

ARKANSAS REGISTER

Transmittal Sheet



Sharon Priest
Secretary of State
State Capitol Rm. 01
Little Rock, Arkansas 72201-1094

For Office Use Only: Effective Date _____ Code Number 067.00.00 - 001

Name of Agency Arkansas State Board of Nursing

Department _____

Contact Person Melinda Thornton Phone 686-2704

Statutory Authority for Promulgating Rules ACA §17-87-203

	Date
Chapter One - General Provisions	
Intended Effective Date	Legal Notice Published <u>7-16-00</u>
<input type="checkbox"/> Emergency	Final Date for Public Comment <u>8-16-00</u>
<input type="checkbox"/> 10 Days After Filing	Filed With Legislative Council <u>7-21-00</u>
<input checked="" type="checkbox"/> Other	Reviewed by Legislative Council _____
<u>11-30-00</u>	Adopted by State Agency _____

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 As Amended.

Keith A. Fields

Signature

686-2700

Phone Number

Executive Director

Title

7-21-00

Date

FILED

JUL 24 2000

SHARON PRIEST
SECRETARY OF STATE

BY _____

FILED

JUL 24 2000

SHARON PRIEST
SECRETARY OF STATE

CHAPTER ONE GENERAL PROVISIONS

SECTION I PURPOSE AND AUTHORITY

BY _____

A. PURPOSE

1. **ARKANSAS NURSE PRACTICE ACT** - Requires that any person who practices or offers to practice professional nursing, advanced practice nursing, registered nurse practitioner nursing, practical nursing or psychiatric technician nursing for compensation be licensed and submit evidence that he/she is qualified to so practice and shall be licensed as hereinafter provided.
2. **ARKANSAS STATE BOARD OF NURSING** - Established by the Arkansas Nurse Practice Act for the implementation of the statute by carrying on the licensing, disciplinary and educational functions for professional, advanced practice, registered nurse practitioner, practical and psychiatric technician nursing.

- B. LEGAL AUTHORITY** - The authority of the Board is contained in the Arkansas Code of 1987 Annotated and 1995 Supplement, Sections 17-87-101 through 17-87-402 (Nurse Practice Act).

SECTION II THE PRACTICE OF NURSING

A. THE PRACTICE OF PROFESSIONAL NURSING

The performance for compensation of any acts involving the observation, care and counsel of the ill, injured or infirm; the maintenance of health or prevention of illness of others; the supervision and teaching of other personnel; the delegation of certain nursing practices to other personnel as set forth in regulations established by the board; or the administration of medications and treatments as prescribed by practitioners authorized to prescribe and treat according to state law where such acts require substantial specialized judgment and skill based on knowledge and application of the principles of biological, physical and social sciences.

B. THE PRACTICE OF ADVANCED PRACTICE NURSING

The practice of advanced practice nursing means the delivery of health care services for compensation by professional nurses who have gained additional knowledge and skills through successful completion of an organized program of nursing education that certifies nurses for advanced practice roles as advanced nurse practitioners, certified registered nurse

anesthetists, certified nurse midwives and clinical nurse specialists.

1. **ADVANCED NURSE PRACTITIONER** — The practice of advanced nurse practitioner nursing means the performance for compensation of nursing skills by a registered nurse who, as demonstrated by national certification, has advanced knowledge and practice skill in the delivery of nursing services.
2. **CERTIFIED REGISTERED NURSE ANESTHETIST** — The practice of certified registered nurse anesthesia means the performance for compensation of advanced nursing skills relevant to the administration of anesthetics under the supervision of, but not necessarily in the presence of, a licensed physician, licensed dentist, or other person lawfully entitled to order anesthesia.
3. **CERTIFIED NURSE MIDWIFE** — The practice of nurse midwifery means the performance for compensation of nursing skills relevant to the management of women's health care, focusing on pregnancy, childbirth, the postpartum period, care of the newborn, family planning and gynecological needs of women, within a health care system that provides for consultation, collaborative management or referral as indicated by the health status of the client.
4. **CLINICAL NURSE SPECIALIST** — The practice of clinical nurse specialist nursing means the performance for compensation of nursing skills by a registered nurse who, through study and supervised practice at the graduate level and as evidenced by national certification, has advanced knowledge and practice skills in a specialized area of nursing practice.

