

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
John Thurston
500 Woodlane Street, Suite 026
Little Rock, Arkansas 72201-1094
(501) 682-5070
www.sos.arkansas.gov



Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____

PROPOSED COPY

CHAPTER TWO LICENSURE: RN, LPN, AND LPTN

SECTION I QUALIFICATIONS

- A. Completion of an approved high school course of study or the equivalent as determined by the appropriate educational agency.
- B. Possession of a valid United States Social Security Number (SSN) or has been issued Federal Form I-766 U.S. Citizenship and Immigration Services-issued Employment Authorization Document.
- C. Completion of an approved nursing education program.
- D. The Arkansas State Board of Nursing (ASBN) may refuse to admit to the examination any candidate and refuse to issue a license, certificate, or registration to any applicant if the license, practice privilege, certificate, or registration of such person has been revoked or suspended or placed on probation and not reinstated by the jurisdiction which took such action.
- E. Effective January 1, 2000, no person shall be eligible to receive or hold a license issued by the Board if that person has pleaded guilty or nolo contendere to, or been found guilty by any court in the State of Arkansas, or of any similar offense by a court in another state, or of any similar offense by a federal court of any offense listed in ACA §17-3-102.

HISTORY: Amended: January 1, 2018; December 29, 2018
Amended: June 4, 2021

SECTION II EXAMINATION

A. ELIGIBILITY

The applicant shall meet the licensure requirements of the Board.

B. APPLICATION

- 1. Applications for examination shall be completed and filed with the Board prior to the examination.
- 2. Examination applications shall not be acceptable if the director or chairman of an educational program has certified the applicant prior to date of completion.
- 3. Applicants for licensure by examination shall not be deemed eligible to take the licensure examination until such time that the results of the state and federal criminal background checks have been received.

C. FEE

- 1. The application fee shall accompany the application.
- 2. The application fee (first time or retake) is not refundable.
- 3. The fees for the state and federal criminal background checks are the responsibility of the applicant and shall be submitted to the Arkansas State Board of Nursing with the application for same.
- 4. The fees for criminal background checks are determined by the Arkansas State Police and the FBI and are not refundable.

D. PASSING SCORE

The passing score on the licensure examination shall be determined by the Board.

PROPOSED COPY

E. FAILING SCORE AND ELIGIBILITY TO RETAKE THE EXAMINATION

1. Any applicant whose score falls below the passing score shall fail the examination.
2. Persons failing the examination will be responsible for preparing to retake the examination.
3. The frequency and number of retests by unsuccessful candidates shall be determined by the Board.
4. Applicants retaking the examination shall have state and federal criminal background checks within the past twelve months on file with the Board.

F. RESULTS

1. Examination results shall not be released until the applicant's official transcript is received from the school.
2. Examination results shall be made available to all applicants and to their respective schools.

G. INTERNATIONALLY EDUCATED NURSES

1. The applicant must present evidence of:
 - a. Graduation from an approved or accredited school of nursing as a registered nurse or first-level nurse.
 - b. Licensure or proof of eligibility for licensure in the country of graduation.
 - c. Theory and practice in medical, surgical, pediatric, obstetric, and psychiatric nursing which is substantially similar in length and content to that in equivalent Arkansas Board approved nursing programs at the time of application as verified by a credentials review agency.
 - d. State and federal criminal background checks within the past twelve months on file with the Board.
 - e. Credentials review by a Board approved credentialing evaluation agency, which includes verification of the candidate's education, training, experience, and licensure with respect to the statutory and regulatory requirements for the nursing profession, as well as oral and written competence in English.
2. Applicants shall be required to take such licensure examinations as required of Arkansas Board approved nursing education programs.

H. EQUIVALENCIES

1. LPTN to LPN: Candidates holding LPTN licensure who completed Arkansas Board approved LPTN programs after March 18, 1980, may be admitted to the LPN licensure examination provided they are otherwise qualified.
2. RN examination failures: Graduates of Board approved RN programs, upon submission of an official transcript directly from the school, and a copy of their RN examination failure results, may be admitted to the PN licensure examination provided they are otherwise qualified.

I. DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)

1. Arkansas State Board of Nursing may grant a license to an individual who, in addition to fulfilling the requirements to practice nursing in this state, satisfies the following requirements:
 - a. The United States Department of Homeland Security has approved the individual's request for exemption under the Deferred Action for Childhood Arrivals policy (DACA);
 - b. The individual's exemption status under the Deferred Action for Childhood Arrivals policy has not expired or has been properly renewed;
 - c. The individual has a current and valid employment authorization document issued by the United States Citizen and Immigration Service;
 - d. The individual does not have a criminal record of felonies or serious misdemeanors.
2. If at any time after licensure, the individual's exemption status under the Deferred Action for Childhood Arrivals expires or is withdrawn for any reason the individual shall immediately surrender their license. If the individual fails to surrender their license, the Arkansas State Board of Nursing shall suspend or not renew the individual's license.

HISTORY: Amended: January 1, 2018
Amended July 1, 2020

PROPOSED COPY

SECTION III INTERSTATE NURSE LICENSURE COMPACT

A. DEFINITIONS - SECTION 100

1. "Commission" ~~means~~ is the Interstate Commission of Nurse Licensure Compact Administrators (ICNLCA).
2. "Compact" ~~means~~ is the Nurse Licensure Compact that became effective on July 20, 2017 and implemented on January 19, 2018.
3. ~~"Convert" means to change a multistate license to a single state license if a nurse changes primary state of residence by moving from a party state to a non party state; or to change a single state license to a multistate license once any disqualifying events are eliminated.~~
4. "Deactivate" ~~means~~ is to terminate the active status ~~change the status~~ of a multistate license or privilege to practice in a party state.
5. ~~"Executive Director of the ICNLCA" means is the individual approved to perform duties as delegated by the Commission, referred to in Article IV of the Interstate Commission of Nurse Licensure Compact Administrators Bylaws.~~
6. "Disqualifying Event" ~~means~~ is an incident, which results in a person becoming disqualified or ineligible to retain or renew a multistate license. These include but are not limited to the following: any adverse action resulting in an encumbrance as defined in Article II e, current participation in an alternative program, a misdemeanor offense related to the practice of nursing (which includes, but is not limited to, an agreed disposition), or ~~a~~ any felony offense (which includes, but is not limited to, an agreed disposition).
7. "Independent Credentials Review Agency" ~~means~~ is a non-governmental evaluation agency that verifies and certifies that foreign nurse graduates have graduated from nursing programs that are academically equivalent to nursing programs in the United States.
8. "Licensure" includes the authority to practice nursing granted through the process of examination, endorsement, renewal, reinstatement and/or reactivation.
9. "Prior Compact" ~~means~~ is the Nurse Licensure Compact that was in effect until January 19, 2018.
10. "Unencumbered License" ~~means~~ is a license that authorizes a nurse to engage in the full and unrestricted practice of nursing.

B. COORDINATED LICENSURE INFORMATION SYSTEM - SECTION 200

201. UNIFORM DATA SET AND LEVELS OF ACCESS

1. The Compact Administrator of each party state shall furnish uniform data to the Coordinated Licensure Information System, which shall consist of the following:
 - a. the nurse's name;
 - b. jurisdiction of licensure;
 - c. license expiration date;
 - d. licensure classification, license number and status;
 - e. public emergency and final disciplinary actions, as defined by the contributing state authority;
 - f. a change in the status of a disciplinary action or licensure encumbrance;
 - g. status of multistate licensure privileges;
 - h. current participation by the nurse in an alternative program;
 - i. information that is required to be expunged by the laws of a party state;
 - j. the applicant or nurse's United States social security number;
 - k. the existence of current significant investigative information; and
 - l. a correction to a licensee's data.
2. The public shall have access to items (1)(a) through (g) and information about a licensee's participation in an alternative program to the extent allowed by state law.
3. In the event a nurse asserts that any Coordinated Licensure Information System data is inaccurate, the burden shall be upon the nurse to provide evidence in a manner determined by the party state that substantiates such claim.
4. A party state shall report the items in the uniform data set to the Coordinated Licensure Information System within fifteen (15) calendar days of the date on which the action is taken.

PROPOSED COPY

202. QUERYING THE COORDINATED LICENSURE INFORMATION SYSTEM

1. Upon application for multistate licensure, with the exception of renewal by a nurse, a party state shall query the Coordinated Licensure Information System to ~~determine~~ ascertain the applicant's current licensure status, previous disciplinary action(s), and member board notifications related to current participation in an alternative program, ~~and any or~~ current significant investigative information.
2. Upon discovery that an applicant is under investigation in another party state, the party state in receipt of the nurse licensure application shall contact the investigating party state and may request investigative documents and information.

203. PARTICIPATION IN COORDINATED LICENSURE INFORMATION SYSTEM

All party states shall participate in a coordinated licensure information system of all licensed registered nurses and licensed practical/vocational nurses. Such participation includes participation in all of the following components:

1. Licensure information, which includes the Uniform Data Set as described in Rule 201(1); and
2. Submission of the disciplinary history of each nurse, including information regarding adverse actions taken against a license, application, and/or multistate licensure privilege; and
3. Participation in the licensure verification service for endorsement.

C. IMPLEMENTATION - SECTION 300

301. IMPLEMENTATION ~~DATE~~

The Compact ~~shall be~~ was implemented on January 19, 2018.

