



Arkansas Center for Nursing
Arkansas Nurse Practitioner Association
Arkansas Nurses Association
Arkansas Pediatric Nurse Practitioners
Arkansas Affiliate of American College of Nurse Midwives
Arkansas Association of Nurse Anesthetists



Talking Points

Board of Medicine's (BOM) Attempt to Regulate Advanced Practice Nurses Practice (APRNs)

History of APRN Practice Regulation:

- Boards of Nursing have regulated APRN practice since 1971
 - Establish entry conditions for practice
 - Require demonstration of competence based on level of education and training
 - APRNs are educated and licensed
 - as Registered Nurses
 - as APRNs after completing graduate and post-graduate education

Arguments against BOM regulation of APRNs:

- Physicians do not have expertise to:
 - assess nursing education and training programs
 - assess nursing competencies
- Dual regulatory oversight is duplicative, wasteful, and confusing for healthcare consumers and practitioners.
- Inter-professional competition results from one profession being regulated by a second profession
- Findings and applications from U.S. Supreme Court, *North Carolina State Board of Dental Examiners v. Federal Trade Commission* (574 U.S. 2015):

Conflict of Interest: An inherent conflict of interest exists when a board makes decisions about another profession that benefits their members' professions.

Anticompetitive and antitrust: Decisions made by physician providers as members of a board of medicine that impact APRNs may be seen as anticompetitive and result in antitrust inquiries and support legal action similar as seen in NC Dental.

Impedes quality of healthcare, increases cost and decreases access to health care:

- The FTC states that “ignoring competitive concerns in health policy can impede quality competition, raise prices, or diminish access to health care—all of which carry their own health and safety risks.”
- FTC Commissioner, “NC Dental”: “Physician supervision requirements may raise competition concerns because they effectively give one group of health care professionals the ability to restrict access to the market by another, potentially competing group of health care professionals.” Statement in regards to collaborative practice agreements; appointed board-physicians regulating APRNs in a state will carry the same arguments.

Source: *N.C. Bd. of Dental Exam'rs v. FTC*, 574 U.S. (2015). Downloaded from:

<http://www.scotusblog.com/case-files/cases/north-carolina-board-of-dental-examiners-v-federal-trade-commission/>