

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

# A Bill

SENATE BILL 186

By: Senator K. Hammer

## 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 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 OF 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-three (23) 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 fees charged by many collaborating 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 National Academy of Medicine, which was formerly named the Institute of Medicine;

(C) The AARP, Inc.; 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, including certified nurse practitioners, clinical nurse specialists, and certified nurse midwives.

(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, including certified nurse practitioners, clinical nurse specialists, and certified nurse midwives, 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., or a podiatrist licensed by the Arkansas Board of Podiatric Medicine under § 17-96-101 et seq., if employed by the podiatrist, or an advanced practice registered nurse who has been granted removal of the collaborative practice agreement requirement, 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 certified nurse practitioner, clinical nurse specialist, or certified nurse midwife applies to the Arkansas State Board of Nursing and has completed one thousand (1,000) hours of practice experience.

(ii) Completion of one thousand (1,000) hours of

practice experience places a certified nurse practitioner, clinical nurse specialist, or certified nurse midwife in the status as a qualified advanced practice 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)(A)~~ An advanced practice registered nurse's prescriptive authority shall extend ~~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~~ Schedules II – V.

~~(B)~~ An advanced practice registered nurse's prescriptive authority also extends to drugs listed in Schedule II if:

~~(i)~~ The prescription is for an opioid and the prescription is only for a five-day period or less; or

~~(ii)~~ The prescription is for a stimulant and meets the following criteria:

~~(a)~~ The prescription was originally initiated by a physician;

~~(b)~~ The physician has evaluated the patient within six (6) months before the advanced practice registered nurse issues a prescription; and

~~(c)~~ The prescription by the advanced practice registered nurse is to treat the same condition as the original prescription.

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

(B) Before 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, podiatrist, or advanced practice registered nurse who has been granted removal of the collaborative practice agreement requirement 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.