302. TRANSITION LEGACY CLAUSE

1. A nurse who held a multistate license as of July 20, 2017, whose multistate license remained unencumbered as of the January 19, 2018 implementation, and who retained that multistate license, was not required to meet the new requirements for a multistate license under this Compact. ~~a. A nurse who holds a multistate license on the Compact effective date of July 20, 2017, and whose multistate license remains unencumbered on the January 19, 2018 implementation date and who maintains and renews a multistate license is not required to meet the new requirements for a multistate license under the Compact.~~
2. A nurse who retained a multistate license pursuant to subsection (1) of this section and who changes primary state of residence after January 19, 2018, must meet all applicable Article III (c) requirements to obtain a multistate license from a new primary state of residence. ~~b. A nurse who retained a multistate license pursuant to subsection (a) of this section and subsequently incurs a disqualifying event shall have the multistate license revoked or deactivated pursuant to the laws of the home state.~~
3. ~~e. A nurse whose multistate license is revoked or deactivated may be eligible for a single state license in accordance with the laws of the party state.~~ A nurse who applies for a multistate license after July 20, 2017, shall be required to meet the requirements of Article III (c) of the Compact.
3. ~~During the transition period, a licensee who holds a single state license in a Compact state that was not a member of the prior Compact and who also holds a multistate license in a party state, may retain the single state license until it lapses, expires or becomes inactive."~~
4. ~~After the implementation date, party states shall not renew or reinstate a single state license if the nurse has a multistate license in another party state.~~

303. ~~RECOGNITION OF~~ IMPLEMENTATION BY NEW PARTY STATES ~~AFTER JANUARY 19, 2018~~

1. ~~All~~ The Executive Director shall notify party states ~~shall be notified by the Commission~~ within fifteen (15) calendar days after ~~when~~ a new party state enacts the Compact.
2. The new party state shall establish an implementation date ~~six (6)~~ within twelve (12) months from enactment or as specified in the enabling language, and shall notify the Executive Director of the date.
3. Upon implementation, a ~~new state~~ licensee who holds a single state license in ~~a Compact~~ the new party state ~~that was not a member of the prior Compact~~ and holds a multistate license in ~~a party~~ the new home state, may retain the single state license until it lapses, expires or becomes inactive.

PROPOSED COPY

4. At least ninety (90) calendar days prior to the new party state implementation date, ~~all other~~ party states shall notify any active single state licensee with an address in the new party state that the licensee may only hold one multistate license in the primary state of residence. The licensee shall be advised to obtain or maintain a multistate license only from the primary state of residence.
5. Each party state shall deactivate a multistate license when a new home state issues a multistate license.

D. LICENSURE - SECTION 400

401. PARTY STATE RESPONSIBILITIES

1. On all application forms for multistate licensure, a party state shall require, at a minimum:
 - a. A declaration of a primary state of residence and
 - b. Whether the applicant is a current participant in an alternative program.
2. a. An applicant for licensure who is determined to be ineligible for a multistate license shall be notified by the home state of the qualifications not met.
 - b. The home state may issue a single state license pursuant to its laws.
3. A remote party state shall not issue a single state license to a nurse who holds a multistate license ~~in another party state~~.

402. MULTISTATE APPLICANT RESPONSIBILITIES

1. On all application forms for multistate licensure in a party state, an applicant shall declare a primary state of residence.
2. A multistate licensee ~~nurse~~ who changes primary state of residence to another party state shall apply for a license in the new party state within 60 days, ~~when the nurse declares to be a resident of the state and obtains privileges not ordinarily extended to nonresidents of the state, including but not limited to, those listed in 402 (4) (a) - (e).~~
- ~~3. A nurse shall not apply for a single state license in a party state while the nurse holds a multistate license in another party state.~~
3. 4. A party state may require an applicant to provide evidence of residence in the declared primary state of residence. This evidence may include, but is not limited to, a current:
 - a. driver's license with a home address;
 - b. voter registration card with a home address;
 - c. federal income tax return with a primary state of residence declaration;
 - d. military form no. 2058 (state of legal residence certificate); or
 - e. W2 form from the United States government or any bureau, division, or agency thereof, indicating residence.
4. A nurse shall not apply for a single state license in a remote state while the nurse holds a multistate license in their primary state of residence.
5. An applicant who is a citizen of a foreign country, and who is lawfully present in the United States and is applying for multistate licensure in a party state may declare either the applicant's country of origin or the party state where they are living as the primary state of residence. If the applicant declares the foreign country as the primary state of residence, the party state shall not issue a multistate license, but may issue a single state license if the applicant meets the party state's licensure requirements.
6. An applicant shall disclose current participation in an alternative program to any party state, whether upon initial application or within ten (10) calendar days of enrollment in the program.

403. CHANGE IN PRIMARY STATE OF RESIDENCE

1. A nurse who changes his or her primary state of residence from one party state to another party state may continue to practice under the existing multistate license while the nurse's application is processed and a multistate license is issued in the new primary state of residence.
2. Upon issuance of a new multistate license, the former primary state of residence shall deactivate its multistate license held by the nurse and provide notice to the nurse.
3. If a party state verifies that a licensee who holds a multistate license changes primary state of residence to a non-party state, the party state shall convert the multistate license to a single state license within fifteen (15) calendar days, and report this conversion to the Coordinated Licensure Information System.

PROPOSED COPY

404. TEMPORARY PERMITS AND LICENSES

A temporary permit, license, or similar temporary authorization to practice issued by a party state to an applicant for licensure shall not grant multistate licensure privileges.

405. IDENTIFICATION OF LICENSES

A party state shall ~~license issued by a party state shall be~~ clearly ~~identified~~ identify a license as either a single state license or a multistate license.

~~406. CREDENTIALING AND ENGLISH PROFICIENCY FOR FOREIGN NURSE GRADUATES~~

- ~~1. A party state shall verify that an independent credentials review agency evaluated the credentials of graduates as set forth in Article III (c)(2)ii.~~
- ~~2. The party state shall verify successful completion of an English proficiency examination for graduates as set forth in Article III (c)(3).~~

~~407. DEACTIVATION, DISCIPLINE AND REVOCATION~~

~~A party state shall determine whether a disqualifying event will result in adverse action or deactivation of a multistate license or privilege. Upon deactivation due to a disqualifying event, the home state may issue a single state license.~~

~~406~~ 408. FEDERAL CRIMINAL RECORDS

Communication between a party state and the Commission and communication between party states regarding verification of the nurse's eligibility for licensure pursuant to the Compact shall not include any Criminal History Record Information (CHRI) received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a member board under Public Law 92-544

~~407~~ 409. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSE

An active duty service member, or the member's spouse, shall designate a ~~home-state~~ primary state of residence where the service member or spouse has a current license in good standing. The service member ~~or spouse~~ may retain the ~~home-state~~ primary state of residence designation during the period the service member or spouse is on active duty. Subsequent to designating a ~~home-state~~ primary state of residence, the service member or spouse shall only change ~~home-state~~ primary state of residence through application for licensure in the new primary state of residence.

E. ADMINISTRATION – SECTION 500

501. DUES ASSESSMENT

1. The Commission shall determine the annual assessment to be paid by party states. The assessment formula is a flat fee per party state. The Commission shall provide public notice of any proposed revision to the annual assessment fee at least ninety (90) calendar days prior to the Commission meeting to consider the proposed revision.
2. The annual assessment shall be due within the Commission's first fiscal year after ~~the~~ a new party state's implementation date and annually thereafter.

502. DISPUTE RESOLUTION

1. In the event that two or more party states have a dispute, the parties shall attempt resolution following the steps set out in this rule.
2. The parties shall first attempt informal resolution. The Compact Administrators in the states involved shall contact each other. Each Compact Administrator shall submit a written statement describing the situation to the other Compact Administrators involved in the dispute. Each Compact Administrator may submit a response. The submission of the statement and the response shall be in a mutually agreed upon time. If the dispute is related to an interpretation of the Compact, the parties shall ~~request~~ contact the Executive Director to request assistance from the Executive Committee. If all issues are resolved, no further action is required ~~and all party state Compact Administrators shall be informed of the result.~~ If any issue remains unresolved, the parties shall notify the Executive Committee, through the Executive Director to request mediation and provide the Executive Committee with a concise statement of unresolved issue(s) and analysis including references to NLC statutes, rules and any supporting documents.

PROPOSED COPY

The Executive Committee may refer the matter to the Compliance Committee. After review by the Compliance Committee, its recommendations will be sent to the parties and the Executive Committee for further review.

3. a. A party state that has a dispute with one or more other party states, and informal resolution was unsuccessful, shall attempt mediation. Mediation shall be conducted by a mediator appointed by the Executive Committee from a list of mediators approved by the National Association of Certified Mediators or as agreed to by all parties. If all issues are resolved through mediation, no further action is required. If mediation is unsuccessful, the parties shall submit to binding dispute resolution.
- b. The costs of mediation shall be shared by all party states involved.
- c. All party state Compact Administrators shall be notified of all issues and disputes that rise to the mediation stage in order to comment on those matters and disputes that may impact all party states.
4. a. In the event of a dispute between party states that was not resolved through informal resolution or mediation, the party states shall submit to binding dispute resolution. The parties may choose binding dispute resolution either by submitting the question [in](#) dispute to the Commission for final action or by arbitration.
- b. All party states involved shall agree in order to proceed with arbitration. In the absence of agreement, the matter shall be referred to the Commission for final determination.
- c. Each party state involved shall be responsible for its own respective expenses, including attorney fees.
- d. The party state Compact Administrators involved in the dispute shall recuse themselves from consideration or voting by the full Commission.

503. COMPLIANCE AND ENFORCEMENT

1. Compliance and enforcement issues shall be initiated by the Executive Committee.
2. The Executive Committee, through the [Executive](#) Director, shall send a written statement to the Compact Administrator in the party state with the alleged non-compliance issue. That Compact Administrator shall respond to the written statement within thirty calendar days.
3. The Compact Administrator may appear before the Executive Committee at a time and place as designated by the Executive Committee.
4. The Executive Committee shall make a recommendation to the Commission concerning the issue of non-compliance.

Amended: December 29, 2018

Amended: August 10, 2020; June 4, 2021; [2023](#)

SECTION IV ENDORSEMENT

A. ELIGIBILITY

1. An applicant for licensure by endorsement must meet the requirements of the Board at the time of graduation.
2. An applicant licensed in another state after January 1950 must have taken a state board licensing examination and achieved a passing score.
3. LPTN applicants will be accepted from California and Kansas only.
4. Internationally educated nurses practicing in other states may appeal to the Board for licensure if not otherwise qualified.
5. An applicant for licensure by endorsement who has not been engaged in the active practice of nursing for a period greater than five (5) years shall document completion of the following:
 - a. Completion of a Arkansas board approved refresher course within one (1) year of the date of application; or
 - b. Graduation from an approved nursing education program within one year of the date of application; and
 - c. Provide other evidence as requested by the Board.

