

SUBCHAPTER 3 – LICENSING

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17-87-301. Registered nurses.

(a) Qualifications. Before taking the examination or before the issuance of a license by endorsement, an applicant for a license to practice professional nursing shall submit to the Arkansas State Board of Nursing written evidence, verified by oath, that the applicant:

- (1) Has completed an approved high school course of study or the equivalent thereof as determined by the appropriate educational agency; and
- (2) Has completed the required approved professional nursing education program.

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

- (1) By Examination. The applicant shall be required to pass an examination in such subjects as the board may determine. Upon successfully passing the examination, the board shall issue to the applicant a license to practice professional nursing as a registered nurse; or
- (2) By Endorsement. The board may issue a license to practice professional nursing as a registered nurse by endorsement to an applicant who has been duly licensed as a registered nurse under the laws of another state, territory, or foreign country if, in the opinion of the board, the applicant meets the qualifications required of registered nurses in this state at the time of graduation and if the board so recommends.

(c) Nurses Registered Before March 29, 1971. Any person holding a license or certificate of registration to practice nursing as a registered nurse issued by the board which was valid on March 29, 1971, shall be deemed to be licensed as a registered nurse under the provisions of this chapter.

(d) Title and Abbreviation. Any person who holds a license to practice professional nursing in this state shall have the right to use the title “registered nurse” and the abbreviation “R.N.”.

History

Acts 1971, No. 432, § 10; 1979, No. 613, § 3; 1981 (1st Ex. Sess.), No. 19, §§ 1-3; A.S.A. 1947, § 72-754; Acts 1991, No. 162, § 1; 1995, No. 409, § 8; 2019, No. 990, § 73.

17-87-302. Advanced practice registered nurses.

(a) Qualifications. In order to be licensed as an advanced practice registered nurse, an applicant 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) Certified Nurse Practitioner. A certified nurse practitioner 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;

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

(A) 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; and

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

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

(A) 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) 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.R.N."

History

Acts 1971, No. 432, § 2; 1979, No. 404, §§ 1, 7; 1979, No. 613, § 2; 1980 (1st Ex. Sess.), No. 14, §§ 5, 6; 1981 (1st Ex. Sess.), No. 19, § 8; A.S.A. 1947, §§ 72-746, 72-756.1, 72-756.2; Acts 1995, No. 409, § 9; 1999, No. 1208, § 2; 2013, No. 604, § 12.

17-87-303. Registered nurse practitioners.

(a)

(1) Any person holding a license to practice as a registered nurse and possessing the educational qualifications required under subsection (b) of this section to be licensed as a registered nurse practitioner, upon application and payment of necessary fees to the Arkansas State Board of Nursing, may be licensed as a registered nurse

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practitioner and have the right to use the title of “registered nurse practitioner” and the abbreviation “R.N.P.”.

(2) No other person shall assume such a title or use such an abbreviation or any other words, letters, signs, or devices to indicate that the person using them is a registered nurse practitioner.

(b) In order to be licensed as a registered nurse practitioner, a registered nurse must hold a certificate or academic degree evidencing successful completion of the educational program of an accredited school of nursing or other nationally recognized accredited program recognized by the board as meeting the requirements of a nurse practitioner program.

(c) However, any person qualified to receive a license as a registered nurse practitioner may obtain the license upon the payment of a fee not to exceed twenty-five dollars (\$25.00) for the original license. The license fees are to be in addition to the person's registered nurse license fees.

History

Acts 1971, No. 432, §§ 2, 10; 1979, No. 404, §§ 1, 7; 1979, No. 613, §§ 2, 3; 1981 (1st Ex. Sess.), No. 19, §§ 1-3; A.S.A. 1947, §§ 72-746, 72-754.

17-87-304. Licensed practical nurses.

(a) Qualifications. An applicant for a license to practice practical nursing shall submit to the Arkansas State Board of Nursing evidence, verified by oath, that the applicant:

(1) Has completed an approved high school course of study or the equivalent thereof as determined by the appropriate educational agency; and

(2) Has completed a prescribed curriculum in a state-approved program for the preparation of practical nurses and holds a diploma or certificate therefrom. However, the board may waive this requirement if the board determines the applicant to be otherwise qualified.

(b) Issuance of License. A license to practice as a practical nurse may be issued:

(1) By Examination. The applicant shall be required to pass an examination in such subjects as the board may determine. Upon successful completion of the examination, the board shall issue to the applicant a license to practice as a licensed practical nurse; or

(2) By Endorsement. The board may issue a license to practice practical nursing by endorsement to any applicant who has duly been licensed or registered as a licensed practical 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 licensed practical nurses in this state at the time of graduation and if the board so recommends.

