

ARKANSAS REGISTER

FILED

Transmittal Sheet

AUG 21 1996



SHARON PRIEST
SECRETARY OF STATE

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

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Name of Agency Arkansas State Board of Nursing

Department _____

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CERTIFICATION OF AUTHORIZED OFFICER

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

Signature _____

686-2700

Phone Number _____

EXECUTIVE DIRECTOR

Title _____

8-20-96

Date _____

CHAPTER FOUR

ADVANCED PRACTICE NURSING

FILED

AUG 21 1996

SECTION I

SCOPE OF PRACTICE

SHARON PRIEST
SECRETARY OF STATE
BY _____

The advanced practice nurse shall practice in a manner consistent with the definition of the practice of advanced practice nursing set forth in Ark. Code Ann. § 17-87-102(3).(A)(B)(C)(D), and in accordance with the scope of practice defined by the appropriate national certifying body and the standards set forth in these regulations. The advanced practice nurse may provide health care for which the APN is educationally prepared and for which competence has been attained and maintained.

SECTION II

QUALIFICATIONS FOR LICENSURE

Advanced practice nurse (APN) licensure shall be designated in one of the four categories below. Current registered nurse licensure in Arkansas is required for all categories of advanced practice licensure. APN categories and their respective qualifications are:

A. ADVANCED NURSE PRACTITIONER (ANP)

1. Successful completion of an organized program of nursing education that prepares nurses for the advanced practice role of advanced nurse practitioner; and
2. Current certification as a nurse practitioner by a nationally recognized certifying body which meets the requirements of Section VII of this Chapter.

B. CERTIFIED REGISTERED NURSE ANESTHETIST (CRNA)

1. Satisfactory completion, beyond generic nursing preparation, of a formal educational program that meets the standards of the Council on Accreditation of Nurse Anesthesia Educational Programs or another nationally recognized accrediting body that has as its objective preparation of nurses to perform as nurse anesthetists; and
2. Current certification from the Council on Certification of Nurse Anesthetists, Council on Recertification of Nurse Anesthetists, or another nationally recognized certifying body which meets the requirements of Section VII of this Chapter.

C. CERTIFIED NURSE MIDWIFE (CNM)

1. Successful completion of an organized program of nursing education that prepares nurses for the advanced practice role of nurse midwife;
2. Current certification as a nurse midwife from the American College of Nurse Midwives, or another nationally recognized certifying body which meets the requirements of Section VII of this Chapter; and
3. Agreement with a consulting physician.

D. CLINICAL NURSE SPECIALIST (CNS)

1. Master's degree evidencing successful completion of a graduate program in nursing, which shall include supervised clinical practice and classroom instruction in a nursing clinical practice specialty; and
2. Current certification in a specialty role as a clinical nurse specialist from a nationally recognized certifying body which meets the requirements of Section VII of this Chapter.

SECTION III LICENSURE

A. ELIGIBILITY

The applicant shall meet the licensure requirements of the Board.

B. APPLICATION FOR INITIAL LICENSURE

In addition to current licensure as a registered nurse, the information submitted to the Board shall include:

1. A completed Board application form;
2. An official transcript or document from a nursing education program that meets the qualifications of Section II of this Chapter in the category of advanced practice nursing for which the applicant is seeking licensure. The transcript or document shall verify the date of graduation and the degree or certificate conferred;
3. A statement directly from the national certifying body evidencing current certification in good standing;
4. For the certified nurse midwife only: an agreement with a consulting physician;
5. Payment of the nonrefundable fee.
6. Upon application for licensure, the Board may utilize the licensure documentation on file in the Board office as a basis for licensure of advanced practice nurses in the categories of certified nurse midwife and certified registered nurse anesthetist who meet the requirements for initial licensure as advanced practice nurses.