B. EQUIVALENCIES

1. RN examination failures: Graduates of Board approved RN programs, holding LPN licensure by examination in other jurisdictions, may be endorsed provided they are otherwise qualified.
2. Canadian Registered Nurses licensed by NLN State Board Test Pool Examination in the following

PROPOSED COPY

provinces during the years indicated: Alberta, 1952-1970; British Columbia, 1949-1970; Manitoba, 1955-1970; Newfoundland, 1961-1970; Nova Scotia, 1955-1970; Prince Edward Island, 1956-1970; Quebec (English language), 1959-1970; and Saskatchewan, 1956-1970. These applicants may be endorsed provided they are otherwise qualified.

C. APPLICATION

1. Applications must be completed and filed with the Board.
2. Endorsement certification will be accepted from the state of original licensure only.
3. Applicants for licensure by endorsement shall not be issued a permanent license to practice until such time that the results of the state and federal criminal background checks have been received.

D. FEE

1. The endorsement fee must accompany the application.
2. The fees for the state and federal criminal background checks are the responsibility of the applicant and shall be submitted to the Arkansas State Board of Nursing with the application for same.
3. The fees are not refundable.

HISTORY: Amended: January 1, 2018

SECTION V CRIMINAL BACKGROUND CHECK

- A. No application for issuance of an initial license will be considered without state and federal criminal background checks by the Arkansas State Police and the Federal Bureau of Investigation.
- B. Federal background checks originating within the State of Arkansas shall be submitted electronically.
- C. Each applicant shall sign a release of information on the criminal background check application and licensure applications and shall be solely responsible for the payment of any fees associated with the state and federal criminal background checks.
- D. Upon completion of the state and federal criminal background checks, the Identification Bureau of the Arkansas State Police shall forward all information obtained concerning the applicant in the commission of any offense listed in ACA §17-3-102.
- E. The state and federal criminal background checks conducted by the Arkansas State Police and the Federal Bureau of Investigation shall have been completed no earlier than twelve (12) months prior to the application for an initial license issued by the ASBN and at any other time thereafter that the Board deems necessary.
- F. The ASBN shall not issue a permanent license until the state and federal criminal background checks conducted by the Arkansas State Police and the Federal Bureau of Investigation have been completed.
- G. Pursuant to Act 990 of 2019, an individual may petition for a pre-licensure determination of whether the individual's criminal record will disqualify the individual from licensure and whether a waiver may be obtained.
 1. A request for a waiver shall be in writing and accompany the completed application and fees.
 2. All decisions of the Board in response to the petition will be determined by the information provided by the individual.
 3. The Board's response shall state the reason(s) for the decision.
 4. Any decision made by the Board in response to a pre-licensure criminal background waiver petition is not subject to appeal.
- H. A waiver of the denial of licensure pursuant to the provisions of ACA §17-3-102 is not required for individuals who held a valid license on July 24, 2019, an individual who held a valid license on or before July 24, 2019, but failed to

PROPOSED COPY

renew his or her license for any reason; or, an individual who was a student on or before July 24, 2019, in a nursing school or program.

- I. A request to seek waiver of the denial of licensure pursuant to the provisions of ACA §~~17-3-102~~ ~~17-87-312~~ may be made to the ASBN by:
 - 1. The affected applicant for licensure; or
 - 2. The person holding a license subject to revocation.
- J. The request for a waiver shall be made in writing to the Director or designee within thirty (30) calendar days after notification of denial of a license. The request for waiver shall include, but not be limited to the following:
 - 1. Certified copy of court records indicating grounds for conviction; and
 - 2. Any other pertinent documentation to indicate surrounding circumstances.
- K. If an individual notifies ASBN in writing that he or she desires a hearing regarding their request for a waiver, the ASBN will schedule the individual for a hearing pursuant to the Arkansas Administrative Procedures Act.
- L. ~~In compliance with ACA §17-87-312, whenever a criminal background check is performed on a person under the provisions of the criminal background check requirement contained in the Arkansas Code for licensure, the person may be disqualified for licensure if it is determined that the person committed a violation of any sexual offense formerly proscribed under ACA §§5-14-101 through 5-14-127 that is substantially equivalent to any sexual offense presently listed in ACA §§5-14-101 through 5-14-127 and is an offense screened for in a criminal background check.~~

HISTORY: Amended: June 4, 2021; **2023**

SECTION VI **TEMPORARY PERMITS**

A. ENDORSEMENT AND EXAMINATION APPLICANTS

- 1. ASBN shall be authorized to issue a nonrenewable temporary permit for a period not exceeding six months. This temporary permit shall be issued only to those applicants who meet all other qualifications for licensure by the ASBN.
- 2. The temporary permit shall immediately become invalid upon receipt of information obtained from the state or federal criminal background check indicating any offense listed in ACA §17-3-102 or upon notification to the applicant or ASBN of results on the first licensure examination he or she is eligible to take after the permit is issued.
- 3. Falsification of the applicant's criminal record history shall be grounds for disciplinary action by the Board.

B. FEES AND APPLICATIONS

- 1. The temporary permit fee shall be submitted with the application.
- 2. The fee is not refundable.

HISTORY: Amended: January 1, 2018; December 29, 2018
Amended: June 4, 2021; October 6, 2021;
Amended: May 1, 2022

PROPOSED COPY

SECTION VII **CONTINUING EDUCATION**

Each person holding an active license or applying for reinstatement of a license under the provisions of the *Nurse Practice Act* shall be required to complete certain continuing education requirements prior to licensure renewal or reinstatement.

A. DECLARATION OF COMPLIANCE

Each nurse shall declare his or her compliance with the requirements for continuing education at the time of license renewal or reinstatement. The declaration shall be made at the time of renewal.

B. AUDITS OF LICENSEES

1. The Board shall perform random audits of licensees for compliance with the continuing education requirement.
2. If audited, the licensee shall prove participation in the required continuing education during the 24-months immediately preceding the renewal date by presenting photocopies of original certificates of completion to the Board.
3. The licensee shall provide evidence of continuing education requirements within thirty (30) calendar days from the mailing date of the audit notification letter sent from the Board to the last known address of the licensee.

C. CONTINUING EDUCATION REQUIREMENT STANDARDS

1. Standards for Renewal of Active Licensure Status. Licensees who hold an active nursing license shall document completion of one of the following during each renewal period:
 - a. Fifteen (15) practice focused contact hours from a nationally recognized or state continuing education approval body recognized by the ASBN; or
 - b. Certification or re-certification during the renewal period by a national certifying body recognized by the ASBN; or
 - c. An academic course in nursing or related field; and
 - d. Provide other evidence as requested by the Board.
 - e. Effective January 1, 2010, APRNs with prescriptive authority shall complete five (5) contact hours of pharmacotherapeutics continuing education in the APRN's area of certification each biennium prior to license renewal.
2. Standards for Nurses on Inactive Status. Nurses who have their license placed on inactive status have no requirements for continuing education.
3. Standards for Reinstatement of Active Licensure Status
 - a. Nurses reinstating a nursing license to active status within five years or less shall document completion of the following within the past two (2) years:
 1. Twenty (20) practice focused contact hours within the past two years from a nationally recognized or state continuing education approval body recognized by the ASBN, or
 2. Certification or re-certification by a national certifying body recognized by the ASBN; or
 3. An academic course in nursing or related field; and/or
 4. Provide other evidence as requested by the Board.
 - b. Nurses reinstating a nursing license to active status after greater than five (5) years shall document completion of the following:
 1. Twenty (20) practice focused contact hours within the past two (2) years from a nationally recognized or state continuing education approval body recognized by the Arkansas State Board of Nursing, or
 2. Certification or re-certification by a national certifying body recognized by the ASBN; or
 3. An academic course in nursing or related field; and
 4. Active practice of nursing for a minimum of one thousand hours (1,000) within the two years immediately prior to application. Verification of employment shall be submitted; or
 5. Completion of a Arkansas board approved refresher course within one (1) year of the date of application; or

PROPOSED COPY

6. Graduation from an approved nursing education program within one (1) year of the date of application, and
7. Provide other evidence as requested by the Board.
4. Standards for Reinstatement of Prescriptive Authority Effective January 1, 2010, APRNs whose prescriptive authority is inactive shall complete five (5) contact hours of pharmacotherapeutics continuing education in the APRN's area of certification for each twelve (12) months of non-prescribing activity in addition to the five (5) contact hours required for APRN license renewal, as noted in Chapter 4, III(F)(7), prior to reactivation of prescriptive authority.
5. The Board may issue a temporary permit to a nurse during the time enrolled in a Board approved nursing refresher course or an employer competency orientation program upon submission of an application, fees, and verification of enrollment in such program.
6. Continuing education hours beyond the required contact hours shall not be "carried over" to the next renewal period.

D. RESPONSIBILITIES OF THE INDIVIDUAL LICENSEE

1. It shall be the responsibility of each licensee to select and participate in those continuing activities that will meet the criteria for acceptable continuing education as specified in ACA §17-87-207 and these rules.
2. It shall be the licensee's responsibility to maintain records of continuing education as well as documented proof such as original certificates of attendance, contact hour certificates, academic transcripts or grade slips and to submit copies of this evidence when requested by the Board.
3. Records shall be maintained by the licensee for a minimum of two consecutive renewal periods or four years.

E. RECOGNITION OF PROVIDERS

1. The Board shall identify organizations, agencies, and groups that shall be recognized as valid approval bodies/providers of nursing continuing education. The recognition may include providers approved by national organizations and state agencies with comparable standards.
2. The Board shall work with professional organizations, approved nursing schools, and other providers of continuing educational programs to ensure that continuing education activities are available to nurses in Arkansas.