C. THE PRACTICE OF REGISTERED NURSE PRACTITIONER NURSING

The delivery of health care services for compensation in collaboration with and under the direction of a licensed physician or under the direction of protocols developed with a licensed physician. Registered nurse practitioners shall be authorized to engage in activities as recognized by the nursing profession and as authorized by the Board. Nothing in this subdivision is to be deemed to limit a registered nurse practitioner from engaging in those activities which normally constitute the practice of nursing, or those which may be performed by persons without the necessity of the license to practice medicine.

D. THE PRACTICE OF PRACTICAL NURSING — the performance for compensation of acts involving the care of the ill, injured, or infirm or the delegation of certain nursing practices to other personnel as set forth in regulations established by the board; under the direction of a registered professional nurse, an advanced practice nurse, a licensed physician or a licensed dentist, which acts do not require the substantial specialized skill, judgment, and knowledge required in professional nursing.

E. THE PRACTICE OF PSYCHIATRIC TECHNICIAN NURSING — The performance for compensation of acts involving the care of the physically

and mentally ill, retarded, injured, or infirm or the delegation of certain nursing practices to other personnel as set forth in regulations established by the board, and the carrying out of medical orders under the direction of a registered professional nurse, an advanced practice nurse, a licensed physician or a licensed dentist, where such activities do not require the substantial specialized skill, judgment, and knowledge required in professional nursing.

SECTION III IDENTIFICATION INSIGNIA

- A. Any person who holds a license to practice nursing in this state shall use the legal title or the abbreviation as set forth in Arkansas Code Annotated Section 17-87-101, et. seq. No other person shall assume any other name, title or abbreviation or any words, letters, signs, or devices that would cause a reasonable person to believe the user is licensed to practice nursing.
- B. Any person licensed to practice nursing shall wear an insignia to identify himself by his name and appropriate legal title or abbreviation during times when such person is providing health care to the public for compensation.
- C. The insignia shall be prominently displayed and clearly legible such that the person receiving care may readily identify the type of nursing personnel providing such care.

SECTION IV DEFINITION OF TERMS

ACTIVITIES OF DAILY LIVING — Those self-care activities which must be accomplished each day in order for the client to care for his own needs and participate in society.

ADVANCED PRACTICE NURSE CATEGORIES — Advanced nurse practitioner, certified registered nurse anesthetist, certified nurse midwife and clinical nurse specialist.

AGENCY, CLINICAL FACILITY — A facility outside the framework of the program which provides educational experiences for the student.

APPROVAL, TYPES:

PREREQUISITE — Permission to proceed in establishing a program of nursing.

INITIAL — Granted to the program when the curriculum is developed and

readiness to admit students is demonstrated.

FULL — Granted to the nursing program which provides evidence that minimum requirements are met.

CONTINUED FULL — Granted to the nursing program which continues to meet the minimum requirements.

CONDITIONAL — Serves to warn the nursing program of deviations from mandatory requirements affecting the quality of the school.

PROBATIONAL APPROVAL — A status designated to a nursing education program which does not meet the minimum NCLEX passing rate established by the Board.

APPROVED/ACCREDITED — An agency or institution which has met the requirements established by a recognized national, regional, state or professional body.

BOARD — The Arkansas State Board of Nursing.

BOARD REPRESENTATIVE — A person appointed, hired or otherwise authorized by the Board to carry out its functions.

CHAIRPERSON/DIRECTOR — The person responsible for the specific educational unit in nursing, regardless of the official title in the institution.

