

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

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: H3/3/17
A Bill

HOUSE BILL 1186

By: Representative Brown

For An Act To Be Entitled

AN ACT TO REMOVE THE COLLABORATIVE PRACTICE AGREEMENT AS APPLICABLE TO ADVANCED PRACTICE REGISTERED NURSES WHO MEET CERTAIN REQUIREMENTS; TO IMPROVE HEALTHCARE ACCESSIBILITY IN ARKANSAS BY CLARIFYING THE PROCESS NECESSARY FOR AN ADVANCED PRACTICE REGISTERED NURSE TO QUALIFY FOR PRESCRIPTIVE AUTHORITY; TO AMEND THE PRESCRIPTIVE AUTHORITY FOR AN ADVANCED PRACTICE REGISTERED NURSE; AND FOR OTHER PURPOSES.

Subtitle

TO REMOVE THE COLLABORATIVE PRACTICE AGREEMENT AS APPLICABLE TO ADVANCED PRACTICE REGISTERED NURSES WHO MEET CERTAIN REQUIREMENTS; AND TO AMEND THE PRESCRIPTIVE AUTHORITY FOR AN ADVANCED PRACTICE REGISTERED NURSE.

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

SECTION 1. DO NOT CODIFY. Legislative findings and intent.

(a) The General Assembly finds that:

(1) Advanced practice registered nurses are nurses with advanced education and clinical competencies in providing care to diverse populations in a variety of settings;

(2) Advanced practice registered nurses are nationally certified and practice in all fifty (50) states;

(3) Twenty-one (21) states authorize advanced practice



registered nurses to have full practice authority that includes full prescriptive authority without supervision;

(4) Nearly fifty (50) years of research consistently support the high quality and cost-effectiveness of advanced practice registered nurses;

(5) Since the 1960s, studies have found no difference in health outcomes, including patient health status, number of prescriptions written, return visits requested, or referral to other providers, of care delivered by an advanced practice registered nurse or physician;

(6) Collaborative practice agreements do not add patient safety or added value to the healthcare system, but add to the cost of care for the consumer;

(7) Negative impacts of mandatory collaborative practice agreements include without limitation:

(A) Potential interruption or closing of an advanced practice registered nurse-operated clinic due to a loss of a collaborative practice physician;

(B) Significant added cost to overhead of the practice due to higher fees charged by many collaborative physicians;

(C) Added paperwork for the advanced practice registered nurse and the physician, which adds to the cost of care;

(D) Decreased healthcare access by adding a barrier for advanced practice registered nurses who would like to establish a new clinic;

(E) Inhibits the establishment of new healthcare access points in rural and medically underserved areas of the state; and

(F) Acts as a disincentive to remain in the state to practice for new graduates of Arkansas advanced practice registered nurse programs;

(8) The following major groups and organizations support full practice authority for advanced practice registered nurses:

(A) The National Governors Association;

(B) The Institute of Medicine;

(C) The American Association of Retired Persons; and

(D) The Federal Trade Commission; and

(9) The State of Arkansas should modernize scope of practice laws for advanced practice registered nurses by removing the mandatory collaborative practice agreement for qualified advanced practice registered

nurses.

(b) It is the intent of the General Assembly to:

(1) Increase patient access to health care, reduce healthcare costs, and promote efficient and timely health care in the State of Arkansas; and

(2) Authorize qualified advanced practice registered nurses to have full practice authority without a collaborative practice agreement.

*SECTION 2. 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 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) Either:

(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., 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; or

(B)(i) Is granted by the Arkansas State Board of Nursing the removal of the collaborative practice agreement requirement if the advanced practice registered nurse applies to the Arkansas State Board of Nursing and has completed three thousand six hundred (3,600) hours of practice experience.

(ii) Completion of three thousand six hundred (3,600) hours of practice experience places an advanced practice registered nurse in the status as a qualified advanced practice registered nurse.

(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 extend:*

(A) For an advanced practice registered nurse in a collaborative practice agreement, only to drugs listed in Schedules III – V and, if expressly authorized by the collaborative practice agreement, also to those hydrocodone combination products reclassified from Schedule III to Schedule II as of October 6, 2014; and

(B) For a qualified advanced practice registered nurse, to drugs listed in Schedules II - V.

(3)(A) *The Arkansas State Board of Nursing shall promptly adopt rules applicable to an advance practice registered nurse that are consistent with the Arkansas State Medical Board's rules governing the prescription of dangerous drugs and controlled substances.*

(B) *Prior to approval of the Arkansas State Board of Nursing's rules, the Arkansas State Medical Board shall review the proposed rules and verify that the proposed rules are consistent with the Arkansas State Medical Board's rules concerning the prescription of dangerous drugs and controlled substances.*

(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 healthcare 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.

/s/Brown