

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

State of Arkansas
92nd General Assembly
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As Engrossed: H3/25/19
A Bill

HOUSE BILL 1568

By: Representative L. Johnson

By: Senator Irvin

For An Act To Be Entitled

AN ACT TO ESTABLISH THE ARKANSAS ADVISORY COUNCIL OF
HEALTHCARE PROFESSIONS WITHIN THE DEPARTMENT OF
HEALTH; AND FOR OTHER PURPOSES.

Subtitle

TO ESTABLISH THE ARKANSAS ADVISORY
COUNCIL OF HEALTHCARE PROFESSIONS WITHIN
THE DEPARTMENT OF HEALTH.

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

SECTION 1. Arkansas Code Title 17, Chapter 80, is amended to add an additional subchapter to read as follows:

Subchapter 5 – Arkansas Advisory Council of Healthcare Professions Act

17-80-501. Title.

This subchapter shall be known and may be cited as the "Arkansas Advisory Council of Healthcare Professions Act".

17-80-502. Creation – Arkansas Advisory Council of Healthcare Professions.

(a) There is established the Arkansas Advisory Council of Healthcare Professions within the Department of Health.

(b) The council shall be composed of:

(1) The Surgeon General as a nonvoting member; and

(2) One (1) member from each of the following entities:



- (A) The Arkansas Board of Dispensing Opticians;
- (B) The Arkansas Board of Examiners in Counseling;
- (C) The Arkansas Board of Hearing Instrument Dispensers;
- (D) The Arkansas Board of Podiatric Medicine;
- (E) The Arkansas Dietetics Licensing Board;
- (F) The Arkansas Minority Health Commission;
- (G) The Arkansas Psychology Board;
- (H) The Arkansas Social Work Licensing Board;
- (I) The Arkansas State Board of Athletic Training;
- (J) The Arkansas State Board of Chiropractic Examiners;
- (K) The Arkansas State Board of Dental Examiners;
- (L) The Arkansas State Board of Nursing;
- (M) The Arkansas State Board of Pharmacy;
- (N) The Arkansas State Board of Physical Therapy;
- (O) The Arkansas State Medical Board;
- (P) The Board of Examiners in Speech-Language Pathology and Audiology;
- (Q) The State Board of Examiners of Alcoholism and Drug Abuse Counselors; and
- (R) The State Board of Optometry.

17-80-503. Powers and duties.

The Arkansas Advisory Council of Healthcare Professions shall:

- (1) Receive requests from:
 - (A) Practitioners seeking to establish new healthcare professions to be licensed in the state or to establish separate regulatory entities; and
 - (B) Healthcare professionals seeking to expand or narrow the scope of practice of a healthcare profession;
- (2) Provide information to the General Assembly and the Director of the Department of Health based on the findings of the advisory groups;
- (3) Review other healthcare-related issues as requested by the General Assembly or the director;
- (4) Notify the Senate Committee on Public Health, Welfare, and Labor and the House Committee on Public Health, Welfare, and Labor of all meetings of the council and of the advisory groups;

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

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

17-80-504. Advisory groups.

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

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

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

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

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

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

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

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

(ii) Address health disparities and promote health equity;

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

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

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

appoint an advisory group composed of the following members:

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

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

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

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

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

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

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

17-80-505. Requests.

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

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

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

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

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

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

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

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

request.

17-80-506. Reporting.

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

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

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

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

(4) The findings of the advisory groups.

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

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

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

(2) Disseminating information to licensees;

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

(4) Providing information as needed; and

(5) Preparing reports.

17-80-508. Sunset.

This subchapter shall expire on January 1, 2021.

/s/L. Johnson