

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

State of Arkansas *As Engrossed: S2/6/13 S2/26/13 S3/4/13*
89th General Assembly **A Bill**
Regular Session, 2013

SENATE BILL 161

By: Senators E. Cheatham, *Bledsoe*

For An Act To Be Entitled

AN ACT TO CREATE THE TITLE OF ADVANCED PRACTICE REGISTERED NURSE; TO ESTABLISH THE QUALIFICATIONS FOR ADVANCED PRACTICE REGISTERED NURSING; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE TITLE OF ADVANCED PRACTICE REGISTERED NURSE; AND TO ESTABLISH THE QUALIFICATIONS FOR ADVANCED PRACTICE REGISTERED NURSING.

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

SECTION 1. Arkansas Code §§ 17-87-101 and 17-87-102 are amended to read as follows:

17-87-101. License required – Purpose.

(a) In order to safeguard life and health, ~~any~~ a person practicing or offering to practice nursing for compensation shall be required to submit evidence that he or she is qualified to so practice and shall be licensed as provided in this chapter:

- (1) Professional nursing;
- (2) Advanced practice registered nursing;
- (3) Registered practitioner nursing;
- (4) Practical nursing; or
- (5) Psychiatric technician nursing.

(b) It ~~shall be~~ is unlawful for any person not licensed by the board:

- (1) To practice or offer to practice professional nursing,



advanced practice registered nursing, registered practitioner nursing, practical nursing, or psychiatric technician nursing; or

(2) To use any sign, card, or device to indicate that the person is a professional registered nurse, an advanced practice registered nurse, a registered nurse practitioner, a licensed practical nurse, or a licensed psychiatric technician nurse.

SECTION 2. 17-87-102. Definitions.

As used in this chapter:

(1) "Board" means the Arkansas State Board of Nursing;

(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 outlines procedures for consultation with or referral to the collaborating physician or other health care professionals as indicated by a patient's health care needs;

(3) "Consulting physician" means a physician licensed under the Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-95-301 et seq., and § 17-95-401 et seq., with obstetrical privileges in a hospital, who has agreed to practice in consultation with a certified nurse midwife;

(4)(A) "Practice of advanced practice registered nursing" means the delivery of health care services for compensation by professional nurses who have gained additional knowledge and skills through successful completion of an organized program of nursing education that certifies nurses for advanced practice roles as ~~advanced~~ certified nurse practitioners, certified nurse anesthetists, certified nurse midwives, and clinical nurse specialists.

(B) "Practice of advanced practice registered nursing" consists of:

~~(B)(i)(i)~~ (i) "Practice of ~~advanced~~ certified nurse practitioner nursing" means the performance for compensation of nursing skills by a registered nurse who, as demonstrated by national certification, has advanced knowledge and practice skills in the delivery of nursing services.

(ii)(a) "Practice of certified registered nurse anesthesia" means the performance for compensation of advanced nursing skills relevant to the administration of anesthetics under the supervision of, but

not necessarily in the presence of, a licensed physician, licensed dentist, or other person lawfully entitled to order anesthesia.

(b) A certified registered nurse anesthetist may order nurses, within ~~their~~ his or her scope of practice, to administer drugs preoperatively and postoperatively in connection with an anesthetic or other operative or invasive procedure, or both, that will be or has been provided.

(iii) "Practice of clinical nurse specialist nursing" means the performance for compensation of nursing skills by a registered nurse who, through study and supervised practice at the graduate level and as evidenced by national certification, has advanced knowledge and practice skills in a specialized area of nursing practice;

(iv) "Practice of certified nurse midwifery" means the performance for compensation of nursing skills relevant to the management of women's health care, focusing on pregnancy, childbirth, the postpartum period, care of the newborn, family planning, and gynecological needs of women, within a health care system that provides for consultation, collaborative management, or referral as indicated by the health status of the client;

(5) "Practice of practical nursing" means the performance for compensation of acts involving the care of the ill, injured, or infirm or the delegation of certain nursing practices to other personnel as set forth in regulations established by the board under the direction of a ~~registered professional~~ professional registered nurse, an advanced practice registered nurse, a licensed physician, or a licensed dentist, which acts do not require the substantial specialized skill, judgment, and knowledge required in professional nursing;

(6) "Practice of professional nursing" means the performance for compensation of any acts involving:

(A) The observation, care, and counsel of the ill, injured, or infirm;

(B) The maintenance of health or prevention of illness of others;

(C) The supervision and teaching of other personnel;

(D) The delegation of certain nursing practices to other personnel as set forth in regulations established by the board; or

(E) The administration of medications and treatments as prescribed by practitioners authorized to prescribe and treat in accordance with state law when such acts require substantial specialized judgment and skill based on knowledge and application of the principles of biological, physical, and social sciences;

(7) "Practice of psychiatric technician nursing" means the performance for compensation of acts involving the care of the physically and mentally ~~ill, retarded, impaired, injured~~, or infirm or the delegation of certain nursing practices to other personnel as set forth in regulations established by the board, and the carrying out of medical orders under the direction of a ~~registered~~ professional registered nurse, an advanced practice registered nurse, a licensed physician, or a licensed dentist, when such activities do not require the substantial specialized skill, judgment, and knowledge required in professional nursing; and

(8)(A) "Practice of registered nurse practitioner nursing" means the delivery of health care services for compensation in collaboration with and under the direction of a licensed physician or under the direction of protocols developed with a licensed physician.

