

Title 17. Professions, Occupations, and Businesses

Chapter XXII. Arkansas State Board of Nursing, Department of Health

Subchapter A. Generally

Part 129. Alternative to Discipline

Subpart 1. Generally

17 CAR § 129-101. Qualifications for admission.

(a) In order to be eligible for admission to the ATD program the individual shall:

(1) Hold an Arkansas nursing license or certificate or be eligible for licensure or certification;

(2) Otherwise be eligible for continued licensure or certification under the Arkansas Nurse Practice Act;

(3) Acknowledge a drug or alcohol abuse problem or addiction; and

(4) Voluntarily request participation in the ATD program.

(b) A participant may transfer from another state's alternative program if it is:

(1) Substantively similar; and

(2) Approved by the ATD program director.

Authority. Arkansas Code §§ 17-87-203, 17-87-805.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"HISTORY: Adopted: January 1, 2018

Amended: July 1, 2020; June 15, 2024"

17 CAR § 129-102. Denial to program.

Individuals will be denied participation in the ATD program if they:

(1) Do not meet the qualifications listed in 17 CAR § 129-101;

(2) Diverted controlled substances for reasons other than self-administration;

- (3) Engaged in behaviors resulting in patient harm;
- (4) Have prior discipline by any board of nursing for substance abuse or diversion; or
- (5) Demonstrated unsuccessful participation resulting in termination from the Arkansas ATD program or similar program offered in another jurisdiction.

Authority. Arkansas Code §§ 17-87-203, 17-87-805.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"HISTORY: Adopted: January 1, 2018
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17 CAR § 129-103. Requirements for participation.

The participant shall:

- (1) Agree to immediately place licensure or certification on inactive status;
- (2) Complete an in-depth psychological and addictive evaluation by an Arkansas State Board of Nursing-approved evaluator;
- (3) Agree to complete all treatment recommendations, if any, of the evaluator;
- (4) Admit, in writing, to violation of the Arkansas Nurse Practice Act;
- (5) Enter into an ATD program contract;
- (6) Execute any release necessary to give the ATD program director access to records, including but not limited to medical, employment, and criminal records; and
- (7) Agree to not practice without written authorization from the ATD program director.

Authority. Arkansas Code §§ 17-87-203, 17-87-805.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"HISTORY: Adopted: January 1, 2018

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17 CAR § 129-104. Standards for approved evaluators and treatment providers.

(a) Arkansas State Board of Nursing-approved evaluators shall meet the following standards:

(1) Be a physician, psychiatrist, psychologist, or mental health-certified advanced practice registered nurse who is engaged in the treatment of substance use disorder, including alcohol;

(2) Demonstrate the ability to perform an examination to include a detailed history with the appropriate testing, i.e., drug screens and other psychological testing as indicated;

(3) Cooperate and communicate with the ATD program director; and

(4) Submit evaluation reports according to board-approved criteria.

(b) Board-approved treatment providers shall meet the following standards:

(1) Provide outpatient and/or inpatient treatment;

(2) Cooperate and communicate with the ATD program director;

(3) Submit an individualized written plan of care to include, but not be limited

to:

(A) Assessment;

(B) Diagnosis;

(C) Treatment goals;

(D) Discharge criteria; and

(E) Recommendations for continuing recovery; and

(4) Meet all regulatory requirements in their respective state.

Authority. Arkansas Code §§ 17-87-203, 17-87-805.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "HISTORY: Adopted: January 1, 2018"

17 CAR § 129-105. Discharge from program.

(a) A participant shall be discharged from the ATD program upon:

- (1) Successful completion of all terms and conditions of the ATD program contract; or
- (2) Demonstration of noncompliance with the terms and conditions of the contract.

(b) If discharged from the ATD program for noncompliance, the participant shall immediately:

- (1) Surrender their licensure or certification;
- (2) Accept a consent agreement; or
- (3) Be scheduled for an Arkansas State Board of Nursing hearing.

(c) Participation in the ATD program does not preclude the board from commencing any disciplinary action against a participant who:

- (1) Is discharged from the ATD program; or
- (2) Receives additional complaints.

(d) A participant may transfer to another state's alternative program if it is:

- (1) Substantively similar; and
- (2) Approved by the Arkansas ATD program director.

(e) If the participant voluntarily withdraws from the program, he or she shall immediately surrender his or her license or certification.

Authority. Arkansas Code §§ 17-87-203, 17-87-805.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"HISTORY: Adopted: January 1, 2018

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17 CAR § 129-106. Reporting to the Arkansas State Board of Nursing.

The ATD program director shall make the following information available to the Arkansas State Board of Nursing:

- (1) Names and results of any contact or investigation regarding an impaired individual who is believed to be a danger to the public;
- (2) Names of participants who:
 - (A) Fail to comply with the terms and conditions of the contract;
 - (B) Refuse to cooperate with the ATD program director; or
 - (C) Voluntarily withdraw or involuntarily discharge from the program;
- (3) An annual evaluation of the program; and
- (4) Other information and data as requested by the board.

Authority. Arkansas Code §§ 17-87-203, 17-87-805.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

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