

**PROPOSED REGULATION 29**  
**COLLABORATIVE PRACTICE REGULATION**

ACA § 17-87-102(2) states that a “collaborative practice agreement” means a written plan that identifies a physician who agrees to collaborate with an advanced practice nurse in the joint management of the health care of the advanced practice nurse’s patients, and outlines procedures for consultation with or referral to the collaborating physician or other health care professionals as indicated by a patient’s health care needs;

ACA § 17-87-310(a)(2) provides that: “An advanced practice nurse may obtain a certificate of prescriptive authority from the Arkansas State Board of Nursing if the advanced practice nurse has a collaborative practice agreement with a physician who is licensed under the Arkansas Medical Practices Act, and who has a practice comparable in scope, specialty, or expertise to that of the advanced practice nurse on file with the Arkansas State Board of Nursing.”

ACA § 17-87-310(c) states: “A collaborative practice agreement shall include, but not be limited to, provisions addressing:

- (1) The availability of the collaborating physician for consultation or referral, or both;
- (2) Methods of management of the collaborative practice, which shall include protocols for prescriptive authority;
- (3) Coverage of the health care needs of a patient in the emergency absence of the advanced practice nurse or physician; and
- (4) Quality assurance.”

ACA § 17-87-310(d) provides that: “If a collaborative practice results in complaints of violations of the Arkansas Medical Practices Act, the Arkansas State Medical Board may review the role of the physician and the collaborative practice to determine if the physician is unable to manage his or her responsibilities under the agreement without an adverse effect on the quality

of care of the patient.”

To better delineate and explain the requirements on a physician who desires to enter into a collaborative practice agreement with an advanced practice nurse, the Arkansas State Medical Board states affirmatively that the licensed physician must comply with Arkansas law as stated hereinabove, as well as the following:

- I. The collaborating physician must be within 60 minutes of the physical practicing location of the Advanced Practice Nurse (APN), unless the Arkansas State Medical Board (ASMB) grants the collaborating physician an exception based on demonstration of extraordinary need.
- II. The collaborating physician must be easily in contact with the APN by radio, telephone, electronic or other telecommunication device.
- III. The collaborating physician must be engaged in the active practice of medicine and have a practice comparable in scope, specialty, or expertise to that of the Advanced Practice Nurse with whom he or she has entered into a collaborative practice agreement with.
- IV. The collaborating physician must provide notification of the following information to the ASMB, in a manner and form established by the Board:
  - A. The names and professional titles of anyone with whom they are collaborating;
  - B. When a material change has occurred in the collaborative agreement or practice;
  - C. Termination of any collaborative practice agreement.
  - D. List the scope, specialty and expertise of practice that the physician is engaged in.
  - E. List the scope, speciality and expertise of practice that the Advanced Practice Nurse is engaged in.
  - F. Provide a copy of the Collaborative Agreement exclusive of specific protocols.
- V. The collaborative practice agreement must be reviewed and signed annually by the collaborating physician. A copy of the collaborative agreement must be maintained by the collaborating physician and made available to the ASMB upon request, and must include, at a minimum, provisions addressing:
  - A. The availability of the collaborating physician for consultation or referral or both;
  - B. Methods of management of the collaborative practice, which shall include:
    - 1) extent of scope of practice;
    - 2) written specific procedures or functions;
    - 3) protocols for prescriptive authority, which shall at a minimum include indications for and classifications of legend drugs and therapeutic devices which will be prescribed or administered by the APN;

- C. Coverage of the health care needs of the patient in the emergency absence of the APN or physician;
  - D. Quality Assurance Plan that includes, but is not limited to:
    - 1. Chart review commensurate with the APN's experience and ability, but not less than a minimum of 10% quarterly.
    - 2. On-site presence at the APN's practicing location for a minimum of ½ day every two weeks. A substituted plan may be requested by the physician and obtained upon approval of the Arkansas State Medical Board, upon a showing of extraordinary need.
- VI. The collaborating physician shall be responsible for ensuring the existence of:
- A. A policy to notify patients before they are treated as to the title (MD, APN, etc.) of the treating provider.
  - B. A sign or signs posted in a conspicuous place that:
    - 1. Informs patients of the ability to request that their chart be reviewed by the collaborating physician;
    - 2. Informs patients of the collaborating physician's name and medical specialty;
    - 3. Indicates whether the collaborating physician is available on-site or remotely;
    - 4. Indicates scheduled days and hours that the collaborating physician is routinely on-site; and
    - 5. Collaborating physician's contact information.

The failure of a physician to comply with this Regulation will be considered a violation of the Medical Practices Act. and § 17-95-409(a)(2)(P), and subject the physician to the possibility of a disciplinary hearing and the imposition of sanctions against his or her license pursuant to Arkansas law and the Administrative Procedure Act.