

NURSE PRACTICE ACT

(b) The board shall make every effort to ensure that the continuing education programs are offered either within the nurse's workplace or at another place convenient to the nurse, whether through live presentation or distance learning.

(c)

(1) The board shall adopt rules to prescribe the methods by which the minimum standards for continuing education may be satisfied.

(2) The failure of any licensed nurse to satisfy the minimum standards for continuing education shall be grounds for disciplinary action or nonrenewal of the nurse's license, or both.

History

Acts 2001, No. 86, § 1.

SUBCHAPTER 3 – LICENSING

SECTION.

17-87-301. Registered nurses.
17-87-302. Advanced practice registered nurses.
17-87-303. Registered nurse practitioners.
17-87-304. Licensed practical nurses.
17-87-305. Licensed psychiatric technician nurses.
17-87-306. Fees.
17-87-307. Temporary permits.
17-87-308. Renewal of licenses.
17-87-309. Disciplinary actions.

SECTION.

17-87-310. Prescriptive authority.
17-87-311. Direct reimbursement agreements.
17-87-312. Criminal background checks.
17-87-313. Licensing of noncitizens.
17-87-314. Full independent practice authority
Full Independent Practice Credentialing Committee
Members and duties
17-87-315. Full practice authority for certified nurse midwives
17-87-316. Fees and disposition of fees related to Full Independent Practice Credentialing Committee

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;

(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 full practice authority under § 17-87-314; 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; 2021, No. 607, § 1.

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 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.

NURSE PRACTICE ACT

(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.”.

(e) Educational Program. The educational program for the preparation of licensed practical nurses may be provided by a postsecondary educational institution, a hospital, or a consortium of five (5) or more skilled nursing facilities.

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; 2021, No. 759, §1.

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 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 17-3-102, unless the person requests and the board grants a waiver pursuant to § 17-3-102.

(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; 2021, No. 476, § 2.

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 either:
 - (a) A certificate of full independent practice authority under § 17-87-314; or
 - (b) 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.

NURSE PRACTICE ACT

(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)

(a) The prescription is for a stimulant.

(b) A prescription for a stimulant shall meet the following criteria:

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

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

(3) 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; 2021, No. 412, § 3; 2021, No. 476, § 3.

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.

NURSE PRACTICE ACT

(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):

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

NURSE PRACTICE ACT

(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.

17-87-314. Full independent practice authority – Full independent Practice Credentialing Committee – Members and duties – Definition.

(a) As used in this section, “full independent practice authority” means the ability of a certified nurse practitioner to practice with prescriptive authority without a collaborative practice agreement as described in § 17-87-310.

(b)

(1) The Full Independent Practice Credentialing Committee may grant a certificate of full independent practice authority to a certified nurse practitioner who submits:

(A) An application;

(B) An appropriate applicant fee as determined by the Full Independent Practice Credentialing Committee;

(C) Proof of successful completion of six thousand two hundred forty (6,240) hours of practice under a collaborative practice agreement with a physician; and

(D) Any other relevant information as determined by the Full Independent Practice Credentialing Committee.

(2) A certificate of full independent practice authority shall be renewed every three (3) years with an appropriate renewal fee as determined by the Full Independent Practice Credentialing Committee.

(c) A certified nurse practitioner with a certificate of full independent practice authority may receive and prescribe drugs, medicines, or therapeutic devices appropriate to the certified nurse practitioner’s area of practice.

(d)

(1) The Full Independent Practice Credentialing Committee is created within the Department of Health.

(2) The Full Independent Practice Credentialing Committee shall consist of the following members:

(A) The following members appointed by the Governor:

(i) Three (3) faculty physicians from each of the following institutions upon consulting with the heads of the institutions:

(a) The College of Medicine of the University of Arkansas for Medical Sciences;

(b) The Arkansas College of Osteopathic Medicine in Fort Smith; and

(c) The New York Institute of Technology College of Osteopathic Medicine at Arkansas State University in Jonesboro;

(ii) One (1) physician from the state at large;

(iii) Three (3) faculty certified nurse practitioners from nursing schools in this state upon consulting with the heads of the nursing schools; and