F. ACTIVITIES ACCEPTABLE FOR CONTINUING EDUCATION

1. Activities presented by recognized providers which may be acceptable include: national/ regional educational conferences, classroom instruction, individualized instruction (home study/programmed instruction), academic courses, and institutional based instruction; and
2. The content shall be relevant to nursing practice and provide for professional growth of the licensee.
3. If participation is in an academic course or other program in which grades are given, a grade equivalent to "C" or better shall be required, or "pass" on a pass/fail grading system. An academic course may also be taken as "audit", provided that class attendance is verified by the instructor.
4. Volunteer service as defined in ACA §20-8-801 et. seq.

G. ACTIVITIES WHICH ARE NOT ACCEPTABLE AS CONTINUING EDUCATION

1. In-service programs. Activities intended to assist the nurse to acquire, maintain, and/or increase the competence in fulfilling the assigned responsibilities specific to the expectations of the employer.
2. Refresher courses. Programs designed to update basic general knowledge and clinical practice, which consist of a didactic and clinical component to ensure entry-level competencies into nursing practice.
3. Orientation programs. A program by which new staff are introduced to the philosophy, goals, policies, procedures, role expectations, physical facilities, and special services in a specific work setting. Orientation is provided at the time of employment and at other times when changes in roles and responsibilities occur in a specific work setting.
4. Courses designed for lay people.

PROPOSED COPY

H. INDIVIDUAL REVIEW OF A CONTINUING EDUCATION ACTIVITY PROVIDED BY A NON-RECOGNIZED AGENCY/ORGANIZATION

1. A licensee may request an individual review by:
 - a. Submitting an “Application for Individual Review”; and
 - b. Paying a fee.
2. Approval of a non-recognized continuing educational activity shall be limited to the specific event under consideration.

I. FAILURE TO COMPLY

1. Any licensee who fails to complete continuing education or who falsely certifies completion of continuing education shall be subject to disciplinary action, non-renewal of the nurse’s license, or both, pursuant to ACA §17-87-207 and A.C.A §17-87-309(a)(1) and (a)(6).
2. If the Board determines that a licensee has failed to comply with continuing education requirements, the licensee will:
 - a. Be allowed to meet continuing education requirements within ninety (90) days of notification of non-compliance.
 - b. Be assessed a late fee for each contact hour that requirements are not met after the ninety (90) day grace period and be issued a Letter of Reprimand. Failure to pay the fee may result in further disciplinary action.

HISTORY: Amended: January 1, 2018
Amended: May 15, 2020; June 4, 2021

SECTION VIII **RENEWALS**

A. Each person licensed under the provisions of the *Nurse Practice Act* shall renew biennially.

1. Sixty (60) days prior to the expiration date, the Board shall mail a renewal notice to the last known address of each nurse to whom a license was issued or renewed during the current period.
2. The application shall be completed before the license renewal is processed.
3. The fee for renewal shall accompany the application.
4. The fee is not refundable.
5. Pursuant to Act 204 of 2017, upon notification of active-duty status and submission of appropriate documentation, the license renewal fee will be waived for members of the military.

B. LAPSED LICENSE

1. The license is lapsed if not renewed or placed in inactive status by the expiration date.
2. Failure to receive the renewal notice at the last address of record in the Board office shall not relieve the licensee of the responsibility for renewing the license by the expiration date.
3. Any licensee whose license has lapsed shall file a renewal application and pay the current renewal fee and the late fee.
4. 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 violation of the *Nurse Practice Act*.

C. INACTIVE STATUS

1. Any licensee who desires to temporarily inactivate their nursing license in this state, shall submit a request and the current license shall be placed on inactive status.
2. While inactive, the licensee shall not practice nursing nor be subject to the payment of renewal fees.
3. When the licensee desires to resume practice, he or she shall submit a reinstatement application and meet the continuing education requirements.
4. When disciplinary proceedings have been initiated against an inactive licensee, the license shall not be reinstated until the proceedings have been completed.

PROPOSED COPY

D. RETIRED NURSE

1. Any licensee in good standing, who desires to retire for any length of time from the practice of nursing in this state, shall submit a request and the current license shall be placed on retired status.
2. While retired, the licensee shall not practice nursing, however:
 - a. A registered nurse with a retired license status may use the title “Registered Nurse”, or the abbreviation “RN”; and
 - b. A practical nurse with a retired license status may use the title “Licensed Practice Nurse”, or the abbreviation “LPN”; and
 - c. A psychiatric technician nurse with a retired license status may use the title “Licensed Psychiatric Technician Nurse”, or the abbreviation “LPTN”; and
 - d. An advanced practice registered nurse with a retired license status may use the title “Advanced Practice Registered Nurse”, or the abbreviation “APRN”.
3. When the licensee desires to resume practice, he or she shall submit a reinstatement application and meet the continuing education requirements.
4. When disciplinary proceedings have been initiated against a retired licensee, the license shall not be reinstated until the proceedings have been completed.

E. The licensee may be required to submit to a state and federal criminal background check if the Board deems it necessary.

1. A waiver is not required for renewal of a license for an individual convicted of a crime listed in ACA 17-3-102 if:
 - a. The licensee has completed the waiver requirements at the time of initial licensure; or
 - b. Was licensed prior to July 24, 2019; or
 - c. Attended a professional or occupational school, program, or training in pursuit of an occupational license before the enactment of subsection (a) (July 24, 2019) and would have been qualified to hold an occupational license on or before July 24, 2019.

HISTORY: Amended: January 1, 2018; December 29, 2018

SECTION IX **CERTIFICATION/VERIFICATION TO ANOTHER JURISDICTION**

Upon payment of a certification/verification fee, a nurse seeking licensure in another state may have a certified statement of Arkansas licensure issued to the Board of Nursing in that state.

SECTION X **NAME OR ADDRESS CHANGE**

- A.** A licensee, whose name is legally changed, shall submit a name change request, copy of marriage license, or court action, and the required fee.
- B.** A licensee, whose address changes from the address on file with the Board, shall immediately notify the Board in writing of the change.

HISTORY: Amended May 15, 2022

SECTION XI **LICENSURE FOR UNIFORMED SERVICE MEMBERS, VETERANS AND SPOUSES**

A. ~~EXPEDITED~~ AUTOMATIC LICENSURE

1. Temporary permits for individuals listed in Section XI(A)(2) shall be issued within twenty-four (24) hours of receipt of all required documents.
2. The Board will give preference in the order of processing to applications for full licensure filed by the following individuals:

PROPOSED COPY

- a. A uniformed service member stationed in the State of Arkansas;
- b. A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or
- c. The spouse of a:
 - 1) Person under (a) or (b) above; or
 - 2) 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
 - 3) 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.

B. EXTENSION OF LICENSURE EXPIRATION DATE

Upon written request and submission of appropriate documentation, deployed uniformed service member or spouse shall be allowed an extension of the expiration date without penalty or assessment of a late fee for renewing the nursing license. The extension shall be effective for one hundred eighty (180) days after the service member or spouse returns from active deployment.

C. CONSIDERATION OF MILITARY TRAINING AND EXPERIENCE

When considering an application for licensure ~~from a uniformed service member or a uniformed service veteran applying within one (1) year of his or her discharge from uniformed service~~, the Board shall:

- 1. Consider whether or not the applicant's military education, training, national certification, service-issued credential, and experience in the practice of nursing is substantially similar to the experience or education required for licensure.
- 2. Accept the applicant's military education, training, national certification, service-issued credential, and experience in the practice of nursing in lieu of experience or education required for licensure, if the Board determines that the military training and experience is a satisfactory substitute for the experience or education required for licensure.

D. WAIVER OF CONTINUING EDUCATION

- 1. Upon written request and submission of appropriate documentation the continuing education requirements for license renewal shall be waived for:
 - a. A uniformed service member deployed; or
 - b. The spouse of a deployed uniformed service member.
- 2. This waiver shall be extended until one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

History: Adopted December 29, 2018

Amended: May 15, 2022; **2023**

CLEAN COPY

CHAPTER TWO LICENSURE: RN, LPN, AND LPTN

SECTION I QUALIFICATIONS

- A. Completion of an approved high school course of study or the equivalent as determined by the appropriate educational agency.
- B. Possession of a valid United States Social Security Number (SSN) or has been issued Federal Form I-766 U.S. Citizenship and Immigration Services-issued Employment Authorization Document.
- C. Completion of an approved nursing education program.
- D. The Arkansas State Board of Nursing (ASBN) may refuse to admit to the examination any candidate and refuse to issue a license, certificate, or registration to any applicant if the license, practice privilege, certificate, or registration of such person has been revoked or suspended or placed on probation and not reinstated by the jurisdiction which took such action.
- E. Effective January 1, 2000, no person shall be eligible to receive or hold a license issued by the Board if that person has pleaded guilty or nolo contendere to, or been found guilty by any court in the State of Arkansas, or of any similar offense by a court in another state, or of any similar offense by a federal court of any offense listed in ACA §17-3-102.

HISTORY: Amended: January 1, 2018; December 29, 2018
Amended: June 4, 2021

SECTION II EXAMINATION

A. ELIGIBILITY

The applicant shall meet the licensure requirements of the Board.

B. APPLICATION

- 1. Applications for examination shall be completed and filed with the Board prior to the examination.
- 2. Examination applications shall not be acceptable if the director or chairman of an educational program has certified the applicant prior to date of completion.
- 3. Applicants for licensure by examination shall not be deemed eligible to take the licensure examination until such time that the results of the state and federal criminal background checks have been received.

C. FEE

- 1. The application fee shall accompany the application.
- 2. The application fee (first time or retake) is not refundable.
- 3. The fees for the state and federal criminal background checks are the responsibility of the applicant and shall be submitted to the Arkansas State Board of Nursing with the application for same.
- 4. The fees for criminal background checks are determined by the Arkansas State Police and the FBI and are not refundable.

D. PASSING SCORE

The passing score on the licensure examination shall be determined by the Board.

CLEAN COPY

E. FAILING SCORE AND ELIGIBILITY TO RETAKE THE EXAMINATION

1. Any applicant whose score falls below the passing score shall fail the examination.
2. Persons failing the examination will be responsible for preparing to retake the examination.
3. The frequency and number of retests by unsuccessful candidates shall be determined by the Board.
4. Applicants retaking the examination shall have state and federal criminal background checks within the past twelve months on file with the Board.