(B) ~~Registered nurse practitioners shall be~~ A registered nurse practitioner is authorized to engage in activities as recognized by the nursing profession and as authorized by the board.

(C) ~~Nothing in this subdivision (8) is to be deemed to~~ This subdivision (8) does not limit a registered nurse practitioner from engaging in ~~those~~ activities ~~which~~ that normally constitute the practice of nursing, or ~~those which~~ activities that may be performed by persons without the necessity of the license to practice medicine.

SECTION 3. Arkansas Code § 17-87-103(10), concerning exceptions to the nurse practice act, is amended to read as follows:

(10) The prescription and administration of drugs, medicines, or therapeutic devices in the presence of and under the supervision of an advanced practice registered nurse holding a certificate of prescriptive authority, a licensed physician, or licensed dentist by a registered nurse who is enrolled as a student in an advanced pharmacology course, provided the prescription or administration of drugs or medicines, or both, is confined to the educational requirements of the course and under the direct supervision

of a qualified instructor;

SECTION 4. Arkansas Code § 17-87-103(12)(B)(iii), concerning exceptions to the nurse practice act, is amended to read as follows:

(iii) "Health maintenance activities" means activities that:

(a) Enable a minor child or adult to live in his or her home; and

(b) Are beyond activities of daily living that:

(1) The minor child or adult is unable to perform for himself or herself; and

(2) The attending physician, advanced practice registered nurse, or registered nurse determines can be safely performed in the minor child's or adult's home by a designated care aide under the direction of a competent adult or caretaker.

SECTION 5. Arkansas Code § 17-87-104(a)(1)(D)(iii), concerning penalties under the nurse practice act, is amended to read as follows:

(iii) Advanced practice nurse, advanced practice registered nurse, ~~or A.P.N., or A.P.R.N.~~, or any of the following:

(a) Advanced registered nurse practitioner, certified nurse practitioner, A.R.N.P., ~~or A.N.P., or C.N.P.~~;

(b) Nurse anesthetist, certified nurse anesthetist, certified registered nurse anesthetist, or C.R.N.A.;

(c) Nurse midwife, certified nurse midwife, licensed nurse midwife, C.N.M., or L.N.M.; or

(d) Clinical nurse specialist or C.N.S.;

SECTION 6. Arkansas Code § 17-87-104(a)(1)(F), concerning penalties under the nurse practice act, is amended to read as follows:

(F) Conduct a nursing education program for the preparation of professional nurses, advanced practice registered nurses, nurse practitioners, practical nurses, or psychiatric technician nurses unless the program has been approved by the board;

SECTION 7. Arkansas Code § 17-87-201(c), concerning the membership of the Arkansas State Board of Nursing, is amended to read as follows:

(c)(1) One (1) member shall be a licensed advanced practice registered nurse.

(2) The licensed advanced practice registered nurse board member shall have the following qualifications:

(A) Be an Arkansas resident;

(B) Have at least five (5) years of experience as an advanced practice registered nurse;

(C) Be licensed in Arkansas as an advanced practice registered nurse;

(D) Have been actively engaged in nursing for at least three (3) years immediately preceding appointment, two (2) of which shall have been in Arkansas; and

(E) Have a certificate granting prescriptive authority.

SECTION 8. Arkansas Code § 17-87-201(j), concerning the terms of the members of the Arkansas State Board of Nursing, is amended to read as follows:

(j) The terms of all registered nurse members and advanced practice registered nurse members shall be four (4) years.

SECTION 9. Arkansas Code § 17-87-203(8), concerning the powers and duties of the Arkansas State Board of Nursing, is amended to read as follows:

(8) Prescribe minimum standards and approve curricula for educational programs preparing persons for licensure as registered nurses, advanced practice registered nurses, *registered* nurse practitioner nurses, licensed practical nurses, and licensed psychiatric technician nurses;

SECTION 10. Arkansas Code § 17-87-203(16), concerning the powers and duties of the Arkansas State Board of Nursing, is amended to read as follows:

(16) Grant certificates of prescriptive authority to qualified advanced practice registered nurses;

SECTION 11. Arkansas Code § 17-87-205(b), concerning the membership of the Prescriptive Authority Advisory Committee, is amended to read as follows:

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

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

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

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

SECTION 12. Arkansas Code § 17-87-302 is amended to read as follows:

17-87-302. Advanced practice registered nurses.