C. TEMPORARY PERMITS

1. Upon application and payment of the required temporary permit fee, the Board shall issue a temporary permit to practice in an advanced practice nursing category to a qualified applicant who:
 - a. Meets the educational requirements set forth in Section II of this Chapter; and
 - b. Has been accepted by the appropriate certification body to sit for the first national certification exam he or she is eligible to take.
2. The permit shall expire upon notification to the applicant of the results of the examination.
3. The permit is not renewable and does not apply to prescriptive authority.

D. RENEWALS

1. The date for renewal of licensure to practice as an advanced practice nurse shall coincide with renewal of the applicant's registered nurse license.
2. An applicant for renewal of an advanced practice nurse license shall submit to the Board:
 - a. A completed Board renewal application form;
 - b. Proof of current national certification;
 - c. Payment of the nonrefundable renewal fee.
3. Continuing education submitted to the certifying body to meet the qualifications for recertification shall be accepted as meeting the statutory requirement for continuing education.
4. Upon request, an APN shall submit documentation of continuing education to the Board.

E. LAPSED LICENSE

1. The license is lapsed if not renewed or placed in an inactive status by the expiration date.
2. Failure to receive the renewal notice shall not relieve the licensee of the responsibility for renewing the license by the expiration date.

3. Any licensee whose license has lapsed shall submit to the Board:
 - a. A completed Board renewal application form;
 - b. Proof of current national certification;
 - c. The renewal fee and the reinstatement fee.
4. Fees submitted to the Board are nonrefundable.
5. Any person engaged in advanced practice 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.

F. INACTIVE STATUS

1. Any licensee in good standing who desires his or her advanced practice license to be placed on inactive status may submit a request in writing to the Board.
2. The current license shall be placed on inactive status from the date of expiration.
3. While the license is inactive, the licensee shall not engage in advanced practice nursing nor be subject to the payment of renewal fees.
4. If the nurse desires to resume practice in this state, he or she shall request a renewal application, which shall be completed and submitted with a renewal fee and the reinstatement fee. Fees are nonrefundable.
5. All certification and continuing education requirements for renewal shall apply.
6. If disciplinary proceedings on an inactive licensee have been initiated, the license shall not be reinstated until the proceedings have been completed.

**SECTION IV
LOST, STOLEN OR DESTROYED CREDENTIALS**

- A. A duplicate license or certificate shall be issued when the licensee submits a notarized statement to the Board that the document is lost, stolen, or destroyed, and pays a duplicate credential fee.
- B. The credential will be marked "duplicate" and date of issuance noted.

**SECTION V
NAME OR ADDRESS CHANGE**

- A. A licensee whose name is legally changed shall be issued a replacement license following submission of the current license, along with an affidavit, copy of marriage license or court action, and the required fee.
- B. A licensee whose address changes from the address appearing on the current license shall immediately notify the Board of the change. The Board shall not issue a new license; but shall make such changes in current license files.

**SECTION VI
STANDARDS OF NURSING PRACTICE**

A. PURPOSE

1. To establish standards essential for safe practice by the advanced practice nurse.
2. To serve as a guide for evaluation of advanced nursing practice.

B. CORE STANDARDS FOR ALL CATEGORIES OF ADVANCED PRACTICE NURSING

1. The advanced practice nurse shall assess clients at an advanced level, identify health status including abnormal conditions, establish a diagnosis, develop and implement treatment plans and evaluate client outcomes.
2. The advanced practice nurse shall use advanced knowledge and skills in teaching and guiding clients and other health team members.
3. The advanced practice nurse shall use critical thinking and decision making at an advanced level, commensurate with the autonomy, authority and responsibility of his/her practice category.
4. The advanced practice nurse shall have knowledge of the statutes and regulations governing advanced nursing practice, and function within the legal boundaries of the appropriate advanced practice nursing category.
5. The advanced practice nurse shall recognize the APN's limits of knowledge and experience, planning for situations beyond expertise, and collaborating with or referring clients to other health care providers as appropriate.
6. The advanced practice nurse shall retain professional accountability for advanced practice nursing care when delegating interventions.
7. The advanced practice nurse shall maintain current knowledge and skills in the advanced practice nursing category.
8. Regulations which apply to registered nurses are hereby incorporated by reference.