F. RESULTS

1. Examination results shall not be released until the applicant's official transcript is received from the school.
2. Examination results shall be made available to all applicants and to their respective schools.

G. INTERNATIONALLY EDUCATED NURSES

1. The applicant must present evidence of:
 - a. Graduation from an approved or accredited school of nursing as a registered nurse or first-level nurse.
 - b. Licensure or proof of eligibility for licensure in the country of graduation.
 - c. Theory and practice in medical, surgical, pediatric, obstetric, and psychiatric nursing which is substantially similar in length and content to that in equivalent Arkansas Board approved nursing programs at the time of application as verified by a credentials review agency.
 - d. State and federal criminal background checks within the past twelve months on file with the Board.
 - e. Credentials review by a Board approved credentialing evaluation agency, which includes verification of the candidate's education, training, experience, and licensure with respect to the statutory and regulatory requirements for the nursing profession, as well as oral and written competence in English.
2. Applicants shall be required to take such licensure examinations as required of Arkansas Board approved nursing education programs.

H. EQUIVALENCIES

1. LPTN to LPN: Candidates holding LPTN licensure who completed Arkansas Board approved LPTN programs after March 18, 1980, may be admitted to the LPN licensure examination provided they are otherwise qualified.
2. RN examination failures: Graduates of Board approved RN programs, upon submission of an official transcript directly from the school, and a copy of their RN examination failure results, may be admitted to the PN licensure examination provided they are otherwise qualified.

I. DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)

1. Arkansas State Board of Nursing may grant a license to an individual who, in addition to fulfilling the requirements to practice nursing in this state, satisfies the following requirements:
 - a. The United States Department of Homeland Security has approved the individual's request for exemption under the Deferred Action for Childhood Arrivals policy (DACA);
 - b. The individual's exemption status under the Deferred Action for Childhood Arrivals policy has not expired or has been properly renewed;
 - c. The individual has a current and valid employment authorization document issued by the United States Citizen and Immigration Service;
 - d. The individual does not have a criminal record of felonies or serious misdemeanors.
2. If at any time after licensure, the individual's exemption status under the Deferred Action for Childhood Arrivals expires or is withdrawn for any reason the individual shall immediately surrender their license. If the individual fails to surrender their license, the Arkansas State Board of Nursing shall suspend or not renew the individual's license.

HISTORY: Amended: January 1, 2018
Amended July 1, 2020

CLEAN COPY

SECTION III **INTERSTATE NURSE LICENSURE COMPACT**

A. DEFINITIONS - SECTION 100

1. "Commission" is the Interstate Commission of Nurse Licensure Compact Administrators (ICNLCA).
2. "Compact" is the Nurse Licensure Compact that became effective on July 20, 2017 and implemented on January 19, 2018.
3. "Deactivate" is to terminate the active status of a multistate license or privilege to practice in a party state.
4. "Executive Director of the ICNLCA" is the individual approved to perform duties as delegated by the Commission.
5. "Disqualifying Event" is an incident, which results in a person becoming disqualified or ineligible to retain or renew a multistate license. These include but are not limited to the following: any adverse action resulting in an encumbrance as defined in Article II e, current participation in an alternative program, a misdemeanor offense related to the practice of nursing (which includes, but is not limited to, an agreed disposition), or a any felony offense (which includes, but is not limited to, an agreed disposition).
6. "Independent Credentials Review Agency" is a non-governmental evaluation agency that verifies and certifies that foreign nurse graduates have graduated from nursing programs that are academically equivalent to nursing programs in the United States.
7. "Licensure" includes the authority to practice nursing granted through the process of examination, endorsement, renewal, reinstatement and/or reactivation.
8. "Prior Compact" is the Nurse Licensure Compact that was in effect until January 19, 2018.
9. "Unencumbered License" is a license that authorizes a nurse to engage in the full and unrestricted practice of nursing.

B. COORDINATED LICENSURE INFORMATION SYSTEM - SECTION 200

201. UNIFORM DATA SET AND LEVELS OF ACCESS

1. The Compact Administrator of each party state shall furnish uniform data to the Coordinated Licensure Information System, which shall consist of the following:
 - a. the nurse's name;
 - b. jurisdiction of licensure;
 - c. license expiration date;
 - d. licensure classification, license number and status;
 - e. public emergency and final disciplinary actions, as defined by the contributing state authority;
 - f. a change in the status of a disciplinary action or licensure encumbrance;
 - g. status of multistate licensure privileges;
 - h. current participation by the nurse in an alternative program;
 - i. information that is required to be expunged by the laws of a party state;
 - j. the applicant or nurse's United States social security number;
 - k. the existence of current significant investigative information; and
 - l. a correction to a licensee's data.
2. The public shall have access to items (1)(a) through (g) and information about a licensee's participation in an alternative program to the extent allowed by state law.
3. In the event a nurse asserts that any Coordinated Licensure Information System data is inaccurate, the burden shall be upon the nurse to provide evidence in a manner determined by the party state that substantiates such claim.
4. A party state shall report the items in the uniform data set to the Coordinated Licensure Information System within fifteen (15) calendar days of the date on which the action is taken.

202. QUERYING THE COORDINATED LICENSURE INFORMATION SYSTEM

1. Upon application for multistate licensure, with the exception of renewal by a nurse, a party state shall query the Coordinated Licensure Information System to ascertain the applicant's current licensure status,

ARKANSAS STATE BOARD OF NURSING RULES

CLEAN COPY

- previous disciplinary action(s), and member board notifications related to current participation in an alternative program, or current significant investigative information.
2. Upon discovery that an applicant is under investigation in another party state, the party state in receipt of the nurse licensure application shall contact the investigating party state and may request investigative documents and information.

203. PARTICIPATION IN COORDINATED LICENSURE INFORMATION SYSTEM

All party states shall participate in a coordinated licensure information system of all licensed registered nurses and licensed practical/vocational nurses. Such participation includes participation in all of the following components:

1. Licensure information, which includes the Uniform Data Set as described in Rule 201(1); and
2. Submission of the disciplinary history of each nurse, including information regarding adverse actions taken against a license, application, and/or multistate licensure privilege; and
3. Participation in the licensure verification service for endorsement.

C. IMPLEMENTATION - SECTION 300

301. IMPLEMENTATION

The Compact was implemented on January 19, 2018.

302. TRANSITION LEGACY CLAUSE

1. A nurse who held a multistate license as of July 20, 2017, whose multistate license remained unencumbered as of the January 19, 2018 implementation, and who retained that multistate license, was not required to meet the new requirements for a multistate license under this Compact.
2. A nurse who retained a multistate license pursuant to subsection (1) of this section and who changes primary state of residence after January 19, 2018, must meet all applicable Article III (c) requirements to obtain a multistate license from a new primary state of residence.
3. A nurse whose multistate license is revoked or deactivated may be eligible for a single state license in accordance with the laws of the party state.

303. IMPLEMENTATION BY NEW PARTY STATES

1. ~~All~~ The Executive Director shall notify party states within fifteen (15) calendar days after a new party state enacts the Compact.
2. The new party state shall establish an implementation date within twelve (12) months from enactment or as specified in the enabling language, and shall notify the Executive Director of the date.
3. Upon implementation, a licensee who holds a single state license in the new party state and holds a multistate license in the new home state, may retain the single state license until it lapses, expires or becomes inactive.
4. At least ninety (90) calendar days prior to the new party state implementation date, party states shall notify any active single state licensee with an address in the new party state that the licensee may only hold one multistate license in the primary state of residence. The licensee shall be advised to obtain or maintain a multistate license only from the primary state of residence.
5. Each party state shall deactivate a multistate license when a new home state issues a multistate license.

D. LICENSURE - SECTION 400

401. PARTY STATE RESPONSIBILITIES

1. On all application forms for multistate licensure, a party state shall require, at a minimum:
 - a. A declaration of a primary state of residence and
 - b. Whether the applicant is a current participant in an alternative program.
2.
 - a. An applicant for licensure who is determined to be ineligible for a multistate license shall be notified by the home state of the qualifications not met.
 - b. The home state may issue a single state license pursuant to its laws.
3. A remote party state shall not issue a single state license to a nurse who holds a multistate license.

402. MULTISTATE APPLICANT RESPONSIBILITIES

1. On all application forms for multistate licensure in a party state, an applicant shall declare a primary state

CLEAN COPY

of residence.

2. A multistate licensee who changes primary state of residence to another party state shall apply for a license in the new party state within 60 days.
- 3.. A party state may require an applicant to provide evidence of residence in the declared primary state of residence. This evidence may include, but is not limited to, a current:
 - a. driver's license with a home address;
 - b. voter registration card with a home address;
 - c. federal income tax return with a primary state of residence declaration;
 - d. military form no. 2058 (state of legal residence certificate); or
 - e. W2 form from the United States government or any bureau, division, or agency thereof, indicating residence.
4. A nurse shall not apply for a single state license in a remote state while the nurse holds a multistate license in their primary state of residence.
5. An applicant who is a citizen of a foreign country, and who is lawfully present in the United States and is applying for multistate licensure in a party state may declare either the applicant's country of origin or the party state where they are living as the primary state of residence. If the applicant declares the foreign country as the primary state of residence, the party state shall not issue a multistate license, but may issue a single state license if the applicant meets the party state's licensure requirements.
6. An applicant shall disclose current participation in an alternative program to any party state, whether upon initial application or within ten (10) calendar days of enrollment in the program.

403. CHANGE IN PRIMARY STATE OF RESIDENCE

1. A nurse who changes his or her primary state of residence from one party state to another party state may continue to practice under the existing multistate license while the nurse's application is processed and a multistate license is issued in the new primary state of residence.
2. Upon issuance of a new multistate license, the former primary state of residence shall deactivate its multistate license held by the nurse and provide notice to the nurse.
3. If a party state verifies that a licensee who holds a multistate license changes primary state of residence to a non-party state, the party state shall convert the multistate license to a single state license within fifteen (15) calendar days, and report this conversion to the Coordinated Licensure Information System.

