

ARKANSAS REGISTER

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Transmittal Sheet



W.J. "BILL" McCUEN
SECRETARY OF STATE
LITTLE ROCK, ARKANSAS

BY **W. J. "Bill" McCuen**

Secretary of State

State Capitol Rm. 010

Little Rock, Arkansas 72201-1094

For Office

Use Only:

Effective Date 11/10/93 Code Number 067.00.93--006

Name of Agency ARKANSAS STATE BOARD OF NURSING

Department _____

Contact Person LINDA C. MURPHEY, RN, MN, EXECUTIVE DIRECTOR

Statutory Authority for Promulgating Rules ACA §17-86-203(1)

Intended Effective Date		Date
<input type="checkbox"/> Emergency	Legal Notice Published	<u>07/22/93</u>
<input checked="" type="checkbox"/> 20 Days After Filing	Final Date for Public Comment	<u>08/12/93</u>
<input type="checkbox"/> Other	Filed With Legislative Council	<u>08/05/93</u>
	Reviewed by Legislative Council	<u>09/07/93</u>
	Reviewed by Public Health, Welfare & Labor	<u>10/14/93</u>
	Adopted by State Agency	<u>07/08/93</u>

CERTIFICATION OF AUTHORIZED OFFICER

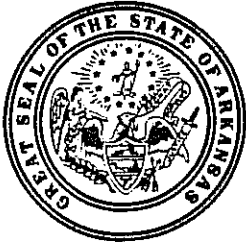
I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 As Amended.

Linda C. Murphey
Signature

EXECUTIVE DIRECTOR

Title

Date



Arkansas State Board of Nursing

UNIVERSITY TOWER BUILDING, SUITE 800
1123 SOUTH UNIVERSITY AVENUE
LITTLE ROCK, ARKANSAS 72204

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W.J. "BILL" MCCUEN
SECRETARY OF STATE
LITTLE ROCK, ARKANSAS
TELEPHONE
(501) 686-2700
BY _____

October 19, 1993

The Honorable W. J. "Bill" McCuen
Secretary of State
State Capitol, Room 010
Little Rock, Arkansas 72201-1094

RE: Change in ASBN Chapter 1, General Provisions
Last Effective Date 08/22/93

Dear Mr. McCuen:

We are submitting the entire Chapter 1 of the Arkansas State Board of Nursing's *Rules and Regulations*; however the only change is an addition to Section II, General Matters, the addition of Subsection 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 agency.

Thank you for your attention to this matter.

Sincerely,

Linda C. Murphey
Linda C. Murphey, R.N., M.N.
Executive Director

LCM/dwl

Enclosures:

1. Transmittal Sheet
2. Chapter 1, General Provisions,
ASBN Rules & Regulations

CHAPTER ONE

GENERAL PROVISIONS

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SECRETARY OF STATE
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SECTION I

PURPOSE AND DEFINITIONS

A. PURPOSE

1. **ARKANSAS NURSE PRACTICE ACT** - Requires that any person who practices or offers to practice professional nursing, nurse anesthesia, registered nurse practitioner, nurse midwifery, 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 for the implementation of the statute by carrying on the licensing and educational functions for professional, practical and psychiatric technician nursing.

B. DEFINITION OF TERMS

For the purpose of the Rules the following definitions are accepted:

1. **BOARD** - the Arkansas State Board of Nursing.
2. **LEGAL AUTHORITY** - The authority of the Board is contained in the Arkansas Code of 1987 Annotated and 1987 Supplement, Sections 17-86-101 through 17-86-507 (Nurse Practice Act).
3. **THE PRACTICE OF PROFESSIONAL NURSING**
 - a. 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; or the administration of medications and treatments as prescribed by a licensed physician or dentist, where such acts require substantial specialized judgment and skill based on knowledge and application of the principles of biological, physical and social sciences.
 - b. Any nurse registered under the provisions of this Act, who holds a diploma or certificate evidencing his or her successful completion of the educational program of a school of anesthesia duly accredited by the Council of Accreditation of Nurse Anesthesia Educational Programs or other nationally recognized accrediting body and holds a current certificate of certification from the Council on Certification of Nurse Anesthetists or the Council on Recertification of Nurse Anesthetists or the nationally recognized certifying body, may give or administer anesthetics in this state in the presence and under the supervision of a licensed physician or dentist.
 - c. Any person licensed or possessing the qualifications to obtain a license as a registered nurse under the provisions of this Act who holds a certificate and/or academic degree evidencing his or her successful completion of the educational program of an accredited school of nursing or other nationally recognized accredited program recognized by the State Board of Nursing as meeting the requirements as a nurse practitioner program, may be licensed as a registered nurse practitioner in accordance with the rules and regulations promulgated by the State Board of Nursing. A registered nurse practitioner is a registered nurse, licensed in this state, who has been authorized by the State Board of Nursing to deliver health care in collaboration with a licensed physician. Registered nurse practitioners under the direction of a licensed physician shall be authorized to engage in activities recognized by the nursing profession and as specified in the Arkansas State Board of Nursing rules and regulations relating to registered nurse practitioners.

