

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

1 State of Arkansas

*As Engrossed: H3/3/17*

2 91st General Assembly

# A Bill

3 Regular Session, 2017

HOUSE BILL 1186

4  
5 By: Representative Brown

## For An Act To Be Entitled

8 AN ACT TO REMOVE THE COLLABORATIVE PRACTICE AGREEMENT  
9 *AS APPLICABLE TO ADVANCED PRACTICE REGISTERED NURSES*  
10 *WHO MEET CERTAIN REQUIREMENTS;* TO IMPROVE HEALTHCARE  
11 ACCESSIBILITY IN ARKANSAS BY CLARIFYING THE PROCESS  
12 NECESSARY FOR AN ADVANCED PRACTICE REGISTERED NURSE  
13 TO QUALIFY FOR PRESCRIPTIVE AUTHORITY; TO AMEND THE  
14 PRESCRIPTIVE AUTHORITY FOR AN ADVANCED PRACTICE  
15 REGISTERED NURSE; AND FOR OTHER PURPOSES.

## Subtitle

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19 *TO REMOVE THE COLLABORATIVE PRACTICE*  
20 *AGREEMENT AS APPLICABLE TO ADVANCED*  
21 *PRACTICE REGISTERED NURSES WHO MEET*  
22 *CERTAIN REQUIREMENTS; AND TO AMEND THE*  
23 *PRESCRIPTIVE AUTHORITY FOR AN ADVANCED*  
24 *PRACTICE REGISTERED NURSE.*

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

28  
29 SECTION 1. DO NOT CODIFY. Legislative findings and intent.

30 (a) The General Assembly finds that:

31 (1) Advanced practice registered nurses are nurses with advanced  
32 education and clinical competencies in providing care to diverse populations  
33 in a variety of settings;

34 (2) Advanced practice registered nurses are nationally certified  
35 and practice in all fifty (50) states;

36 (3) Twenty-one (21) states authorize advanced practice



1 registered nurses to have full practice authority that includes full  
2 prescriptive authority without supervision;

3 (4) Nearly fifty (50) years of research consistently support the  
4 high quality and cost-effectiveness of advanced practice registered nurses;

5 (5) Since the 1960s, studies have found no difference in health  
6 outcomes, including patient health status, number of prescriptions written,  
7 return visits requested, or referral to other providers, of care delivered by  
8 an advanced practice registered nurse or physician;

9 (6) Collaborative practice agreements do not add patient safety  
10 or added value to the healthcare system, but add to the cost of care for the  
11 consumer;

12 (7) Negative impacts of mandatory collaborative practice  
13 agreements include without limitation:

14 (A) Potential interruption or closing of an advanced  
15 practice registered nurse-operated clinic due to a loss of a collaborative  
16 practice physician;

17 (B) Significant added cost to overhead of the practice due  
18 to higher fees charged by many collaborative physicians;

19 (C) Added paperwork for the advanced practice registered  
20 nurse and the physician, which adds to the cost of care;

21 (D) Decreased healthcare access by adding a barrier for  
22 advanced practice registered nurses who would like to establish a new clinic;

23 (E) Inhibits the establishment of new healthcare access  
24 points in rural and medically underserved areas of the state; and

25 (F) Acts as a disincentive to remain in the state to  
26 practice for new graduates of Arkansas advanced practice registered nurse  
27 programs;

28 (8) The following major groups and organizations support full  
29 practice authority for advanced practice registered nurses:

30 (A) The National Governors Association;

31 (B) The Institute of Medicine;

32 (C) The American Association of Retired Persons; and

33 (D) The Federal Trade Commission; and

34 (9) The State of Arkansas should modernize scope of practice  
35 laws for advanced practice registered nurses by removing the mandatory  
36 collaborative practice agreement for qualified advanced practice registered

1 nurses.

2 (b) It is the intent of the General Assembly to:

3 (1) Increase patient access to health care, reduce healthcare  
4 costs, and promote efficient and timely health care in the State of Arkansas;  
5 and

6 (2) Authorize *qualified advanced practice registered nurses* to  
7 have full practice authority without a collaborative practice agreement.

8  
9 *SECTION 2. Arkansas Code § 17-87-310 is amended to read as follows:*  
10 *17-87-310. Prescriptive authority.*

11 *(a) The Arkansas State Board of Nursing may grant a certificate of*  
12 *prescriptive authority to an advanced practice registered nurse who:*

13 *(1) Submits proof of successful completion of an Arkansas State*  
14 *Board of Nursing-approved advanced pharmacology course that shall include*  
15 *preceptorial experience in the prescription of drugs, medicines, and*  
16 *therapeutic devices; and*

17 *(2) Either:*

18 *(A) Has a collaborative practice agreement with a*  
19 *practicing physician who is licensed under the Arkansas Medical Practices*  
20 *Act, § 17-95-201 et seq., § 17-95-301 et seq., and § 17-95-401 et seq., and*  
21 *who has training in scope, specialty, or expertise to that of the advanced*  
22 *practice registered nurse on file with the Arkansas State Board of Nursing;*  
23 *or*

24 *(B)(1) Is granted by the Arkansas State Board of Nursing*  
25 *the removal of the collaborative practice agreement requirement if the*  
26 *advanced practice registered nurse applies to the Arkansas State Board of*  
27 *Nursing and has completed three thousand six hundred (3,600) hours of*  
28 *practice experience.*

29 *(ii) Completion of three thousand six hundred*  
30 *(3,600) hours of practice experience places an advanced practice registered*  
31 *nurse in the status as a qualified advanced practice registered nurse.*

32 *(b)(1) An advanced practice registered nurse with a certificate of*  
33 *prescriptive authority may receive and prescribe drugs, medicines, or*  
34 *therapeutic devices appropriate to the advanced practice registered nurse's*  
35 *area of practice in accordance with rules established by the Arkansas State*  
36 *Board of Nursing.*

1           (2) *An advanced practice registered nurse's prescriptive*  
2 *authority shall extend;*

3                 (A) For an advanced practice registered nurse in a  
4 collaborative practice agreement, only to drugs listed in Schedules III – V  
5 and, if expressly authorized by the collaborative practice agreement, also to  
6 those hydrocodone combination products reclassified from Schedule III to  
7 Schedule II as of October 6, 2014; and

8                 (B) For a qualified advanced practice registered nurse, to  
9 drugs listed in Schedules II – V.

