

ARKANSAS REGISTER

Proposed Rule Cover Sheet



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Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

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Name of Rule _____

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Final Date for Public Comment _____

Location and Time of Public Meeting _____



Arkansas Department of Health

Arkansas State Board of Nursing
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Governor Asa Hutchinson
José R. Romero, MD, Secretary of Health
Sue A. Tedford, MNSc, APRN, Director

MEMORANDUM

DATE: November 4, 2021

TO: Office of the Bureau of Legislative Research
suttonj@blr.arkansas.gov

FROM: Leslie Suggs
Executive Assistant to the Director

RE: Proposed Changes to the *ASBN Rules*:
Chapter One- General Provisions
Chapter Two- Licensure: RN, LPN, and LPTN
Chapter Three- Registered Nurse Practitioner
Chapter Four- Advanced Practice Registered Nurse
Chapter Five- Delegation
Chapter Six- Standards for Nursing Education Programs
Chapter Seven- Rules of Procedure
Chapter Eight- Medication Assistant-Certified

Our public comment period concerning this matter ends on December 6, 2021. A public hearing at our office is scheduled to take place on December 1, 2021, at 10:00 a.m.

Following is a summary of the proposed changes:

Chapter 1

In accordance with Act 449 of 2021, “in consultation with” replaces the language “under the supervision of”, and definition of “Consultation” was added; and with Act 607 of 2021, “and treatment of the male partners for sexually transmitted disease” language was added. For clarification, we added “registered” to Collaborative Practice Agreement definition, removed “obstetric” from Consulting Physician definition, and “Executive” was removed from Director Title. In accordance with Act 651 of 2021, definition of “Co-Prescribe” was added; with Act 412 and 607 of 2021, definition of “Full Practice Authority” was added; with Act 1101 of 2021, current ASBN fees replaced the language “relating to examination, licensing, endorsement, certification for prescriptive authority, temporary permits, license renewals, and other reasonable services as determined by the Board”. To align with current policy, we removed the language “Personal checks for initial licensure are accepted from in state residents only” and “by a secretary” and “Tapes may be erased after corresponding minutes have been approved”; and with Act 725 of 2021, a section was added for waiver of initial licensure fees.

Chapter 2

In accordance with Act 725 of 2021, a section was added for waiver of initial licensure fees. For clarification purposes, the term “application” replaces “examination”, “for criminal background checks” was added, and “Executive” is removed from Director Title; with Act 630 of 2021, a

section was added related to electronic submission of fingerprints; with Act 762 of 2021, a section was added related to when a waiver is not required; with Act 968 of 2021, we identified specific volunteer work which will be accepted for continuing education; and with Act 762 of 2021, a section was added related to when a waiver is not required. To update and align with the current process, the Duplicate License section was, and “submit” replaces “be issued a replacement license following submission of” and “request” replaces “form” In accordance with Act 135 of 2021, title of section changed: “Uniformed Service Members, Veterans” replaces “Certain Military Nurses”; “individuals listed in Section XI(A)(2)” replaces an active duty military service member or their spouse stationed in the State of Arkansas or a returning military veteran or their spouse applying within one (1) year of his/her discharge from active duty”; “A uniformed” replaces “an active duty military”; “A uniformed service” replaces “a returning military”, and “who resides in or establishes residency in the State of Arkansas” replaces “applying within one (1) year of his or her discharge from active duty”; added “Uniformed service member who is assigned a tour of duty that excludes the uniformed service member’s spouse from accompanying the uniformed service member and the spouse relocates to Arkansas; or”; added “Uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in Arkansas.”; “who resides in or established residency in the State of Arkansas” replaces “applying within one (1) year of his or her discharge from active duty”; Definitions added in Expedited Licensure section; “deployed uniformed service member or spouse” replaces “members of the Armed Forces of the United States who are ordered to active duty outside of this state”; “a uniformed” replaces “an active duty military”, “or a uniformed service veteran” replaces “stationed in the State of Arkansas or a returning military veteran, and “uniformed service” replaces “active duty”; “A uniformed” replaces “An active duty military”, and “outside the State of Arkansas” is removed; description removed in Waiver of Continuing Education; and Changed to “2” and “uniformed service member” replaces “person under (1) or (2) above.”