(c) Person Licensed Before March 29, 1971. Any person holding a license to practice as a practical nurse issued by the board and which was valid on March 29, 1971, shall be deemed to be licensed as a practical nurse under the provisions of this chapter.

(d) Title and Abbreviation. Any person who holds a license to practice practical nursing in this state shall have the right to use the title “licensed practical nurse” and the abbreviation “L.P.N.”.

History

Acts 1971, No. 432, § 11; 1981, No. 54, § 1; 1981 (1st Ex. Sess.), No. 19, §§ 4, 5; A.S.A. 1947, § 72-755; Acts 1991, No. 162, § 2; 1995, No. 409, § 10; 2019, No. 990, § 74.

17-87-305. Licensed psychiatric technician nurses.

(a) Qualifications. An applicant for a license to practice psychiatric technician nursing shall submit to the Arkansas State Board of Nursing evidence, verified by oath, that the applicant:

- (1) Has completed an approved high school course of study or the equivalent thereof as determined by the appropriate educational agency; and
- (2) Has completed a prescribed curriculum in a state-approved program for the preparation of psychiatric technician nurses and holds a diploma or certificate therefrom. However, the board may waive this requirement if the board determines the applicant to be otherwise qualified.

(b) Issuance of License. A license to practice as a psychiatric technician nurse may be issued:

- (1) By Examination. The applicant shall be required to pass a written examination in such subjects as the board may determine. Each written examination may be supplemented by an oral examination. Upon successfully passing the examination, the board shall issue to the applicant a license to practice as a psychiatric technician nurse. All such examinations shall be conducted by an examiner, who shall be a registered nurse, and by an assistant examiner, who shall be a licensed psychiatric technician nurse; or
- (2) By Endorsement. The board may issue a license to practice psychiatric technician nursing by endorsement to an applicant who has duly been licensed or registered as a licensed psychiatric technician nurse or 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 licensed psychiatric technician nurses in this state at the time of graduation and if the board so recommends.

(c) Person Licensed Before March 29, 1971. Any person holding a license to practice as a psychiatric technician issued by the board in accordance with Acts 1953, No. 124 [repealed], and which was valid on March 29, 1971, shall be deemed to be licensed as a psychiatric technician nurse under the provisions of this chapter.

(d) Title and Abbreviation. Any person who holds a license to practice psychiatric technician nursing in this state shall have the right to use the title “licensed psychiatric technician nurse” and the abbreviation “L.P.T.N.”.

History

Acts 1971, No. 432, § 12; 1981, No. 54, § 2; 1981 (1st Ex. Sess.), No. 19, §§ 6, 7; A.S.A. 1947, § 72-756; Acts 1995, No. 409, § 11; 2019, No. 990, § 75.

17-87-306. Fees.

The Arkansas State Board of Nursing shall establish and collect fees and penalties for services relating to certification, examination, licensing, endorsement, certification for prescriptive authority, temporary permits, license renewal, certification renewal, and other reasonable services as determined by the board.

History

Acts 1995, No. 409, § 12; 2005, No. 1423, § 3.

17-87-307. Temporary permits.

(a)

(1) Upon application and payment of the required fee, the Arkansas State Board of Nursing may issue a temporary permit to practice professional, practical, or psychiatric technician nursing to a qualified applicant who has:

- (A) Completed a program in professional, practical, or psychiatric technician nursing approved by the

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appropriate state or national authorizing agency of this state or country and by the appropriate authorizing agency of other states or territories or foreign countries; and

(B) Applied for or is awaiting results of the first examination he or she is eligible to take after the permit is issued.

(2) The permit shall become invalid upon notification to the applicant of the results of the first examination he or she is eligible to take after the permit is issued.

(b)

(1) Upon application and payment of the required fee, the board shall issue a temporary permit to a qualified applicant holding a current professional, practical, or psychiatric technician license from another jurisdiction from any other state or territory awaiting endorsement.

(2) This permit must have an issuance date and an expiration date. The permit shall be valid for no more than six (6) months.

(c)

(1) Upon application and payment of the required fee, an applicant shall be issued a temporary permit to practice advanced practice nursing who has:

(A) Satisfactorily completed an educational program for advanced practice nursing approved by the board; and

(B) Been accepted by the appropriate certification body to sit for the first national certification exam he or she is eligible to take.

(2) The permit shall expire upon notification to the applicant of the results of the examination.

(3) The permit is not renewable and does not apply to prescriptive authority.

(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.

(2)

(A) This permit must have an issuance date and a date when it shall become invalid.