404. TEMPORARY PERMITS AND LICENSES

A temporary permit, license, or similar temporary authorization to practice issued by a party state to an applicant for licensure shall not grant multistate licensure privileges.

405. IDENTIFICATION OF LICENSES

A party state shall clearly identify a license as either a single state license or a multistate license.

406. FEDERAL CRIMINAL RECORDS

Communication between a party state and the Commission and communication between party states regarding verification of the nurse's eligibility for licensure pursuant to the Compact shall not include any Criminal History Record Information (CHRI) received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a member board under Public Law 92-544

407. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSE

An active duty service member, or the member's spouse, shall designate a primary state of residence where the service member or spouse has a current license in good standing. The service member or spouse may retain the primary state of residence designation during the period the service member or spouse is on active duty. Subsequent to designating a primary state of residence, the service member or spouse shall only change primary state of residence through application for licensure in the new primary state of residence.

E. ADMINISTRATION – SECTION 500

501. DUES ASSESSMENT

1. The Commission shall determine the annual assessment to be paid by party states. The assessment formula

CLEAN COPY

is a flat fee per party state. The Commission shall provide public notice of any proposed revision to the annual assessment fee at least ninety (90) calendar days prior to the Commission meeting to consider the proposed revision.

2. The annual assessment shall be due within the Commission's first fiscal year after a new party state's implementation date and annually thereafter.

502. DISPUTE RESOLUTION

1. In the event that two or more party states have a dispute, the parties shall attempt resolution following the steps set out in this rule.
2. The parties shall first attempt informal resolution. The Compact Administrators in the states involved shall contact each other. Each Compact Administrator shall submit a written statement describing the situation to the other Compact Administrators involved in the dispute. Each Compact Administrator may submit a response. The submission of the statement and the response shall be in a mutually agreed upon time. If the dispute is related to an interpretation of the Compact, the parties shall contact the Executive Director to request assistance from the Executive Committee. If all issues are resolved, no further action is required. If any issue remains unresolved, the parties shall notify the Executive Committee, through the Executive Director to request mediation and provide the Executive Committee with a concise statement of unresolved issue(s) and analysis including references to NLC statutes, rules and any supporting documents. The Executive Committee may refer the matter to the Compliance Committee. After review by the Compliance Committee, its recommendations will be sent to the parties and the Executive Committee for further review.
3.
 - a. A party state that has a dispute with one or more other party states, and informal resolution was unsuccessful, shall attempt mediation. Mediation shall be conducted by a mediator appointed by the Executive Committee from a list of mediators approved by the National Association of Certified Mediators or as agreed to by all parties. If all issues are resolved through mediation, no further action is required. If mediation is unsuccessful, the parties shall submit to binding dispute resolution.
 - b. The costs of mediation shall be shared by all party states involved.
 - c. All party state Compact Administrators shall be notified of all issues and disputes that rise to the mediation stage in order to comment on those matters and disputes that may impact all party states.
4.
 - a. In the event of a dispute between party states that was not resolved through informal resolution or mediation, the party states shall submit to binding dispute resolution. The parties may choose binding dispute resolution either by submitting the question in dispute to the Commission for final action or by arbitration.
 - b. All party states involved shall agree in order to proceed with arbitration. In the absence of agreement, the matter shall be referred to the Commission for final determination.
 - c. Each party state involved shall be responsible for its own respective expenses, including attorney fees.
 - d. The party state Compact Administrators involved in the dispute shall recuse themselves from consideration or voting by the full Commission.

503. COMPLIANCE AND ENFORCEMENT

1. Compliance and enforcement issues shall be initiated by the Executive Committee.
2. The Executive Committee, through the Executive Director, shall send a written statement to the Compact Administrator in the party state with the alleged non-compliance issue. That Compact Administrator shall respond to the written statement within thirty calendar days.
3. The Compact Administrator may appear before the Executive Committee at a time and place as designated by the Executive Committee.
4. The Executive Committee shall make a recommendation to the Commission concerning the issue of non-compliance.

Amended: December 29, 2018

Amended: August 10, 2020; June 4, 2021; 2023

ARKANSAS STATE BOARD OF NURSING RULES

CLEAN COPY

SECTION IV
ENDORSEMENT

A. ELIGIBILITY

1. An applicant for licensure by endorsement must meet the requirements of the Board at the time of graduation.
2. An applicant licensed in another state after January 1950 must have taken a state board licensing examination and achieved a passing score.
3. LPTN applicants will be accepted from California and Kansas only.
4. Internationally educated nurses practicing in other states may appeal to the Board for licensure if not otherwise qualified.
5. An applicant for licensure by endorsement who has not been engaged in the active practice of nursing for a period greater than five (5) years shall document completion of the following:
 - a. Completion of a Arkansas board approved refresher course within one (1) year of the date of application; or
 - b. Graduation from an approved nursing education program within one year of the date of application; and
 - c. Provide other evidence as requested by the Board.

B. EQUIVALENCIES

1. RN examination failures: Graduates of Board approved RN programs, holding LPN licensure by examination in other jurisdictions, may be endorsed provided they are otherwise qualified.
2. Canadian Registered Nurses licensed by NLN State Board Test Pool Examination in the following provinces during the years indicated: Alberta, 1952-1970; British Columbia, 1949-1970; Manitoba, 1955-1970; Newfoundland, 1961-1970; Nova Scotia, 1955-1970; Prince Edward Island, 1956-1970; Quebec (English language), 1959-1970; and Saskatchewan, 1956-1970. These applicants may be endorsed provided they are otherwise qualified.

C. APPLICATION

1. Applications must be completed and filed with the Board.
2. Endorsement certification will be accepted from the state of original licensure only.
3. Applicants for licensure by endorsement shall not be issued a permanent license to practice until such time that the results of the state and federal criminal background checks have been received.

D. FEE

1. The endorsement fee must accompany the application.
2. The fees for the state and federal criminal background checks are the responsibility of the applicant and shall be submitted to the Arkansas State Board of Nursing with the application for same.
3. The fees are not refundable.

HISTORY: Amended: January 1, 2018

SECTION V
CRIMINAL BACKGROUND CHECK

- A. No application for issuance of an initial license will be considered without state and federal criminal background checks by the Arkansas State Police and the Federal Bureau of Investigation.
- B. Federal background checks originating within the State of Arkansas shall be submitted electronically.
- C. Each applicant shall sign a release of information on the criminal background check application and licensure applications and shall be solely responsible for the payment of any fees associated with the state and federal criminal background checks.

ARKANSAS STATE BOARD OF NURSING RULES

CLEAN COPY

- D. Upon completion of the state and federal criminal background checks, the Identification Bureau of the Arkansas State Police shall forward all information obtained concerning the applicant in the commission of any offense listed in ACA §17-3-102.
- E. The state and federal criminal background checks conducted by the Arkansas State Police and the Federal Bureau of Investigation shall have been completed no earlier than twelve (12) months prior to the application for an initial license issued by the ASBN and at any other time thereafter that the Board deems necessary.
- F. The ASBN shall not issue a permanent license until the state and federal criminal background checks conducted by the Arkansas State Police and the Federal Bureau of Investigation have been completed.
- G. Pursuant to Act 990 of 2019, an individual may petition for a pre-licensure determination of whether the individual's criminal record will disqualify the individual from licensure and whether a waiver may be obtained.
 - 1. A request for a waiver shall be in writing and accompany the completed application and fees.
 - 2. All decisions of the Board in response to the petition will be determined by the information provided by the individual.
 - 3. The Board's response shall state the reason(s) for the decision.
 - 4. Any decision made by the Board in response to a pre-licensure criminal background waiver petition is not subject to appeal.
- H. A waiver of the denial of licensure pursuant to the provisions of ACA §17-3-102 is not required for individuals who held a valid license on July 24, 2019, an individual who held a valid license on or before July 24, 2019, but failed to renew his or her license for any reason; or, an individual who was a student on or before July 24, 2019, in a nursing school or program.
- I. A request to seek waiver of the denial of licensure pursuant to the provisions of ACA §17-3-102 may be made to the ASBN by:
 - 1. The affected applicant for licensure; or
 - 2. The person holding a license subject to revocation.
- J. The request for a waiver shall be made in writing to the Director or designee within thirty (30) calendar days after notification of denial of a license. The request for waiver shall include, but not be limited to the following:
 - 1. Certified copy of court records indicating grounds for conviction; and
 - 2. Any other pertinent documentation to indicate surrounding circumstances.
- K. If an individual notifies ASBN in writing that he or she desires a hearing regarding their request for a waiver, the ASBN will schedule the individual for a hearing pursuant to the Arkansas Administrative Procedures Act.

HISTORY: Amended: June 4, 2021; 2023

SECTION VI **TEMPORARY PERMITS**

A. ENDORSEMENT AND EXAMINATION APPLICANTS

- 1. ASBN shall be authorized to issue a nonrenewable temporary permit for a period not exceeding six months. This temporary permit shall be issued only to those applicants who meet all other qualifications for licensure by the ASBN.
- 2. The temporary permit shall immediately become invalid upon receipt of information obtained from the state or federal criminal background check indicating any offense listed in ACA §17-3-102 or upon notification to the applicant or ASBN of results on the first licensure examination he or she is eligible to take after the permit is issued.
- 3. Falsification of the applicant's criminal record history shall be grounds for disciplinary action by the Board.

CLEAN COPY

B. FEES AND APPLICATIONS

1. The temporary permit fee shall be submitted with the application.
2. The fee is not refundable.

HISTORY: Amended: January 1, 2018; December 29, 2018
Amended: June 4, 2021; October 6, 2021;
Amended: May 1, 2022

SECTION VII **CONTINUING EDUCATION**

Each person holding an active license or applying for reinstatement of a license under the provisions of the *Nurse Practice Act* shall be required to complete certain continuing education requirements prior to licensure renewal or reinstatement.

A. DECLARATION OF COMPLIANCE

Each nurse shall declare his or her compliance with the requirements for continuing education at the time of license renewal or reinstatement. The declaration shall be made at the time of renewal.