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

14                 (B) *Prior to approval of the Arkansas State Board of*  
15 *Nursing's rules, the Arkansas State Medical Board shall review the proposed*  
16 *rules and verify that the proposed rules are consistent with the Arkansas*  
17 *State Medical Board's rules concerning the prescription of dangerous drugs*  
18 *and controlled substances.*

19           (c) *A collaborative practice agreement shall include, but not be*  
20 *limited to, provisions addressing:*

21                 (1) *The availability of the collaborating physician for*  
22 *consultation or referral, or both;*

23                 (2) *Methods of management of the collaborative practice, which*  
24 *shall include protocols for prescriptive authority;*

25                 (3) *Coverage of the healthcare needs of a patient in the*  
26 *emergency absence of the advanced practice registered nurse or physician; and*

27                 (4) *Quality assurance.*

28           (d) *If a collaborative practice results in complaints of violations of*  
29 *the Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-95-301 et seq.,*  
30 *and § 17-95-401 et seq., the Arkansas State Medical Board may review the role*  
31 *of the physician in the collaborative practice to determine if the physician*  
32 *is unable to manage his or her responsibilities under the agreement without*  
33 *an adverse effect on the quality of care of the patient.*

34           (e) *If a collaborative practice results in complaints of violations of*  
35 *this chapter, the Arkansas State Board of Nursing may review the role of the*  
36 *advanced practice registered nurse in the collaborative practice to determine*

1 *if the nurse is unable to manage his or her responsibilities under the*  
2 *agreement without an adverse effect on the quality of care of the patient.*

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5 */s/Brown*

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# Hall of the House of Representatives

91st General Assembly - Regular Session, 2017

## Amendment Form

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### Subtitle of House Bill No. 1186

TO REMOVE THE COLLABORATIVE PRACTICE AGREEMENT AS APPLICABLE TO ADVANCED PRACTICE REGISTERED NURSES; AND TO CLARIFY THE PROCESS NECESSARY FOR AN ADVANCED PRACTICE REGISTERED NURSE TO QUALIFY FOR PRESCRIPTIVE AUTHORITY.

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### Amendment No. 1 to House Bill No. 1186

Amend House Bill No. 1186 as originally introduced:

Page 1, delete line 9, and substitute the following:

"AS APPLICABLE TO ADVANCED PRACTICE REGISTERED NURSES WHO MEET CERTAIN REQUIREMENTS;"

AND

Delete the subtitle in its entirety and substitute:

"TO REMOVE THE COLLABORATIVE PRACTICE AGREEMENT AS APPLICABLE TO ADVANCED PRACTICE REGISTERED NURSES WHO MEET CERTAIN REQUIREMENTS; AND TO AMEND THE PRESCRIPTIVE AUTHORITY FOR AN ADVANCED PRACTICE REGISTERED NURSE."

AND

Page 2, delete line 36, and substitute the following:

"collaborative practice agreement for qualified advanced practice registered nurses."

AND

Page 3, line 5, delete "advanced practice registered nurses" and substitute "qualified advanced practice registered nurses"

AND

Immediately following SECTION 1, add an additional section to read as follows:

"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., 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 advanced practice registered nurse applies to the Arkansas State Board of Nursing and has completed three thousand six hundred (3,600) hours of practice experience.

(ii) Completion of three thousand six hundred (3,600) hours of practice experience places an advanced practice registered nurse in the status as a qualified advanced practice registered 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) An advanced practice registered nurse's prescriptive authority shall extend:

(A) For an advanced practice registered nurse in a collaborative practice agreement, 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; and

(B) For a qualified advanced practice registered nurse, to drugs listed in Schedules II - V.

(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) Prior to 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."

AND

Delete SECTION 2 in its entirety

AND

Delete SECTION 3 in its entirety

AND

Delete SECTION 4 in its entirety

The Amendment was read \_\_\_\_\_  
By: Representative Brown  
JMB/JMB - 03-02-2017 11:28:41  
JMB353

\_\_\_\_\_  
Chief Clerk



# Hall of the House of Representatives

91st General Assembly - Regular Session, 2017

## Amendment Form

**DRAFT**

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### Subtitle of House Bill No. 1186

TO REMOVE THE COLLABORATIVE PRACTICE AGREEMENT AS APPLICABLE TO ADVANCED PRACTICE REGISTERED NURSES WHO MEET CERTAIN REQUIREMENTS; AND TO AMEND THE PRESCRIPTIVE AUTHORITY FOR AN ADVANCED PRACTICE REGISTERED NURSE.

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### Amendment No. \_\_\_\_ to House Bill No. 1186

Amend House Bill No. 1186 as engrossed, H3/3/17 (version: 03/03/2017 9:49:55 AM):

Page 3, delete line 28, and substitute the following:

"practice experience under the supervision of:

(a) A physician; or

(b) An advanced practice registered nurse who has three (3) or more years of practice and a certificate of prescriptive authority in good standing with the Arkansas State Board of Nursing."

**DRAFT**

The Amendment was read  
By: Representative Brown  
JMB/JMB - 03-10-2017 17:00:43  
JMB460

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Chief Clerk