COLLABORATING PHYSICIAN — A physician, licensed under the Arkansas Medical Practices Act, § 17-93-201 et seq., who has a practice comparable in scope, specialty or expertise to that of the advanced practice nurse or registered nurse practitioner.

COLLABORATIVE PRACTICE AGREEMENT — Document setting out how an advanced practice nurse and physician intend to cooperate in the delivery of client care.

CONSULTING PHYSICIAN — A physician licensed by the Arkansas Medical Practices Act who has obstetric privileges in a hospital.

CONTROLLED SUBSTANCE — Drug substance or immediate precursor in Schedules I-V.

CREDENTIAL — A license, certificate or other evidence of qualifications.

DELEGATION — Entrusting the performance of a selected nursing task to an individual who is qualified, competent and able to perform such tasks. The nurse retains the accountability for the total nursing care of the individual.

DOCUMENTATION — Written proof or evidence to substantiate factual claims or statements satisfactory to the Board.

DRUG SAMPLE — A unit of a legend drug which is distributed to a practitioner by a manufacturer or a manufacturer's representative at no charge, is not intended to be sold, and is intended to promote the sale of the drug.

EMERGENCY CARE — Unanticipated care provided to a person who is unconscious, ill or injured, when the circumstances require prompt decisions and actions and when the necessity of immediate care is so apparent that any delay would seriously worsen the physical condition or endanger the life of the person.

LEGEND DRUG — A drug limited by Section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act to being dispensed by or upon a practitioner's prescription.

MAY — Indicates permission.

OBSERVATIONAL EXPERIENCE — One in which the nursing student provides no nursing care.

OFF CAMPUS/SATELLITE — A site distant from the originating school offering the same program in nursing as that being offered at the originating school.

PERSONAL CARE — Assistance with activities of daily living not requiring a medical prescription.

PHILOSOPHY/MISSION — Includes and identifies the beliefs accepted by the nursing faculty and controlling institution.

PRECEPTOR — A currently licensed nurse or physician, meeting the requirements of these regulations, who serves as a facilitator of student learning in a practice setting.

PRECEPTORSHIP — Practice under the supervision of a qualified preceptor in the care of consumers of health services while a student in a Board approved program.

PRESCRIPTIVE AUTHORITY — Authorization, given by the Board, for an advanced practice nurse who meets established requirements to prescribe. Prescriptive authority for controlled substances shall only extend to drugs listed in Schedules III through V.

PROGRAM — The total educational curriculum in nursing, including theoretical and clinical components.

ASSOCIATE DEGREE PROGRAM — A professional nursing program leading to an associate degree with a major in nursing.

BACCALAUREATE DEGREE PROGRAM — A professional nursing program leading to a baccalaureate degree with a major in nursing.

DIPLOMA PROGRAM — A professional nursing program leading to a diploma with a major in nursing.

PRACTICAL NURSING PROGRAM — A nursing program leading to a certificate in practical nursing.

PSYCHIATRIC TECHNICIAN NURSING PROGRAM — A nursing program leading to a certificate in psychiatric technician nursing.

PROTOCOL — A written statement which delineates agreed-upon approaches in client care and management.

SHALL, WILL, MUST — Indicates a mandatory requirement.

SHOULD — Indicates a recommendation.

SPONSORING/CONTROLLING INSTITUTION — The organization responsible for the administration and continuing operation of the nursing education program.

SURVEY — A visit to determine compliance with minimum requirements.

THERAPEUTIC DEVICE — An instrument or apparatus, requiring a prescription, that is intended for use in diagnosis or treatment, and in the prevention of disease or maintenance or restoration of health.

TRANSMITTING — Relaying an order for a medication, treatment or therapeutic device.

UNDER THE DIRECTION OF A LICENSED PHYSICIAN — The performance of specific acts and procedures which have been authorized by a licensed physician and which may be performed outside the presence of the physician under conditions where a physician is readily available for consultation.