- C.** In addition to the core standards, the advanced practice nurse shall practice in accord with the standards established by the national certifying body from which the APN holds his or her certification required for licensure. These standards shall have been reviewed and accepted by the Board.

**SECTION VII
PROFESSIONAL CERTIFICATION PROGRAMS**

- A.** A national certifying body which meets the following criteria shall be recognized by the Board to satisfy Section II of these regulations.
- B.** The national certifying body:
1. Is national in the scope of its credentialing;
 2. Has no requirement for an applicant to be a member of any organization;
 3. Has an application process and credential review which includes documentation that the applicant's education is in the advanced practice nursing category being certified, and that the applicant's clinical practice is in the certification category;
 4. Uses an examination as a basis for certification in the advanced practice nursing category which meets the following criteria:
 - a. The examination is based upon job analysis studies conducted using standard methodologies acceptable to the testing community;
 - b. The examination represents the knowledge, skills and abilities essential for the delivery of safe and effective advanced nursing care to clients;
 - c. The examination content and its distribution are specified in a test plan (blueprint), based on the job analysis study, that is available to examinees;
 - d. Examination items are reviewed for content validity and correct scoring using an established mechanism, both before use and periodically;
 - e. Examinations are evaluated for psychometric performance;

- f. The passing standard is established using acceptable psychometric methods, and is reevaluated periodically; and
 - g. Examination security is maintained through established procedures.
5. Issues certification based upon passing the examination and meeting all other certification requirements;
 6. Provides for periodic recertification which includes review of continued education, qualifications and continued competence;
 7. Has mechanisms in place for communication to the Board for timely verification of an individual's certification status, changes in certification status, and changes in the certification program, including qualifications, test plan and scope of practice; and
 8. Has an evaluation process to provide quality assurance in its certification program.

SECTION VIII ADVANCED PRACTICE NURSING EDUCATION PROGRAMS

A. PURPOSE

To insure the safe practice of advanced practice nursing, the Board shall approve educational programs, offered by an accredited college or university, which offers a graduate degree with a major in nursing and a concentration in the advanced practice nurse category which qualifies the graduate for certification in an advanced practice nursing specialty.

B. EXEMPTION

Master's programs in advanced practice nursing, which submit evidence of having current accreditation by the recognized national educational accrediting agency for the discipline of nursing, shall be accepted by the Board as having met the regulations for Board approval. The standards for accreditation shall be maintained during the accrediting period.

C. ACCREDITATION

1. The controlling institution, offering an advanced degree program in nursing, shall be approved by and have met the standards of graduate education set forth by the regional accrediting agency.
2. Documentation of program accreditation, reaccreditation, or a change in the program's accreditation status by the recognized national educational accrediting agency for the discipline of nursing, shall be submitted to the Board within thirty (30) days of notification by the accrediting body.

D. CURRICULUM REQUIREMENTS

1. The curriculum shall include but is not limited to:
 - a. Biological, behavioral, pharmacological, medical and nursing sciences relevant to practice as an advanced practice nurse in the specified category;
 - b. Legal, ethical and professional responsibilities of advanced practice nurses;
 - c. Supervised clinical practice relevant to the category of advanced practice nurse;
 - d. Standard and acceptable higher education curricula structure for the discipline and for the program type; and
 - e. A basis to take the certification examination in a category of advanced practice nursing.
2. Any student, enrolled in a course which includes clinical learning activities, shall hold a registered nurse temporary permit or license according to Arkansas law.

E. PROGRAM ADMINISTRATOR

The program head, at the time of appointment, shall hold a current license to practice as a registered nurse in the State of Arkansas, and shall hold a master's degree and a doctoral degree, one of which is in nursing. The program head shall have previous experience in clinical nursing practice, teaching and administration.