(a) Qualifications. In order to be licensed as an advanced practice registered nurse, an applicant ~~must~~ shall show evidence of education approved by the Arkansas State Board of Nursing, and national certification approved by the board under one (1) of the following roles of an advanced practice registered nurse:

(1) ~~Advanced Registered Certified Nurse Practitioner. In order to qualify as an advanced registered~~ A certified nurse practitioner, ~~an applicant must be currently certified as a nurse practitioner by a nationally recognized certifying body~~ shall hold current certification by a national certifying body recognized by the board in the advanced practice registered nurse role and population foci appropriate to educational preparation;

(2) Certified Registered Nurse Anesthetist. To qualify as a certified registered nurse anesthetist, an applicant ~~must~~ shall:

(A) Have earned a diploma or certificate evidencing satisfactory completion, beyond generic nursing preparation, of a formal educational program that meets the standards of the Council on Accreditation of Nurse Anesthesia Educational Programs or another nationally recognized accrediting body and that has as its objective the preparation of nurses to perform as nurse anesthetists; and

(B) Hold current certification ~~from the Council on Certification of Nurse Anesthetists, the Council on Recertification of Nurse Anesthetists, or other nationally recognized certifying body~~ by a national certifying body recognized by the board in the advanced practice registered

nurse role and population foci appropriate to educational preparation;

(3) Certified Nurse Midwife. To qualify as a certified nurse midwife, an applicant ~~must~~ shall:

(A) Hold current certification ~~as a nurse midwife from the American College of Nurse-Midwives or other nationally recognized certifying body~~ by a national certifying body recognized by the board in the advanced practice registered nurse role and population foci appropriate to educational preparation; and

(B) Have an agreement with a consulting physician if providing intrapartum care;

(4) Clinical Nurse Specialist. In order to qualify as a clinical nurse specialist, an applicant ~~must~~ shall:

(A) ~~hold~~ Hold a master's degree evidencing successful completion of a graduate program in nursing, which shall include supervised clinical practice and classroom instruction in a nursing specialty; and

(B) ~~must be nationally certified in a specialty role as a clinical nurse specialist~~ Hold current certification by a national certifying body recognized by the board in the advanced practice registered nurse role and population foci appropriate to educational preparation.

(b) Issuance of License. A license to practice as an advanced practice registered nurse may be issued:

(1) By Application. Any person holding a license to practice as a registered nurse and meeting the educational qualifications and certification requirements to be licensed as an advanced practice registered nurse, upon application and payment of necessary fees to the board, may be licensed as an advanced practice registered nurse; and

(2) By Endorsement. The board may issue a license to practice advanced practice registered nursing by endorsement to any applicant who has been licensed as an advanced practice registered nurse or to a person entitled to perform similar services under a different title under the laws of another state, territory, or foreign country if, in the opinion of the board, the applicant meets the requirements for advanced practice registered nurses in this state.

(c) Title and Abbreviation. Any person who holds a license to practice as an advanced practice registered nurse shall have the right to use the title of "advanced practice registered nurse" and the abbreviation

~~"A.P.N."~~ "A.P.R.N.".

SECTION 13. Arkansas Code § 17-87-307(d)(1), concerning temporary permits to practice professional, practical, or psychiatric technician nursing, is amended to read as follows:

(d)(1) Upon application and payment of the required fee, the board shall issue a temporary permit to a qualified applicant holding a current advanced practice registered nurse license or the equivalent from another jurisdiction from any other state or territory awaiting endorsement.

SECTION 14. Arkansas Code § 17-87-308(g), concerning renewal of nursing licenses, is amended to read as follows:

(g) As a condition of licensure renewal, an advanced practice registered nurse shall submit proof of current national certification and successful completion of continuing education as required by the board.

SECTION 15. 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 proof of successful completion of a board-approved advanced pharmacology course that shall include preceptorial experience in the prescription of drugs, medicines, and therapeutic devices; and

(2) Has a collaborative practice agreement with a 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., and who has a practice comparable in scope, specialty, or expertise to that of the advanced practice registered nurse on file with the Arkansas State Board of Nursing.

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

(2) An advanced practice registered nurse's prescriptive authority shall only extend to drugs listed in Schedules III – V.

(c) A collaborative practice agreement shall include, but not be

limited to, provisions addressing:

- (1) The availability of the collaborating physician for consultation or referral, or both;
- (2) Methods of management of the collaborative practice, which shall include protocols for prescriptive authority;
- (3) Coverage of the health care needs of a patient in the emergency absence of the advanced practice registered nurse or physician; and
- (4) Quality assurance.

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

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

SECTION 16. Arkansas Code § 17-87-311(a), concerning nurse's direct reimbursement agreements, is amended to read as follows:

(a) An advanced practice registered nurse or a registered nurse practitioner may enter into a direct reimbursement agreement with the agency administering the state medicaid program.

/s/E. Cheatham