UNENCUMBERED LICENSE — Free of disciplinary limitations or pending action.

SECTION V GENERAL MATTERS

A. OFFICE AND HOURS

The office of the Board is in Little Rock, Arkansas. The office shall be open during business hours each day, Saturday, Sunday and holidays excepted.

B. EXAMINATION, INQUIRY OR INVESTIGATION

The Board may, through one or more of its members, or staff especially authorized, conduct at its office in Little Rock, Arkansas, or in any part of the state, any examination, inquiry or investigation, hearing or other proceeding necessary to perform its duties and functions. The executive director shall have custody of the seal and official records and shall be responsible for the maintenance and custody of the files and records of the Board, including the credentials for all Arkansas licensed nurses, transcripts of testimony and exhibits, the minutes of all actions taken by the Board and all of its findings, determinations, reports, opinions, orders, rules, regulations, and approved forms.

C. AUTHENTICATION

All notices and other actions of the Board shall be authenticated or signed by the president, secretary, or such other person as may be authorized by the Board.

D. NOTICE

Upon order of the Board, the president, secretary, or executive director shall issue all notices of hearings and other process as may be directed by the Board.

E. POWERS OF BOARD

The Board is authorized to:

1. Promulgate whatever regulations it deems necessary for the implementation of the Act;
2. Cause the prosecution of persons violating the Act;
3. Keep a record of all its proceedings;
4. Make an annual report to the Governor;
5. Employ personnel necessary for carrying out its functions;
6. Study, review, develop and recommend role levels of technical classes of nursing service and practice to state and federal health agencies and to public and private administrative bodies;
7. Fix the time for holding its regular meetings;
8. Prescribe minimum standards and approve curricula for educational

programs preparing persons for licensure as registered nurses, advanced practice nurses, registered nurse practitioners, licensed practical nurses, and licensed psychiatric technician nurses;

9. Provide for surveys of such programs at such times as it deems necessary or at the request of the schools;
10. Approve programs that meet the requirements of the Act;
11. Deny or withdraw approval from educational programs for failure to meet prescribed standards;
12. Examine, license and renew the licenses of duly qualified applicants for professional nursing, practical nursing and psychiatric technician nursing;
13. License and renew the licenses of duly qualified applicants for advanced practice nursing and registered nurse practitioner nursing;
14. Issue certificates of prescriptive authority; and
15. Conduct disciplinary proceedings as provided for in the Act.

F. EXECUTIVE DIRECTOR

The executive director of the Board shall be a registered nurse and meet the qualifications required by the Board.

G. BOARD FUNDS AND FEES

1. The Board shall establish and collect fees for services relating to examination, licensing, endorsement, certification for prescriptive authority, temporary permits, license renewal and other reasonable services as determined by the Board.
2. All funds received by the Board shall be deposited in the State Treasury to the credit of the Board.
3. Fees paid to the Board may be in the form of cash, cashier checks, or money orders. Personal checks for initial licensure are accepted from in-state residents only.
4. Fees paid to the Board are processing fees and are not refundable.

H. REVIEW OF REGULATIONS

No regulations promulgated hereafter by the Board shall be effective until reviewed by the Arkansas Legislative Council and the Joint Interim Committee on Public Health, Welfare and Labor of the Arkansas General Assembly.

I. RECORDS

1. Record Maintenance
The executive director shall enter, in permanent form, credentials of all nurses, records of official transactions and proceedings, and keep such records in safekeeping.
2. Tapes

Meetings may be taped by a secretary as necessary for purposes of minute taking. Tapes may be erased after corresponding minutes have been approved.

3. Destruction

The executive director may destroy or dispose of records in the office in accord with applicable law.

4. Certified Copies

Upon written request and payment of a fee, the executive director shall provide to any nurse holding Arkansas licensure a certified copy of any of her/his records on file in the Board office.