(B) The permit shall automatically become invalid upon notification of the applicant's failure to pass the appropriate national certification exam.

(C) In no event shall the permit be valid in excess of six (6) months.

History

Acts 1971, No. 432, § 13; 1977, No. 88, § 1; 1979, No. 90, § 1; 1980 (1st Ex. Sess.), No. 14, § 2; 1981 (1st Ex. Sess.), No. 19, § 9; A.S.A. 1947, § 72-757; Acts 1995, No. 409, § 13; 2001, No. 303, § 1; 2013, No. 604, § 13.

17-87-308. Renewal of licenses.

- (a)
- (1) The Arkansas State Board of Nursing shall prescribe the procedure for the cyclical biennial renewal of licenses to every person licensed by the board.
 - (2) In each case, the board shall mail a notification for renewal to the licensee at least thirty (30) days before the expiration date of the license.
- (b) Upon receipt of the application and the fee, the board shall verify the accuracy of the application and renew the license for a period to expire on the last day of the current biennial cycle.
- (c) The renewal shall render the holder a legal practitioner of nursing for the period stated in subsection (b) of this section.
- (d) Any licensee who allows his or her license to lapse by failing to renew the license as provided in this section may be reinstated by the board on payment of the renewal fee plus a penalty.
- (e) Any person practicing nursing during the time his or her license has lapsed shall be considered an illegal practitioner and shall be subject to the penalties provided for violations of this chapter.
- (f)
- (1)
 - (A) An individual may place his or her license on inactive status with written notification to the board.
 - (B) The holder of an inactive license shall not practice nursing in this state.
 - (2)
 - (A) The provisions relating to the denial, suspension, and revocation of a license shall be applicable to an inactive or lapsed license.
 - (B) When proceedings to suspend or revoke an inactive license or otherwise discipline the holder of an inactive license have been initiated, the license shall not be reinstated until the proceedings have been completed.
 - (3) An inactive license may be placed in an active status upon compliance with the rules established by the board.
- (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.
- (h) The board shall waive the renewal fee of a nurse who:
- (1) Holds a license to practice nursing in the State of Arkansas; and
 - (2) Is an active duty member of the United States Armed Forces or a member of the Arkansas National Guard on state active duty.

History

Acts 1971, No. 432, § 13; 1981 (1st Ex. Sess.), No. 19, § 9; A.S.A. 1947, § 72-757; Acts 1987, No. 147, § 1; 1995, No. 409, § 14; 1997, No. 179, § 14; 2005, No. 61, § 1; 2013, No. 604, § 14; 2017, No. 204, § 4; 2019, No. 462, § 15.

17-87-309. Disciplinary actions.

(a) The Arkansas State Board of Nursing shall have sole authority to deny, suspend, revoke, or limit any license or privilege to practice nursing or certificate of prescriptive authority issued by the board or applied for in accordance with the provisions of this chapter or to otherwise discipline a licensee upon proof that the person:

- (1) Is guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing or is engaged in the practice of nursing without a valid license;
- (2) Is guilty of a crime or gross immorality;
- (3) Is unfit or incompetent by reason of negligence, habits, or other causes;
- (4) Is habitually intemperate or is addicted to the use of habit-forming drugs;
- (5) Is mentally incompetent;
- (6) Is guilty of unprofessional conduct;
- (7) Has had a license, privilege to practice, certificate, or registration revoked or suspended or has been placed on probation or under disciplinary order in any jurisdiction;
- (8) Has voluntarily surrendered a license, privilege to practice, certification, or registration and has not been reinstated in any jurisdiction; or
- (9) Has willfully or repeatedly violated any of the provisions of this chapter.

(b) The board shall refuse to issue or shall revoke the license of any person who is found guilty of or pleads guilty or nolo contendere to any offense listed in § 17-87-312(f), unless the person requests and the board grants a waiver pursuant to § 17-87-312(h).

(c) Proceedings under this section shall be as provided in the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

History

Acts 1971, No. 432, § 16; A.S.A. 1947, § 72-760; Acts 1995, No. 409, § 15; 1999, No. 1208, § 3; 2001, No. 212, § 1; 2007, No. 207, § 1.

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) 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, 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.

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- (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.
- (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 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.

History

Acts 1995, No. 409, § 16; 2013, No. 604, § 15; 2015, No. 529, § 1; 2015, No. 824, § 1; 2019, No. 308, § 1; 2019, Act 308, No. 593, § 1.

17-87-311. Direct reimbursement agreements.

- (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.
- (b) The agency administering the state Medicaid program shall not discriminate against practitioners providing covered services within the scope of their practice based on the type of practitioner.

