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

State of Arkansas
93rd General Assembly
Regular Session, 2021

By: Representative L. Johnson

A Bill
HOUSE BILL 1258

For An Act To Be Entitled
AN ACT TO AUTHORIZE FULL INDEPENDENT PRACTICE AUTHORITY FOR CERTIFIED NURSE PRACTITIONERS WHO MEET CERTAIN REQUIREMENTS; TO CREATE THE FULL INDEPENDENT PRACTICE COMMITTEE TO REVIEW AND APPROVE APPLICATIONS FOR FULL INDEPENDENT PRACTICE AUTHORITY FOR CERTIFIED NURSE PRACTITIONERS; AND FOR OTHER PURPOSES.

Subtitle
TO AUTHORIZE FULL INDEPENDENT PRACTICE AUTHORITY FOR CERTIFIED NURSE PRACTITIONERS WHO MEET CERTAIN REQUIREMENTS; AND TO CREATE THE FULL INDEPENDENT PRACTICE COMMITTEE.

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

SECTION 1. Arkansas Code Title 17, Chapter 87, Subchapter 3, is amended to add an additional section to read as follows:

17-87-314. Full independent practice authority — Full Independent Practice 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 Committee may grant a certificate of full independent practice authority to a certified nurse practitioner who submits:
(A) An application;

(B)(i) An appropriate application fee as determined by the committee.

(ii) The committee shall divide equally and deposit the fees into the funds of the Arkansas State Medical Board and the Arkansas State Board of Nursing;

(C) Proof of successful completion of ten thousand four hundred (10,400) hours of practice under a collaborative practice agreement with a physician; and

(D) Any other relevant information as determined by the committee.

(2)(A) A certificate of full independent practice authority shall be renewed every two (2) years through an application process with an appropriate renewal fee as determined by the committee.

(B) The committee shall divide equally and deposit the fees into the funds of the Arkansas State Medical Board and the Arkansas State Board of Nursing.

(c)(1) 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.

(2) Full independent practice authority shall extend to drugs listed in Schedules II – V.

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

(2) The committee shall consist of nine (9) members as follows:

(A) For the first six (6) years:

(i) Three (3) physicians who are appointed by the Arkansas State Medical Board;

(ii) Three (3) certified nurse practitioners who are appointed by the Arkansas State Board of Nursing;

(iii) One (1) pharmacist who is appointed by the Arkansas State Board of Pharmacy;

(iv) The Director of the Arkansas State Medical Board as an ex officio nonvoting member; and

(v) The Executive Director of the Arkansas State
Board of Nursing as an ex officio nonvoting member; and

(B)(i) After the first six (6) years of the committee, the Governor shall appoint seven (7) certified nurse practitioners who have had a certificate of full independent practice authority issued in this state and are in good standing.

(ii) The Director of the Arkansas State Medical Board and the Executive Director of the Arkansas State Board of Nursing shall serve as ex officio nonvoting members.

(3)(A)(i) Committee members shall serve three-year terms.

(ii) Committee members shall not serve more than two (2) consecutive terms.

(B) A committee member shall serve until a successor is appointed by the appropriate appointing entity.

(4)(A) The committee shall elect a chair with powers and duties determined by the committee.

(B) The chair may be elected for no more than two (2) consecutive terms.

(5)(A) A quorum of the committee shall be four (4) members.

(B) The committee shall hold a meeting at least quarterly and at other times the committee considers advisable to perform the duties described in subsection (e) of this section.

(6) The members of the committee shall receive mileage and per diem as is now provided to members of the appropriate appointing entity.

(e) The committee shall:

(1) 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;

(2) Review complaints made against certified nurse practitioners who has a certificate of full independent practice authority;

(3)(A) Refer complaints to the Arkansas State Medical Board or the Arkansas State Board of Nursing, or both, as determined by the committee based on the complaint.

(B) If the Arkansas State Medical Board or the Arkansas State Board of Nursing, or both, determine that the complaint is valid, the Arkansas State Medical Board or the Arkansas State Board of Nursing, or both,
shall make recommendations to the committee;

(4) Review recommendations made by the Arkansas State Medical Board or the Arkansas State Board of Nursing, or both, and notify the certified nurse practitioner of any action taken by the committee based on the recommendations; and

(5)(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 with ten (10) days’ notice in writing to appear before the committee, at the time and place as the committee may direct, to show cause as to why his or her certificate of full independent practice authority should not be suspended or revoked.

(B) At the hearing, the committee shall:

(i)(a) Have the power to subpoena witnesses.

(b) The chair of the 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 committee determines that the certificate of full independent practice authority should be suspended or revoked, the 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.

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