5. Public Inspection

Records shall be open to public inspection except as may be specifically exempted by statute.

6. Request for Copies of Rules

Copies of rules of the Board will be furnished free of charge to any official of a government agency requesting them in the performance of his/her duties.

J. EXAMINATION REVIEW

A registered nurse, practical nurse or psychiatric technician nurse candidate who has failed the licensure examination may review his/her examination and/or challenge examination items according to the policies and procedures of the test development vendor.

SECTION VI
ADMINISTRATION

A. ORGANIZATION

1. Composition of Board

~~The Arkansas State Board of Nursing is composed of fifteen (15) members to be appointed by the Governor subject to confirmation by the Senate. Six members of the Board shall be registered nurses whose highest level of educational preparation shall be as follows: two diploma school graduates, two associate degree graduates and two baccalaureate degree or post baccalaureate degree graduates. One member shall be a licensed advanced practice nurse holding a certificate of prescriptive authority. Three members of the Board shall be licensed practical nurses. Three members of the Board shall be licensed psychiatric technician nurses. One member shall be a layperson representing consumers of health care services. One member, not actively engaged in or retired from the profession of nursing, shall be sixty years of age or older, and shall be the representative of the elderly. The Board shall make and adopt all necessary rules and regulations; perform the duties and transact the business required under the provisions of the Arkansas Nurse Practice Act.~~

~~2. Terms of Office~~

~~The term of office for members of the Board shall be four years. No member shall be appointed to more than two (2) consecutive terms without a break in service.~~

~~3. Quorum~~

~~Nine (9) members of the Board shall constitute a quorum.~~

~~B. OFFICERS OF THE BOARD~~

~~The officers of the Board shall consist of a president, vice president, secretary, and treasurer. The president shall be a registered nurse.~~

~~1. Election of Officers~~

~~The officers of the Board shall be elected annually. The nominee receiving the largest number of votes shall be declared elected and shall assume office on the day of the election.~~

~~2. Vacancies in Office~~

~~In case of a vacancy in any of said offices, the Board shall elect one of its members to fill such office until the next regular election.~~

~~3. Duties of Officers~~

~~a. The president shall preside at meetings and shall appoint members to serve on committees as may be created and shall be an ex officio member of all committees. The president shall prepare the agenda for the meeting.~~

~~b. The vice president shall preside in the absence of the president, and shall assume the duties of the president when necessary.~~

~~c. The secretary shall keep a record of Board member attendance and notify the Governor of excessive absences.~~

~~d. The treasurer shall serve as chairman of the Finance Committee, and be responsible for presenting a recommended budget to the Board for approval.~~

~~C. BUSINESS MEETINGS~~

~~1. Regular Meetings~~

~~The Board shall hold a regular meeting within each six (6) month calendar period. Regular meetings shall be determined by the Board unless otherwise ordered by the president.~~

~~2. Special Meetings~~

~~Special meetings may be called at any time by the president or by the secretary on the request of any three (3) members of the Board.~~

~~3. Agenda~~

~~An agenda shall be prepared for each meeting. A copy of the agenda shall be sent to each member at least seven (7) days prior to the meeting. Any member wishing to have a topic placed on the agenda shall notify the executive director at least ten (10) days prior to the meeting. Items of an emergency nature shall be considered at any meeting without prior notice.~~

~~4. Record of Meetings~~

~~The Board shall keep a record of all meetings and such records shall be retained as a permanent record of the transactions of the Board.~~

~~5. Minutes~~

~~Minutes of the previous board meeting shall be approved at the beginning of each Board business meeting. Once approved, the minutes shall be signed, the Board seal affixed and filed in the official minutes book.~~

~~6. Procedures for Meetings~~

~~*Roberts Rules of Order*, Newly Revised, shall be the guide to fair and orderly procedure in meetings of the Board.~~

Effective January 1, 2000