B. AUDITS OF LICENSEES

1. The Board shall perform random audits of licensees for compliance with the continuing education requirement.
2. If audited, the licensee shall prove participation in the required continuing education during the 24-months immediately preceding the renewal date by presenting photocopies of original certificates of completion to the Board.
3. The licensee shall provide evidence of continuing education requirements within thirty (30) calendar days from the mailing date of the audit notification letter sent from the Board to the last known address of the licensee.

C. CONTINUING EDUCATION REQUIREMENT STANDARDS

1. Standards for Renewal of Active Licensure Status. Licensees who hold an active nursing license shall document completion of one of the following during each renewal period:
 - a. Fifteen (15) practice focused contact hours from a nationally recognized or state continuing education approval body recognized by the ASBN; or
 - b. Certification or re-certification during the renewal period by a national certifying body recognized by the ASBN; or
 - c. An academic course in nursing or related field; and
 - d. Provide other evidence as requested by the Board.
 - e. Effective January 1, 2010, APRNs with prescriptive authority shall complete five (5) contact hours of pharmacotherapeutics continuing education in the APRN's area of certification each biennium prior to license renewal.
2. Standards for Nurses on Inactive Status. Nurses who have their license placed on inactive status have no requirements for continuing education.
3. Standards for Reinstatement of Active Licensure Status
 - a. Nurses reinstating a nursing license to active status within five years or less shall document completion of the following within the past two (2) years:
 1. Twenty (20) practice focused contact hours within the past two years from a nationally recognized or state continuing education approval body recognized by the ASBN, or
 2. Certification or re-certification by a national certifying body recognized by the ASBN; or
 3. An academic course in nursing or related field; and/or
 4. Provide other evidence as requested by the Board.
 - b. Nurses reinstating a nursing license to active status after greater than five (5) years shall document completion of the following:

CLEAN COPY

1. Twenty (20) practice focused contact hours within the past two (2) years from a nationally recognized or state continuing education approval body recognized by the Arkansas State Board of Nursing, or
 2. Certification or re-certification by a national certifying body recognized by the ASBN; or
 3. An academic course in nursing or related field; and
 4. Active practice of nursing for a minimum of one thousand hours (1,000) within the two years immediately prior to application. Verification of employment shall be submitted; or
 5. Completion of a Arkansas board approved refresher course within one (1) year of the date of application; or
 6. Graduation from an approved nursing education program within one (1) year of the date of application, and
 7. Provide other evidence as requested by the Board.
4. Standards for Reinstatement of Prescriptive Authority Effective January 1, 2010, APRNs whose prescriptive authority is inactive shall complete five (5) contact hours of pharmacotherapeutics continuing education in the APRN's area of certification for each twelve (12) months of non-prescribing activity in addition to the five (5) contact hours required for APRN license renewal, as noted in Chapter 4, III(F)(7), prior to reactivation of prescriptive authority.
 5. The Board may issue a temporary permit to a nurse during the time enrolled in a Board approved nursing refresher course or an employer competency orientation program upon submission of an application, fees, and verification of enrollment in such program.
 6. Continuing education hours beyond the required contact hours shall not be "carried over" to the next renewal period.

D. RESPONSIBILITIES OF THE INDIVIDUAL LICENSEE

1. It shall be the responsibility of each licensee to select and participate in those continuing activities that will meet the criteria for acceptable continuing education as specified in ACA §17-87-207 and these rules.
2. It shall be the licensee's responsibility to maintain records of continuing education as well as documented proof such as original certificates of attendance, contact hour certificates, academic transcripts or grade slips and to submit copies of this evidence when requested by the Board.
3. Records shall be maintained by the licensee for a minimum of two consecutive renewal periods or four years.

E. RECOGNITION OF PROVIDERS

1. The Board shall identify organizations, agencies, and groups that shall be recognized as valid approval bodies/providers of nursing continuing education. The recognition may include providers approved by national organizations and state agencies with comparable standards.
2. The Board shall work with professional organizations, approved nursing schools, and other providers of continuing educational programs to ensure that continuing education activities are available to nurses in Arkansas.

F. ACTIVITIES ACCEPTABLE FOR CONTINUING EDUCATION

1. Activities presented by recognized providers which may be acceptable include: national/ regional educational conferences, classroom instruction, individualized instruction (home study/programmed instruction), academic courses, and institutional based instruction; and
2. The content shall be relevant to nursing practice and provide for professional growth of the licensee.
3. If participation is in an academic course or other program in which grades are given, a grade equivalent to "C" or better shall be required, or "pass" on a pass/fail grading system. An academic course may also be taken as "audit", provided that class attendance is verified by the instructor.
4. Volunteer service as defined in ACA §20-8-801 et. seq.

G. ACTIVITIES WHICH ARE NOT ACCEPTABLE AS CONTINUING EDUCATION

1. In-service programs. Activities intended to assist the nurse to acquire, maintain, and/or increase the competence in fulfilling the assigned responsibilities specific to the expectations of the employer.
2. Refresher courses. Programs designed to update basic general knowledge and clinical practice, which consist of a didactic and clinical component to ensure entry-level competencies into nursing practice.

CLEAN COPY

3. Orientation programs. A program by which new staff are introduced to the philosophy, goals, policies, procedures, role expectations, physical facilities, and special services in a specific work setting. Orientation is provided at the time of employment and at other times when changes in roles and responsibilities occur in a specific work setting.
4. Courses designed for lay people.

H. INDIVIDUAL REVIEW OF A CONTINUING EDUCATION ACTIVITY PROVIDED BY A NON-RECOGNIZED AGENCY/ORGANIZATION

1. A licensee may request an individual review by:
 - a. Submitting an "Application for Individual Review"; and
 - b. Paying a fee.
2. Approval of a non-recognized continuing educational activity shall be limited to the specific event under consideration.

I. FAILURE TO COMPLY

1. Any licensee who fails to complete continuing education or who falsely certifies completion of continuing education shall be subject to disciplinary action, non-renewal of the nurse's license, or both, pursuant to ACA §17-87-207 and A.C.A. §17-87-309(a)(1) and (a)(6).
2. If the Board determines that a licensee has failed to comply with continuing education requirements, the licensee will:
 - a. Be allowed to meet continuing education requirements within ninety (90) days of notification of non-compliance.
 - b. Be assessed a late fee for each contact hour that requirements are not met after the ninety (90) day grace period and be issued a Letter of Reprimand. Failure to pay the fee may result in further disciplinary action.

HISTORY: Amended: January 1, 2018
Amended: May 15, 2020; June 4, 2021

SECTION VIII **RENEWALS**

A. Each person licensed under the provisions of the *Nurse Practice Act* shall renew biennially.

1. Sixty (60) days prior to the expiration date, the Board shall mail a renewal notice to the last known address of each nurse to whom a license was issued or renewed during the current period.
2. The application shall be completed before the license renewal is processed.
3. The fee for renewal shall accompany the application.
4. The fee is not refundable.
5. Pursuant to Act 204 of 2017, upon notification of active-duty status and submission of appropriate documentation, the license renewal fee will be waived for members of the military.

B. LAPSED LICENSE

1. The license is lapsed if not renewed or placed in inactive status by the expiration date.
2. Failure to receive the renewal notice at the last address of record in the Board office shall not relieve the licensee of the responsibility for renewing the license by the expiration date.
3. Any licensee whose license has lapsed shall file a renewal application and pay the current renewal fee and the late fee.
4. 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 violation of the *Nurse Practice Act*.

C. INACTIVE STATUS

1. Any licensee who desires to temporarily inactivate their nursing license in this state, shall submit a request and the current license shall be placed on inactive status.
2. While inactive, the licensee shall not practice nursing nor be subject to the payment of renewal fees.

ARKANSAS STATE BOARD OF NURSING RULES

CLEAN COPY

3. When the licensee desires to resume practice, he or she shall submit a reinstatement application and meet the continuing education requirements.
4. When disciplinary proceedings have been initiated against an inactive licensee, the license shall not be reinstated until the proceedings have been completed.

D. RETIRED NURSE

1. Any licensee in good standing, who desires to retire for any length of time from the practice of nursing in this state, shall submit a request and the current license shall be placed on retired status.
2. While retired, the licensee shall not practice nursing, however:
 - a. A registered nurse with a retired license status may use the title “Registered Nurse”, or the abbreviation “RN”; and
 - b. A practical nurse with a retired license status may use the title “Licensed Practice Nurse”, or the abbreviation “LPN”; and
 - c. A psychiatric technician nurse with a retired license status may use the title “Licensed Psychiatric Technician Nurse”, or the abbreviation “LPTN”; and
 - d. An advanced practice registered nurse with a retired license status may use the title “Advanced Practice Registered Nurse”, or the abbreviation “APRN”.
3. When the licensee desires to resume practice, he or she shall submit a reinstatement application and meet the continuing education requirements.
4. When disciplinary proceedings have been initiated against a retired licensee, the license shall not be reinstated until the proceedings have been completed.

E. The licensee may be required to submit to a state and federal criminal background check if the Board deems it necessary.

1. A waiver is not required for renewal of a license for an individual convicted of a crime listed in ACA 17-3-102 if:
 - a. The licensee has completed the waiver requirements at the time of initial licensure; or
 - b. Was licensed prior to July 24, 2019; or
 - c. Attended a professional or occupational school, program, or training in pursuit of an occupational license before the enactment of subsection (a) (July 24, 2019) and would have been qualified to hold an occupational license on or before July 24, 2019.

HISTORY: Amended: January 1, 2018; December 29, 2018

SECTION IX
CERTIFICATION/VERIFICATION TO ANOTHER JURISDICTION

Upon payment of a certification/verification fee, a nurse seeking licensure in another state may have a certified statement of Arkansas licensure issued to the Board of Nursing in that state.

SECTION X
NAME OR ADDRESS CHANGE

- A.** A licensee, whose name is legally changed, shall submit a name change request, copy of marriage license, or court action, and the required fee.
- B.** A licensee, whose address changes from the address on file with the Board, shall immediately notify the Board in writing of the change.