F. FACULTY REQUIREMENTS

1. Nurse faculty members shall have the following qualifications:
 - a. Hold a current license to practice as a registered nurse in the State of Arkansas;
 - b. Hold a minimum of a master's degree in nursing and should have a major in their area of responsibility;
 - c. Have experience in clinical nursing practice.
2. A majority of nurse faculty shall hold a doctoral degree and provide expertise in curriculum development, research and evaluation.
3. Clinical faculty shall include advanced practice nurse(s) currently licensed in Arkansas in the category being taught.
4. Preceptors shall hold the following qualifications:
 - a. Current licensure as a registered nurse in the state of practice; and
 - b. National certification as an advanced practice nurse in the area of practice; or
 - c. Current licensure to practice medicine.
5. Nonnurse faculty members shall hold a doctoral degree, or the minimum of a master's degree in their respective disciplines, to teach supportive courses. A majority of the nonnurse faculty who teach supportive courses must hold a doctoral degree in their respective discipline.

G. NEW PROGRAM APPROVAL

1. An institution, desiring to conduct a nursing education program to prepare advanced practice nurses, shall apply to the Board and submit evidence that it is prepared to carry out a program in advanced practice nursing education, utilizing the "Criteria and Procedures for Preparing Proposals for New Programs" established by the Department of Higher Education.
2. Newly established advanced practice nursing educational programs shall be surveyed by the Board's representative, utilizing the Department of Higher Education criteria, every five (5) years or until the requirements for exemption have been met.
3. Information regarding the nursing education program, requested by the Board, shall be provided by the controlling institution.
4. If, in the opinion of the Board, the requirements for an approved nursing education program are met, the program shall be approved as a nursing education program for advanced practice nursing.
5. If the Board determines that the program is not maintaining the Board's standards, notice shall be given in writing specifying the defect or defects. A program which fails, within a reasonable time, to correct these conditions to the satisfaction of the Board shall have approval withdrawn after a hearing.

H. CHANGE OF CONTROLLING INSTITUTION

If ownership of an institution operating an advanced practice nursing program should change, the new governing body shall consult the Board for direction in continuing the program.

I. LOSS OF PROGRAM ACCREDITATION

1. Advanced practice nursing programs which fail to maintain national accreditation shall be subject to review by the Board.

2. If the Board determines that an approved program is not meeting the criteria set forth in these regulations, the controlling institution shall be given a reasonable period of time to correct the identified deficiencies. If the controlling institution fails to correct the identified program deficiencies within a time specified, the Board may withdraw the approval following a hearing held pursuant to the provisions of the Administrative Procedure Act.

J. CLOSING A PROGRAM

1. When the decision to close a graduate program in a defined specialty leading to advanced practice licensure has been made, the program head shall advise the Board and submit a written plan for the discontinuation of the program. The closure may be accomplished in one of two ways:
 - a. Students may be transferred to another approved advanced practice nursing program. The transfer should provide for minimum loss of student time.
 - b. The program may close gradually by discontinuing student admissions and officially closing the program on the date that the last student completes the program.
2. To prevent applications for admission, early public announcement of closing of the program shall be made.
3. All requirements must be maintained until the last student is transferred or has completed the program.
4. The controlling institution shall be responsible for maintaining custody of records in accordance with the policy of that institution.
5. The controlling institution shall notify the Board in writing of arrangements to maintain permanent student and graduate records and other pertinent documents.