History

Acts 1995, No. 409, § 17; 2013, No. 604, § 16.

17-87-312. Criminal background checks.

- (a)
 - (1) Each first-time applicant for a license issued by the Arkansas State Board of Nursing shall apply to the Identification Bureau of the Division of Arkansas State Police for a state and national criminal background check, to be conducted by the Federal Bureau of Investigation.
 - (2) At the time a person applies to an Arkansas nursing educational program, the program shall notify the applicant in writing of the provisions and requirements of this section.
- (b) The check shall conform to the applicable federal standards and shall include the taking of fingerprints.
- (c) The applicant shall sign a release of information to the board and shall be responsible to the Division of Arkansas State Police for the payment of any fee associated with the criminal background check.
- (d) Upon completion of the criminal background check, the Identification Bureau of the Division of Arkansas State Police shall forward to the board all releasable information obtained concerning the applicant.
- (e) For purposes of this section, the board shall follow the licensing restrictions based on criminal records under § 17-3-102.
- (f)
 - (1) The board may issue a nonrenewable temporary permit for licensure to a first-time applicant pending the results of the criminal background check.
 - (2) The permit shall be valid for no more than six (6) months.
- (g)
 - (1) Any information received by the board from the Identification Bureau of the Division of Arkansas State Police under this section shall not be available for examination except by:
 - (A) The affected applicant for licensure or his or her authorized representative; or
 - (B) The person whose license is subject to revocation or his or her authorized representative.
 - (2) No record, file, or document shall be removed from the custody of the Division of Arkansas State Police.
- (h) Any information made available to the affected applicant for licensure or the person whose license is subject to revocation shall be information pertaining to that person only.

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(i) Rights of privilege and confidentiality established in this section shall not extend to any document created for purposes other than this background check.

(j) The board shall adopt the necessary rules to fully implement the provisions of this section.

(k)

(1) The board may participate at the state and federal level in programs that provide notification of an arrest subsequent to an initial background check that is conducted through available governmental systems.

(2) The board may submit an applicant's fingerprints to the federal Next Generation Identification system.

(3) The fingerprints may be searched by future submissions to the Next Generation Identification system, including latent fingerprint searches.

(4) An applicant enrolled in the Next Generation Identification system is not required to re-fingerprint when a subsequent request for a state or federal criminal history background check is required if:

(A) A legible set of the applicant's fingerprints is obtained when the applicant enrolls in the Next Generation Identification system; and

(B) The applicant is subject to the Rap Back service of the Next Generation Identification system.

(l) The Identification Bureau of the Division of Arkansas State Police and the Federal Bureau of Investigation may maintain fingerprints in the Integrated Automated Fingerprint Identification System.

History

Acts 1999, No. 1208, § 4; 2001, No. 303, §§ 2-4; 2003, No. 103, §§ 1, 2; 2003, No. 1087, § 15; 2003, No. 1386, § 1; 2003, No. 1449, § 1; 2005, No. 1923, § 2; 2011, No. 570, § 121; 2013, No. 302, § 1; 2015, No. 1047, § 1; 2017, No. 367, §§ 17, 18; 2017, No. 492, § 1; 2017, No. 664, §§ 11, 12; 2019, No. 315, § 1542; 2019, No. 626, § 1; 2019, Act 315, No. 990, § 76.

17-87-313. Licensing of noncitizens.

(a) The Arkansas State Board of Nursing may grant a license under this subchapter to an individual who, in addition to fulfilling the requirements to practice nursing in this state, satisfies the following requirements:

(1) The United States Department of Homeland Security has approved the individual's request for exemption under the Deferred Action for Childhood Arrivals policy;

(2) The individual's exemption status under the Deferred Action for Childhood Arrivals policy has not expired or has been properly renewed; and

(3) The individual has a current and valid employment authorization document issued by the United States Citizenship and Immigration Services.

(b) This section is a state law within the meaning of subsection (c) of 8 U.S.C. § 1621, as it existed on January 1, 2019.

(c)

(1) The board shall promulgate rules under this section.

(2)

(A) When adopting the initial rules to implement this section, the final rule shall be filed with the Secretary of State for adoption under § 25-15-204(f):

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(i) On or before January 1, 2020; or

(ii) If approval under § 10-3-309 has not occurred by January 1, 2020, as soon as practicable after approval under § 10-3-309.

(B) The board shall file the proposed rule with the Legislative Council under § 10-3-309(c) sufficiently in advance of January 1, 2020, so that the Legislative Council may consider the rule for approval before January 1, 2020.

History

Acts 2019, No. 837, § 2.