- d. Practice of nurse midwifery means the performance for compensation of nursing skills relevant to the management and monitoring of the woman and her newborn infant throughout the course of normal maternity cycle including pregnancy, labor, spontaneous birth, and the six-week postpartum period. The practice must be in consultation with a physician licensed under the Arkansas Medical Practices Act, §17-93-201 et seq., who has obstetrical privileges in a hospital.
 - e. Nothing herein is to be deemed to limit a certified registered nurse anesthetist, a nurse midwife, or 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. Nor shall this regulation preclude hospital employed professional paramedics from administering medication for diagnostic procedures under the direction of a physician.
- 4. **THE PRACTICE OF PRACTICAL NURSING** - the performance for compensation of any acts involving the care of the ill, injured, or infirm under the direction of a registered professional nurse or a licensed physician or a licensed dentist, not requiring the substantial specialized skill, judgment, and knowledge required in professional nursing.
 - 5. **THE PRACTICE OF PSYCHIATRIC TECHNICIAN NURSING** - the performance for compensation of acts involving the care of the physically and/or mentally ill, retarded, injured, or infirm and the carrying out of medical orders under the direction of a registered professional nurse, or a licensed physician or a licensed dentist, not requiring the substantial specialized skill, judgment, and knowledge required in professional nursing.

SECTION II 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 executive director 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 this Act.
- 2. Cause the prosecution of persons violating this 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, 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 this 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; and
13. Conduct disciplinary proceedings as provided for in this 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

1. All funds received by the Board shall be deposited in the State Treasury to the credit of the Board.
2. Fees paid to the Board may be in the form of cash, personal checks, cashier checks, or money orders.
3. Fees paid to the Board are processing fees and are not refundable.

H. APPROVAL OF REGULATIONS

No regulations promulgated hereafter by the Board shall be effective until approved 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. The president may request taping of specific agenda items; such tapes will be retained for a minimum of one year. Public hearings for rule changes may be taped; such tapes to be retained until the rule change is effective.

3. Destruction

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

4. Certified Copies

The executive director shall provide to any nurse holding Arkansas licensure and requesting it, a certified copy of any of her/his credentials on file in the board office.

5. Public Inspection

Records shall be open to public inspection except as may be specifically exempted by statute. Contracts for State Board licensing examinations require that strict security measures are adhered to at all times in order to prevent applicants from learning about contents of examination.

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 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 agency.

SECTION III ADMINISTRATION

A. ORGANIZATION

1. Composition of Board

The Arkansas State Board of Nursing is composed of fourteen (14) 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. 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 shall not be 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. Nine (9) members of the Board shall constitute a quorum.

2. Terms of Office

The term of office for members of the Board shall be four years. Members shall be appointed for such terms as will result in expiration of the terms of three members each year. No member shall be appointed to consecutive terms.

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 except the Grievance Committee. 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 of the Board shall keep a record of the minutes of the meetings of said Board, together with a record of the action of the Board thereon.
- d. The treasurer shall serve as chairman of the Finance Committee, be responsible for presenting financial reports and 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. Records of Meeting

The secretary 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. Corrections and/or amendments shall be made at this time. Both president and secretary shall sign the minutes, affix the Board seal and file in the official minutes book. All motions shall be in writing and shall be placed in the Board office for safekeeping by the executive director and kept for a period of five (5) years.

6. Procedures for Meetings

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