Chapter 3

To update and align with current processes, Section III, Duplicate License. was removed, and “submit” replaces “be issued a replacement license following submission of” and “request” replaces “form”. In accordance with Act 135 of 2021, we added Section IV, Licensure For Uniformed Service Members, Veterans and Spouses to chapter.

Chapter 4

In accordance with Act 607 of 2021, we removed requirement for intrapartum agreement. Added requirement for social security card for clarification since required for all license types. In accordance with Act 746 of 2021, “or has been issued Federal Form I-766 U.S. Citizenship and Immigration Services-issued Employment Authorization Document” was added; with Acts 412 and 607 of 2021, for clarification, we added “who do not have full practice authority”; renewal of pull practice authority; “who does not have full practice authority”; “who does not have full practice authority”; “If the APRN does not have full practice authority”; and the section to describe full practice authority regulations for CNP & CNM; we removed “the collaborating”; and the reinstatement requirement. To update and align with current processes, Duplicate License section was removed; “submit” replaces “be issued a replacement license following submission of” and “request” replaces “form”; and for clarification, we removed “the

collaborating”. In accordance with Acts 630 and 762 of 2021, we added full CBC process as it was not in this chapter; with Act 449 of 2021, added scope of practice language; and with Act 651 of 2021, we added when an APRN is required to prescribe an opioid antagonist. In accordance with Act 767 of 2021, we changed “and” to “or”; added standard for professional relationship; and ability to conduct group therapy via telemedicine. In accordance with Act 135 of 2021, “Uniformed Service Members, Veterans” replaces “Certain Military Nurses”; “individuals listed in Section XI(A)(2)” replaces an active duty military service member or their spouse stationed in the State of Arkansas or a returning military veteran or their spouse applying within one (1) year of his/her discharge from active duty”; “A uniformed” replaces “an active duty military”; “A uniformed service” replaces “a returning military”; and “who resides in or establishes residency in the State of Arkansas” replaces “applying within one (1) year of his or her discharge from active duty”. We added “Uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in Arkansas”; “deployed uniformed service member or spouse” replaces “members of the Armed Forces of the United States who are ordered to active duty outside of this state”; and “or a uniformed service veteran” replaces “stationed in the State of Arkansas or a returning military veteran. Removal of “Outside the State of Arkansas”; and description in Section XVI, Waiver of Continuing Education; and changed to “2” and “uniformed service member” replaces “person under (1) or (2) above.”.

Chapter 5

In accordance with Act 439 of 2021, we added administration of glucagon/insulin in a detention center; and with Act 1050 of 2021, we added administration of medication for adrenal insufficiency

Chapter 6

For clarification “a nursing education program whose” was deleted; and for correction to agency name, “Department” was changed to “Division”. In accordance to Act 759 of 2021, ability for a consortium of nursing homes to provide a PN nursing program was added; and with Act 757 of 2021, ability for a high school to provide a PN nursing program was added.

Chapter 7

In accordance with Act 346 of 2021, the violation of performing healthcare related acts was added.

Chapter 8

For clarification of current requirements, “as otherwise qualified” was deleted, and added requirement for social security card for clarification since required for all license types. In accordance with Act 746 of 2021, “or has been issued Federal Form I-766 U.S. Citizenship and Immigration Services-issued Employment Authorization Document” is added. We deleted “any person holding certification as a medication assistant-certified shall have the right to use the title medication assistant-certified and the abbreviation MAC as it was duplicated from Section IV.

To update and align with current processes, Section VIII, Duplicate License, was removed; and “submit” replaces “be issued a replacement license following submission of” and “request” replaces “form”. In accordance with Act 759 of 2021, ability for a consortium of nursing homes to provide a MA-C program was added; “nursing homes” as a required clinical site, nursing home experience as a requirement for instructors, and the requirement for skills lab objective to focus on “elderly clients in a nursing home” were removed and “achieving the course objectives” was added. For clarification, “during clinical experiences was added.

In accordance with Act 135 of 2021, Section XVI, Licensure For Uniformed Service Members, Veterans and Spouses was added to chapter.