SECTION IX PRESCRIPTIVE AUTHORITY

A. REQUIREMENTS FOR A CERTIFICATE OF PRESCRIPTIVE AUTHORITY

An applicant for a certificate of prescriptive authority shall:

1. Be currently licensed as an advanced practice nurse in Arkansas.
2. Provide evidence from the national certifying body that differential diagnosis and prescribing practices are recognized as being within the scope of practice for the applicant's certification category.
3. Provide documentation of successful completion of pharmacology coursework which shall include pharmacokinetics principles and their clinical application and the prescription of pharmacological agents in the prevention and treatment of illness, and the restoration and maintenance of health. The coursework shall contain a minimum of:
 - a. Three (3) graduate credit hours of a post-baccalaureate pharmacology course offered by an accredited college or university within two years immediately prior to the date of application to the Board; or
 - b. Forty-five (45) contact hours [a contact hour is fifty (50) minutes] of continuing education in pharmacology, offered by an accredited college or university, or sanctioned by a nationally recognized continuing education accrediting body acceptable to the Board, within two (2) years immediately prior to the date of application to the Board; or
 - c. Three (3) graduate credit hours pharmacology course, included as part of an advanced practice nursing education program, within five (5) years immediately prior to the date of application to the Board; or

4. Up to, including and terminating after December 31, 1997, evidence of successful completion of:
 - a. Two (2) graduate credit hours of a post-baccalaureate pharmacology course, offered by an accredited college or university, within three (3) years immediately prior to the date of application to the Board; or
 - b. Thirty (30) contact hours (a contact hour is fifty (50) minutes) of continuing education in pharmacology, offered by an accredited college or university or sanctioned by a nationally recognized continuing education accrediting body acceptable to the Board, within three (3) years immediately prior to the date of application to the Board.
5. Provide documentation of a minimum of three hundred (300) clock hours preceptorial experience in the prescription of drugs, medicines and therapeutic devices with a qualified preceptor, completed as corequisite with the required pharmacology course or as a part of the formal educational program in which the pharmacology is taught.
6. Provide evidence of a minimum of one thousand (1000) hours of practice in an advanced practice nursing category prior to application for a certificate of prescriptive authority. The 1,000 hours shall not include clinical hours obtained in the advanced practice nursing education program.
7. Submit to the Board the applicant's current collaborative practice agreement with a physician who is licensed under the Arkansas Medical Practices Act, § 17-93-201 et seq., and who has a practice comparable in scope, specialty or expertise to that of the advanced practice nurse. APN's who will prescribe controlled substances should seek a collaborative practice with a physician who has an unrestricted DEA registration number. The collaborative practice agreement shall include, but not be limited to:
 - a. Availability of the collaborating physician(s) for consultation or referral or both;
 - b. Methods of management of the collaborative practice, which shall include the use of protocols for prescriptive authority;
 - c. Plans for coverage of the health care needs of a client in the emergency absence of the advanced practice nurse or physician;
 - d. Provision for quality assurance; and
 - e. Signatures of the advanced practice nurse and collaborating physician(s), signifying mutual agreement to the terms of the collaborative practice.
8. Submit the nonrefundable processing fee with the application for a certificate of prescriptive authority.

B. PROTOCOLS FOR PRESCRIPTIVE AUTHORITY

Protocols shall be made available upon request of the Board. Such protocols shall, at a minimum, include:

1. Indications for and classifications of legend drugs and therapeutic devices which will be prescribed or administered by the APN;
2. Date the protocol was adopted or last reviewed, which shall be at least annually.

C. PRESCRIBING PRIVILEGES

1. The APN, applying for a certificate of prescriptive authority, shall acknowledge in the application that he/she is familiar with all state and federal laws and regulations regarding prescribing; and shall agree to comply with these laws and regulations.
2. An advanced practice nurse with a certificate of prescriptive authority may receive and prescribe legend drugs, medicines or therapeutic devices appropriate to the APN's area of practice. The prescriptive authority for controlled drugs shall only extend to drugs listed in Schedules III through V.