NURSE PRACTICE ACT

- (iv) One (1) certified nurse practitioner from the state at large;
 - (B) The Director of the Arkansas State Medical Board as an ex officio nonvoting member; and
 - (C) The Director of the Arkansas State Board of Nursing as an ex officio nonvoting member;
- (3)
- (A)
 - (i) Full Independent Practice Credentialing Committee members shall serve three-year terms.
 - (ii) Full Independent Practice Credentialing Committee members shall not serve more than two (2) consecutive terms.
 - (B) A Full Independent Practice Credentialing Committee member shall serve until a successor is appointed by the appropriate appointing entity.
- (4)
- (A) The Full Independent Practice Credentialing Committee shall elect a chair with powers and duties determined by the Full Independent Practice Credentialing Committee.
 - (B) The chair may be elected for no more than two (2) consecutive terms.
- (5)
- (A) A quorum of the Full Independent Practice Credentialing Committee shall be five (5) members.
 - (B) The Full Independent Practice Credentialing Committee shall hold a meeting at least quarterly and at other times the Full Independent Practice Credentialing Committee considers advisable to perform the duties described in subsection (e) of this section.
- (6) The members of the Full Independent Practice Credentialing Committee shall receive mileage and per diem as is now provided to members of the appropriate appointing entity.
- (e) The Full Independent Practice Credentialing Committee shall:
- (1)
 - (A) Review and approve or deny all applications for a certificate of full independent practice authority for certified nurse practitioners and for renewal of a certificate of full independent practice authority for a certified nurse practitioner.
 - (B) If the Full Independent Practice Credentialing Committee denies an application for a certificate of full independent practice authority, the Full Independent Practice Credentialing Committee shall explain the reasons for the denial in writing to the applicant;
 - (2) Review complaints made against certified nurse practitioners who have a certificate of full independent practice authority;
 - (3) Review recommendations made by the Arkansas State Medical Board and the Arkansas State Board of Nursing and notify the certified nurse practitioner of any action taken by the Full Independent Practice Credentialing Committee based on the recommendations;
 - (4)
 - (A) If the action taken is suspension or revocation of the certificate of full independent practice authority, hold a hearing providing the certified nurse practitioner who has a certificate of full independent practice authority within ten (10) days' notice in writing to appear before the Full Independent Practice Credentialing Committee, at the time and place as the Full Independent Practice Credentialing Committee may direct, to show cause as to why his or her certificate of full independent practice authority should not be suspended or revoked.

NURSE PRACTICE ACT

(B) At the hearing, the Full Independent Practice Credentialing Committee shall:

(i)

(a) Have the power to subpoena witnesses.

(b) The Chair of the Full Independent Practice Credentialing Committee or his or her designee shall sign subpoenas and have the power to administer oaths;

(ii) Hear evidence; and

(iii)

(a) Determine if the certificate of full independent practice authority should be suspended or revoked.

(b) If the Full Independent Practice Credentialing Committee determines that the certificate of full independent practice authority should be suspended or revoked, the suspension or revocation shall take place immediately.

(C) However, only the Arkansas State Board of Nursing has the authority to suspend or revoke the nursing license of a certified nurse practitioner; and

(5) Provide reports quarterly and upon request regarding the number of applicants approved and denied to the Senate Committee on Public Health, Welfare, and Labor and the House Committee on Public health, Welfare, and Labor.

(f)

(1) The Full Independent Practice Credentialing Committee may consult with the Arkansas State Medical Board and the Arkansas State Board of Nursing as determined by the Full Independent Practice Credentialing Committee based on the complaint.

(2) The Arkansas State Medical Board and the Arkansas State Board of Nursing may make recommendations to the Full Independent Practice Credentialing Committee.

(g) A certified nurse practitioner whose certificate of full independent practice authority has been denied, suspended, or revoked by the Full Independent Practice Credentialing Committee under this section may appeal the action of the Full Independent Practice Credentialing Committee under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(h) A certified nurse practitioner with a certificate of full independent practice authority shall conspicuously identify the certificate of full independent practice authority and that the certified nurse practitioner is not required to have a collaborative practice agreement on signage in the office where the certified nurse practitioner practices.

History

Acts 2021, No. 412, § 2.

17-87-315. Full practice authority for certified nurse midwives – Definition.

(a)

(1) The General Assembly finds that:

(A)

(i) Certified nurse midwives are advanced practice registered nurses who are nationally certified after completing postgraduate specialty education in an accredited program.