HISTORY: Amended May 15, 2022

CLEAN COPY

SECTION XI

LICENSURE FOR UNIFORMED SERVICE MEMBERS, VETERANS AND SPOUSES

A. AUTOMATIC LICENSURE

1. Temporary permits for individuals listed in Section XI(A)(2) shall be issued within twenty-four (24) hours of receipt of all required documents.
2. The Board will give preference in the order of processing to applications for full licensure filed by the following individuals:
 - a. A uniformed service member stationed in the State of Arkansas;
 - b. A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or
 - c. The spouse of a:
 - 1) Person under (a) or (b) above; or
 - 2) 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
 - 3) 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.

B. EXTENSION OF LICENSURE EXPIRATION DATE

Upon written request and submission of appropriate documentation, deployed uniformed service member or spouse shall be allowed an extension of the expiration date without penalty or assessment of a late fee for renewing the nursing license. The extension shall be effective for one hundred eighty (180) days after the service member or spouse returns from active deployment.

C. CONSIDERATION OF MILITARY TRAINING AND EXPERIENCE

When considering an application for licensure the Board shall:

1. Consider whether or not the applicant's military education, training, national certification, service-issued credential, and experience in the practice of nursing is substantially similar to the experience or education required for licensure.
2. Accept the applicant's military education, training, national certification, service-issued credential, and experience in the practice of nursing in lieu of experience or education required for licensure, if the Board determines that the military training and experience is a satisfactory substitute for the experience or education required for licensure.

D. WAIVER OF CONTINUING EDUCATION

1. Upon written request and submission of appropriate documentation the continuing education requirements for license renewal shall be waived for:
 - a. A uniformed service member deployed; or
 - b. The spouse of a deployed uniformed service member.
2. This waiver shall be extended until one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

History: Adopted December 29, 2018
Amended: May 15, 2022; 2023



Arkansas Department of Health

Arkansas State Board of Nursing

1123 S. University Ave., #800 • Little Rock, AR 72204 • (501) 686-2700 • Fax (501) 686-2714

Governor Sarah Huckabee Sanders

Renee Mallory, RN, BSN, Secretary of Health

Jennifer Dillaha, MD, Director

Sue A. Tedford, MNsc, APRN, Director

MEMORANDUM

TO: Legal Notices
Arkansas Democrat-Gazette

VIA EMAIL: legalads@ardemgaz.com

FROM: Leslie Suggs, Executive Assistant to the Director

DATE: February 7, 2024

RE: Legal Notice

Please run the following ad for three (3) consecutive days, beginning Saturday, February 10, 2024.

NOTICE OF AMENDING THE ARKANSAS STATE BOARD OF NURSING RULES

On Wednesday, February 28, 2024, at 10:30 a.m., the Arkansas State Board of Nursing (ASBN) will hold a public hearing in the ASBN Boardroom located at 1123 S. University Ave., Suite 312, in Little Rock, Arkansas, regarding the proposed revisions to the following:

ASBN Rules:

Chapter One- General Provisions

Chapter Two- Licensure: RN, LPN, and LPTN

Chapter Seven- Rules of Procedure

Chapter Eight- Medication Assistant-Certified

*Chapter Nine- Insulin, Glucagon, and Medication for Adrenal Insufficiency
or Adrenal Crisis*

Chapter Ten- Alternative to Discipline

Chapter Eleven- Full Independent Practice Credentialing Committee

Copies of the proposed *Rules* are available at the ASBN office or you may view them at www.arsbn.org. Written comments should be submitted to the Director, Arkansas State Board of Nursing, 1123 South University Ave.; Suite 800, Little Rock, AR 72204; no later than Friday, March 8, 2024.

Please email me at Leslie.Suggs@arkansas.gov to confirm that you received this notice and that it will begin running on Saturday, February 10, 2024, for three (3) consecutive days. Thanks for your kind assistance.



Arkansas Department of Health

Arkansas State Board of Nursing

1123 S. University Ave., #800 • Little Rock, AR 72204 • (501) 686-2700 • Fax (501) 686-2714

Governor Sarah Huckabee Sanders

Renee Mallory, RN, BSN, Secretary of Health

Jennifer Dillaha, MD, Director

Sue A. Tedford, MNsc, APRN, Director

MEMORANDUM

DATE: February 7, 2024

TO: Office of the Arkansas Secretary of State
register@sos.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 Seven- Rules of Procedure
Chapter Eight- Medication Assistant-Certified
Chapter Nine- Insulin, Glucagon, and Medication for Adrenal Insufficiency or
Adrenal Crisis
Chapter Ten- Alternative to Discipline
Chapter Eleven- Full Independent Practice Credentialing Committee

Our public comment period concerning this matter ends on March 8, 2024. A public hearing at our office is scheduled to take place on February 28, 2024, at 10:30 a.m.

Following is a summary of the proposed changes:

Chapter 1

The definition of *Full Practice Authority/Full independent Practice* was updated to align with the changes from Act 872 of 2023; definition of *Program Outcomes* was added to aid consistency in measurement by Arkansas nursing education programs; and updated the rules to reflect current fees charged to licensees.

Chapter 2

Definition of terms and editorial changes were made for clarification and to align with Nurse Licensure Compact (NLC), "means" replaced "is"; (ICNLCA) was added; removed the definition of "Covert"; "terminate the active status" replaced "change the status"; "in a party state" was added; "Executive", "of the ICNLCA" and "approved to perform duties as delegated by the Commission" was added; "referred to in Article IV of the Interstate Commission of Nurse Licensure Compact Administrators Bylaws" was removed; "as defined in Article II e" was added; "any" replaced "a"; "the existence of" was added to clarify to the public that the investigative information is not in the data system; "determine" was replaced by "ascertain", "and member board notifications related to" was added; "and any" was replaced with "or" to align with statute and provide clarification; added new rule that defines full party state participation in the coordinated licensure system required by statute; "Date" was removed; "shall be" replaced "was";

Chapter 2 (cont.)

provision was amended to take into consideration the completion of the transition to the enhanced compact while maintaining an explanation for the licenses which remain in force from the prior compact; provision was amended to clarify that the legacy clause does not pertain to a licensee who changes primary state of residence after the implementation date; deleted the sections numbered 2, 3, and 4 as they are no longer relevant; "Recognition of" and "After January 19, 2018" was removed from title and "Implementation By" was added; "The Executive Director shall notify" was added and "shall be notified by the Commission" was removed to align with current language; "within twelve (12)" replaced "six (6)" to assist states in providing more time to gather the necessary information for implementation; "Executive" "the new party" "the new home" "remote" was added; "new state" "a Compact" "That was not a member of the prior Compact" "a party" "all other" "another party state" was removed to align with current language; "Multistate" was added, "multistate licensee" replaced "nurse", "within 60 days" replaced section; Section was moved to improve readability; "party state shall" "identify a license" was added and "license issued by a party shall be" "identified" was removed; Sections were removed as they are in statute; "home state" was replaced with "primary state of residence" to align with military statutory requirements; "the" was removed "a new party state's" added; "request" "and all party state Compact Administrators shall be informed of the result" was removed; "contact the Executive Director to request" "through the Executive Director" was added to align with current language; removed duplicate rule as covered in ACA 17-3-102; changed "expedited" to "automatic"; and added education and national certification and removed the one-year limitation for veteran application per Act 137.

Chapter 7

Added two application types "prescriptive authority, full practice authority or" into the definition of fraud and deceit (full practice authority and prescriptive authority) to include all application types received by the Board of Nursing.

Chapter 8

To align rules with current statute editorial correction to reference correct act was made; Deleted section due to the Advisory Committee being dissolved by Act 365 of 2023; to align rules with current statute, changed "expedited" to "automatic"; renumbered and technical corrections (substituted certification for licensure); Added education and national certification and removed the one-year limitation for veteran application per Act 137 of 2023.

Chapter 9

Chapter title was updated to align rules with statute and Board of Education rules removing "and" "administration", adding "and medication for adrenal insufficiency or adrenal crisis"; removed Sections to align with the State Board of Education rules; "and the Arkansas State Board of Nursing's authority" "6-18-718" "and medication for adrenal insufficiency or adrenal crisis" "student" were added; "25-15-201 et seq" "and" "to Arkansas public school students diagnosed with diabetes" were removed to align with the State Board of Education rules and Act 1050 of 2021; definitions for Adrenal Crisis, Adrenal Insufficiency, Diabetes, Emergency Dose Medication, Licensed Healthcare Practitioner, Non-scheduled Dose of Insulin, Scheduled Dose of Insulin,

Chapter 9 (cont.)

and Stress Dose Medication were added to align with the State Board of Education rules and Act 1050 of 2021; definitions of Emergency Situation, Glucagon, Insulin, Licensed School Nurse Employed by a School District, and Trained Volunteer School Personnel were updated to align with the State Board of Education rules; “and/or” is replaced with “or both”, “administer” replaces “provide”, “injections”, “Arkansas Department of Education”, “review”, and “Division of Elementary and Secondary Education” are removed; “student’s individualized Healthcare Plan” replaces “health plan”, “volunteer” “are designated as care providers and” are removed and “have volunteered and been” is added; “written authorization of the student’s parent, guardian, or person acting in loco parentis” replaces “parent’s or guardian’s signed authorization”; “who are designated as care providers and trained to administer insulin and/or glucagon” is removed; “only” is moved and “such” is deleted; “trained to administer insulin and/or glucagon for each school is removed to align with the State Board of Education rules; and Sections were added to align with the State Board of Education rules and Act 1050 of 2021.

Chapter 10

All references to “licensee” were changed to “individual”; added “certification” by the Board of Nursing in addition to licensure; deleted the term “nursing” in reference to practice type; changed “licensee” to “participant”; and changed the term “nurse” to “individual”.

Chapter 11

To align with Act 872 of 2023 added “Clinical Nurse Specialist” to qualified license types; updated definition of Full Independent Practice Authority to include Clinical Nurse Specialist; added the definition of Clinical Nurse Specialist; “collaborative practice” was deleted and “board required” “with a physician” was added to align with Act 872; and clarification of requirements for APRNs who have practiced in another state or territory was added.