursement rate for all out-of-pocket costs such as laboratory tests, x-rays, and tests ordered and performed.

(e)(1) The Arkansas Medicaid Program shall reimburse an advanced nurse practitioner for services and costs performed within the scope and licensure of the advanced nurse practitioner.

(2) The scope and licensure of the advanced nurse practitioner shall be conclusively determined by the Arkansas State Board of Nursing according to rules reviewed by the Legislative Council.

(f)(1)(A) For tax years beginning on and after January 1, 2013, there is allowed an income tax credit against the income tax imposed by the Income Tax Act of 1929, § 26-51-101 et seq., in the amount of one hundred dollars (\$100) for each hour that a physician provides medical services at no cost to a charitable clinic.

(B) However, the amount of the credit allowed under subdivision (f)(1)(A) of this section shall not exceed five thousand dollars (\$5,000) for each taxpayer per tax year.

(C) Under rules developed by the Department of Finance and Administration, a charitable clinic may certify not more than two hundred (200) hours per year per charitable clinic to physicians.

(2) The amount of the income tax credit under this subsection that may be claimed by the taxpayer in a tax year shall not exceed the amount of income tax due by the taxpayer.

(g) An insurance policy the premiums of which are paid directly or indirectly by the Arkansas Medicaid Program also shall recognize and reimburse an advanced practice nurse under subsections (c) and (d) of this section.

(h) This section does not increase the scope of practice of an advanced practice nurse.

/s/Hammer