NURSE PRACTICE ACT

- (ii) The scope of nurse midwifery includes care of gynecological and family planning services, preconception care, care during pregnancy, childbirth and postpartum care, care of a normal newborn during the first twenty-eight (28) days of life, and treatment of male partners for sexually transmitted infections;
 - (B) When women and infants do not have access to routine, quality health care, there is an increased risk of maternal and infant mortality and morbidity, including infant mortality and morbidity resulting from low birth weight and preterm birth;
 - (C) Certified nurse midwives are often underutilized in helping provide maternity, prenatal, postnatal, intrapartum, and reproductive healthcare services in this state;
 - (D) In 2018, less than one percent (1%) of births in Arkansas were attended by a certified nurse midwife;
 - (E) Integrating certified nurse midwives into maternity care could help improve women's access to healthcare providers and quality of care;
 - (F) Midwifery-led models of care have been proven to improve maternal and infant outcomes for socially at-risk communities and achieve good maternal and infant outcomes on a large scale; and
 - (G) To increase healthcare provider choices for women and access to maternity, prenatal, postnatal, intrapartum, and reproductive healthcare services, the certified nurse midwives of this state should be granted full authority to practice to the extent of their education, clinical training, and certification.
- (2) It is the intent of the General Assembly to grant certified nurse midwives full practice authority.
- (b) As used in this section, “full practice authority” means the authority of a healthcare professional to:
- (1) Evaluate patients;
 - (2) Diagnose medical conditions;
 - (3) Order and interpret diagnostic tests;
 - (4) Initiate and manage treatment and care plans, including appropriate comanagement or transfer of high-risk patients to other healthcare professionals as needed; and
 - (5) Prescribe and administer drugs listed in Schedules III — V without a collaborative practice agreement or supervision of another healthcare professional when performing healthcare services.
- (c)
- (1) A certified nurse midwife with full practice authority is not subject to the collaborative practice agreement requirements in [§ 17-87-310](#) if providing prescriptions of medications that are in Schedules III — V.
 - (2) A collaborative practice agreement under [§ 17-87-310](#) is required to provide prescriptions of medications that are in Schedule II.
- (d) For a delivery outside of an accredited facility, the certified nurse midwife shall identify a licensed physician or facility, or both, with which an arrangement has been made for referral and consultation in the event of a medical complication.
- (e) This section does not authorize a certified nurse midwife to perform an abortion or provide abortion counseling or abortion referrals.

History
Acts 2021, No. 607, § 2.

17-87-316. Fees and disposition of fees related to Full Independent Practice Credentialing Committee.

(a) The Full Independent Practice Credentialing Committee shall establish fees relating to application, certification, endorsement, certification for prescriptive authority, certification renewal, and other reasonable services as determined by the committee.

(b) The committee may promulgate rules as necessary to administer the fees, rates, or charges for application, certification, endorsement, certification for prescriptive authority, certification renewal, and other reasonable services.

(c)

(1) Revenue collected under [§ 17-87-314](#) shall be deposited into the State Treasury as cash funds to be known as the Full independent Practice Credentialing Committee Fund to be used as set out in [§ 17-87-314](#).

(2) The cash fund established in this section shall be maintained and administered by the committee and shall be used for the payment of personal services, operating expenses and for the payment of mileage and per diem of committee members for attendance at meetings, briefings and hearings.

History

Acts 2021, No. 769, § 56.

SUBCHAPTER 4 – EDUCATIONAL PROGRAMS

SECTION.

17-87-401. Nursing education programs.

17-87-402. Institutions of higher education –
Challenge and validation
examinations.

SECTION.

17-87-403. Nursing recruitment and admission.

17-87-401. Nursing education programs.

(a) An institution desiring to conduct a nursing education program to prepare professional, advanced practice, nurse practitioner, practical, and psychiatric technician nurses shall apply to the Arkansas State Board of Nursing and submit evidence that:

(1) It is prepared to carry out a program in professional nursing education, advanced practice nursing education, nurse practitioner nursing education, practical nursing education, or psychiatric technician nursing training, as the case may be; and

(2) It is prepared to meet such standards as shall be established by this chapter and by the board.

(b)

(1) A survey of the institution and its entire nursing education program shall be made by an authorized representative of the board, who shall submit a written report of the survey to the board.

(2) If, in the opinion of the board, the requirements for an approved nursing education program are met, the program shall be approved as a nursing education program for professional, advanced practice, nurse practitioner, practical, and psychiatric technician nurses.

(c)

(1) From time to time, as deemed necessary, it shall be the duty of the board, through its authorized representative, to survey its nursing education programs in the state.