3. Prescribing stipulations are as follows:
 - a. Legend drugs and therapeutic devices that are prescribed by the APN shall be included in the protocols as outlined in Subsection B. of this Section.
 - b. Controlled substances (Schedules III-V), defined by the state and/or federal controlled substances lists, will be prescribed or ordered as established in protocols provided that the APN has an assigned DEA registration number which is entered on each written prescription for a controlled substance.
 - c. The APN shall file his/her DEA registration number with the Board upon receipt.
 - d. Advanced practice nurses shall not delegate to unlicensed ancillary staff the calling in of prescriptions to the pharmacy.
 - e. The APN shall consult the Board for direction the next working day following termination of the collaborative practice agreement.
4. The APN may prescribe a legend drug, medicine or therapeutic device not included in the written protocols only as follows:
 - a. Upon a specific written or verbal order obtained from the collaborating physician before the prescription or order is issued by the APN; and
 - b. Include documentation of consultation as described above in the client's medical record to be signed by the APN;
 - c. Schedules I and II controlled substances shall not be prescribed under the APN's certificate of prescriptive authority.
5. The APN shall note prescriptions on the client's medical record and include the following information:
 - a. Medication and strength;
 - b. Dose;
 - c. Amount prescribed;
 - d. Directions for use;
 - e. Number of refills; and
 - f. Initials or signature of APN.
6. The Board shall be responsible for keeping an up-to-date record, available to the public, of the advanced practice nurses authorized to prescribe in the state.
7. Advanced practice nurses in the category of certified registered nurse anesthetists shall not be required to have prescriptive authority to provide anesthesia care, including the administration of drugs or medicines necessary for such care.

D. WRITTEN PRESCRIPTION FORMAT

1. All written prescriptions issued by the APN shall contain the name of the client, and the APN's name, telephone number, signature with the initials "APN", prescribing identification number issued by the Board, and should include information contained in Subsection C.5.a-e of this Section.
2. All prescriptions for controlled substances shall be written in accordance with federal regulations. The APN's assigned DEA registration number shall be written on the prescription form when a controlled substance is prescribed.

E. RECEIVING PREPACKAGED DRUG SAMPLES

1. APN's who have fulfilled requirements for prescriptive authority may receive legend drug samples and therapeutic devices appropriate to their area of practice, including controlled substances contained in Schedules III through V of the Controlled Substance Act, which have been prepared, packaged, or fabricated by a pharmaceutical manufacturer in accordance with the Arkansas pharmacy laws and regulations.
2. Records must comply with all applicable federal and state laws and regulations.

F. TERMINATION OF PRESCRIPTIVE AUTHORITY

Prescriptive authority may be terminated by the Board when the prescriber:

1. Fails to maintain current active licensure as an advanced practice nurse;
2. Violates provisions of this Act and/or regulations established by the Arkansas Department of Health, Nursing or Pharmacy Boards;
3. Violates any state or federal law or regulations applicable to prescriptions; or
4. Fails to follow any conditions imposed.

**SECTION X
PRESCRIPTIVE AUTHORITY ADVISORY COMMITTEE**

A. PURPOSE

The purpose of this committee shall include functioning in an advisory capacity to assist the Board with oversight and implementation of the provisions regarding prescriptive authority.

B. COMPOSITION

The Advisory Committee shall be composed of five (5) members appointed by the Board and approved by the Governor. Three (3) members shall be advanced practice nurses holding certificates of prescriptive authority, except that the initial advanced practice nurse appointees shall be exempt from holding a certificate. The Board shall issue certificates of prescriptive authority to the initial three (3) advanced practice nurse appointees based on the criteria in Chapter Four, Section IX. One (1) committee member shall be a licensed physician who has been involved in a collaborative practice with a registered nurse practitioner for at least five (5) years. One member shall be a licensed pharmacist who has been in practice for a least five (5) years. The Board shall select the initial chairperson.

C. TERMS OF OFFICE

The five (5) initial members appointed to the committee shall draw lots to determine staggered lengths of their initial terms. Successive members shall serve three (3) year terms. The Board may remove any advisory committee member, after notice and hearing, for incapacity, incompetence, neglect of duty or malfeasance in office.

D. COMPENSATION

Advisory committee members shall serve without compensation; but may be reimbursed to the extent special monies are appropriated therefor for actual and necessary expenses incurred in the performance of their official Board duties.

~~Effective September 25, 1995~~