

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 ELEVEN FULL INDEPENDENT PRACTICE CREDENTIALING COMMITTEE

SECTION I PURPOSE & AUTHORITY

- A. PURPOSE** - The purpose of the Full Independent Practice Credentialing Committee is to:
1. Review and act on applications for full independent practice authority submitted by Certified Nurse Practitioners and Clinical Nurse Specialist; and
 2. Review and act on complaints filed against Certified Nurse Practitioners and Clinical Nurse Specialist who have full independent practice authority.
- B. LEGAL AUTHORITY** - The authority of the Full Independent Practice Authority Committee is pursuant to Ark. Code Ann. § 17-87-314, et seq.

Amended: 2023

SECTION II GENERAL MATTERS

- A. DEFINITION OF TERMS**
1. Full Independent Practice Authority: the ability of a Certified Nurse Practitioner or Clinical Nurse Specialist to practice with prescriptive authority without a collaborative practice agreement as described in Ark. Code Ann. § 17-87-310.
 2. Prescriptive Authority: the ability to receive and prescribe drugs, medicines, or therapeutic devices appropriate to the advanced practice registered nurse's area of practice.
 3. Certified Nurse Practitioner: a registered nurse who has successfully completed a nationally accredited graduate or post-graduate APRN education program that prepares nurses for the advanced practice role of nurse practitioner, is nationally certified in the population foci appropriate to the educational preparation and licensed at the advanced practice level.
 4. Clinical Nurse Specialist: a registered nurse who has successfully completed a nationally accredited graduate or post-graduate APRN education program that prepares nurses for the advanced practice role of clinical nurse specialist, is nationally certified in the population foci appropriate to the educational preparation and licensed at the advanced practice level.
- B. MEETING**
1. The Committee shall meet at least quarterly and shall have the power to call and hold special meetings at such times and places as it deems necessary.
 2. Five members shall constitute a quorum at any meeting of the Committee.
- C. MEMBERS**
- The Committee shall be comprised of eight members appointed according to ACA 17-87-314 who may serve up to two 3-year terms, or until successor is appointed.
- D. OFFICERS**
1. The Committee shall elect a Chair, and a Vice-Chair.
 2. Officers may serve no more than two consecutive 1-year terms.
 3. Powers & Duties of the Chair:

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- a. Sign subpoenas,
 - b. Administer oaths,
 - c. Authenticate all notices and other actions of the Committee, and
 - d. Issue notices of hearings and other processes and as directed by the Committee
4. The Vice-Chair shall assume all duties and privileges of the Chair in the absence of the Chair.

E. DUTIES

1. Review all applications, initial or renewal, for full independent practice authority submitted by Certified Nurse Practitioners or Clinical Nurse Specialist licensed by the Arkansas State Board of Nursing.
2. Approve or deny applications for full independent practice authority.
 - a. All actions shall be provided, in writing, to the applicant.
 - b. Denial of an application shall include the reason(s) for denial.
3. Review complaints filed in writing against Certified Nurse Practitioners or Clinical Nurse Specialist with full independent practice authority.
 - a. The Committee shall review complaints against Certified Nurse Practitioners or Clinical Nurse Specialist who hold a certificate of full independent practice authority.
 - b. The Committee may take action, suspend or revoke the certificate for full independent practice authority based on the complaint; however, the Committee may not take action against the nursing license of a certified nurse practitioner.
 - c. All complaints and actions shall be reported to the Arkansas State Board of Nursing.

F. HEARINGS

1. Hearings will be conducted when the Committee takes action to suspend or revoke the certificate of full independent practice authority.
2. Hearings will be conducted according to the Arkansas Administrative Procedures Act.
3. The ~~Certified Nurse Practitioner~~ Certified Nurse Practitioner or Clinical Nurse Specialist will be provided ten (10) days' notice, in writing, to appear before the Full Independent Practice Credentialing Committee.

G. APPEAL

If a Certified Nurse Practitioner's or Clinical Nurse Specialist's certificate of full independent practice authority is denied, suspended, or revoked they may appeal the action of the Committee under the Arkansas Administrative Procedure Act, §25-15-201.

F. REPORTS

A quarterly report will be provided to the Senate Committee on Public Health, Welfare and Labor and the House Committee on Public Health, Welfare and Labor. The report will contain, at a minimum, the number of applicants approved and denied a certificate of independent practice authority.

Amended: 2023

SECTION III QUALIFICATIONS FOR FULL INDEPENDENT PRACTICE AUTHORITY

A. INITIAL

1. Submission of an application for full independent practice authority.
2. Submission of two (2) letters of recommendation.
3. Hold an active unencumbered Arkansas Certified Nurse Practitioner or Clinical Nurse Specialist license.
4. Hold an unencumbered prescriptive authority certificate or equivalent in the state of licensure.

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5. Submission of documentation showing a minimum of 6,240 hours of practice:
 - a. Under a ~~collaborative practice~~ board required agreement with a physician. Such documentation shall include:
 - 1) An affidavit from a collaborating physician attesting to the number of hours the Certified Nurse Practitioner practiced under a collaborative practice agreement with the physician. Multiple attestations are acceptable.; or
 - 2) Other evidence of meeting the qualifications for full independent practice and an affidavit signed by the nurse practitioner, in the event a collaborating physician has died, become disabled, retired, relocated to another state, or any other circumstance that inhibits the ability of the nurse practitioner from obtaining an affidavit.
 - i. Other evidence may include employment records, military service, Medicare or Medicaid reimbursement records, or other similar records that verify clinical practice in the population foci for which the nurse practitioner is licensed and certified.
 - ii. The burden shall be on the nurse practitioner to provide sufficient evidence to support the nurse practitioner's inability to obtain an affidavit from a collaborating physician.
 - b. In another state, territory, or foreign country that authorizes a certified nurse practitioner or a clinical nurse specialist to practice with prescriptive authority if the certified nurse practitioner or clinical nurse specialist provides proof of:
 - 1) Holding prescriptive authority in the state; and
 - 2) The APRN license is in good standing.
6. Submission of any other relevant documents requested by the Committee in support of application.

HISTORY: Adopted: August 1, 2022

Amended: 2023

B. RENEWAL

1. The Certificate for full independent practice authority shall be renewed every three years by submitting the required application and corresponding fee.
2. Renewal applicants must hold an active unencumbered Arkansas Certified Nurse Practitioner or Clinical Nurse Specialist license.

Amended: 2023

SECTION IV **FEES**

- A. The Committee shall establish fees for services relating to application for full independent practice authority and renewal of the full independent practice certificate.
 1. The initial application fee shall be \$150.00.
 2. The certificate renewal fee shall be \$50.00.
 3. All funds received shall be deposited in the State Treasury to the credit of the Committee.
 4. Fees paid shall be by credit card.
 5. Fees paid are processing fees and are not refundable.

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Full Independent Practice Credentialing Committee Rules

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HISTORY: Adopted: August 1, 2022



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

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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 assists 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 re 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 statue 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.