

17-87-309. Disciplinary actions.

(a) The Arkansas State Board of Nursing shall have sole authority to deny, suspend, revoke, or limit any license or privilege to practice nursing or certificate of prescriptive authority issued by the board or applied for in accordance with the provisions of this chapter or to otherwise discipline a licensee upon proof that the person:

- (1) Is guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing or is engaged in the practice of nursing without a valid license;
- (2) Is guilty of a crime or gross immorality;
- (3) Is unfit or incompetent by reason of negligence, habits, or other causes;
- (4) Is habitually intemperate or is addicted to the use of habit-forming drugs;
- (5) Is mentally incompetent;
- (6) Is guilty of unprofessional conduct;
- (7) Has had a license, privilege to practice, certificate, or registration revoked or suspended or has been placed on probation or under disciplinary order in any jurisdiction;
- (8) Has voluntarily surrendered a license, privilege to practice, certification, or registration and has not been reinstated in any jurisdiction; or
- (9) Has willfully or repeatedly violated any of the provisions of this chapter.

(b) The board shall refuse to issue or shall revoke the license of any person who is found guilty of or pleads guilty or nolo contendere to any offense listed in § 17-87-312(f), unless the person requests and the board grants a waiver pursuant to § 17-87-312(h).

(c) Proceedings under this section shall be as provided in the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

History

Acts 1971, No. 432, § 16; A.S.A. 1947, § 72-760; Acts 1995, No. 409, § 15; 1999, No. 1208, § 3; 2001, No. 212, § 1; 2007, No. 207, § 1.

17-87-310. Prescriptive authority.

(a) The Arkansas State Board of Nursing may grant a certificate of prescriptive authority to an advanced practice registered nurse who:

- (1) Submits proof of successful completion of an Arkansas State Board of Nursing-approved advanced pharmacology course that shall include preceptorial experience in the prescription of drugs, medicines, and therapeutic devices; and
- (2) Has a collaborative practice agreement with a practicing physician who is licensed under the Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-95-301 et seq., and § 17-95-401 et seq., or a podiatrist licensed by the Arkansas Board of Podiatric Medicine under § 17-96-101 et seq., if employed by the podiatrist, and who has training in scope, specialty, or expertise to that of the advanced practice registered nurse on file with the Arkansas State Board of Nursing.

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(b)

(1) An advanced practice registered nurse with a certificate of prescriptive authority may receive and prescribe drugs, medicines, or therapeutic devices appropriate to the advanced practice registered nurse's area of practice in accordance with rules established by the Arkansas State Board of Nursing.

(2)

(A) An advanced practice registered nurse's prescriptive authority shall extend only to drugs listed in Schedules III — V and, if expressly authorized by the collaborative practice agreement, also to those hydrocodone combination products reclassified from Schedule III to Schedule II as of October 6, 2014.

(B) An advanced practice registered nurse's prescriptive authority also extends to drugs listed in Schedule II if:

(i) The prescription is for an opioid and the prescription is only for a five-day period or less; or

(ii) The prescription is for a stimulant and meets the following criteria:

(a) The prescription was originally initiated by a physician;

(b) The physician has evaluated the patient within six (6) months before the advanced practice registered nurse issues a prescription; and

(c) The prescription by the advanced practice registered nurse is to treat the same condition as the original prescription.

(3)

(A) The Arkansas State Board of Nursing shall promptly adopt rules applicable to an advanced practice registered nurse that are consistent with the Arkansas State Medical Board's rules governing the prescription of dangerous drugs and controlled substances.

(B) Before approval of the Arkansas State Board of Nursing's rules, the Arkansas State Medical Board shall review the proposed rules and verify that the proposed rules are consistent with the Arkansas State Medical Board's rules concerning the prescription of dangerous drugs and controlled substances.

(c) 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 healthcare needs of a patient in the emergency absence of the advanced practice registered nurse or physician; and

(4) Quality assurance.

(d) If a collaborative practice results in complaints of violations of the Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-95-301 et seq., and § 17-95-401 et seq., the Arkansas State Medical Board may review the role of the physician in 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.

(e) If a collaborative practice results in complaints of violations of this chapter, the Arkansas State Board of Nursing may review the role of the advanced practice registered nurse in the collaborative practice to determine if the nurse is unable to manage his or her responsibilities under the agreement without an adverse effect on the quality of care of the patient.

History

Acts 1995, No. 409, § 16; 2013, No. 604, § 15; 2015, No. 529, § 1; 2015, No. 824, § 1; 2019, No. 308, § 1; 2019, Act 308, No. 593, § 1.

17-87-311. Direct reimbursement agreements.

- (a) An advanced practice registered nurse or a registered nurse practitioner may enter into a direct reimbursement agreement with the agency administering the state Medicaid program.
- (b) The agency administering the state Medicaid program shall not discriminate against practitioners providing covered services within the scope of their practice based on the type of practitioner.

History

Acts 1995, No. 409, § 17; 2013, No. 604, § 16.

17-87-312. Criminal background checks.

- (a)
 - (1) Each first-time applicant for a license issued by the Arkansas State Board of Nursing shall apply to the Identification Bureau of the Division of Arkansas State Police for a state and national criminal background check, to be conducted by the Federal Bureau of Investigation.
 - (2) At the time a person applies to an Arkansas nursing educational program, the program shall notify the applicant in writing of the provisions and requirements of this section.
- (b) The check shall conform to the applicable federal standards and shall include the taking of fingerprints.
- (c) The applicant shall sign a release of information to the board and shall be responsible to the Division of Arkansas State Police for the payment of any fee associated with the criminal background check.
- (d) Upon completion of the criminal background check, the Identification Bureau of the Division of Arkansas State Police shall forward to the board all releasable information obtained concerning the applicant.
- (e) For purposes of this section, the board shall follow the licensing restrictions based on criminal records under § 17-3-102.
- (f)
 - (1) The board may issue a nonrenewable temporary permit for licensure to a first-time applicant pending the results of the criminal background check.
 - (2) The permit shall be valid for no more than six (6) months.
- (g)
 - (1) Any information received by the board from the Identification Bureau of the Division of Arkansas State Police under this section shall not be available for examination except by:
 - (A) The affected applicant for licensure or his or her authorized representative; or
 - (B) The person whose license is subject to revocation or his or her authorized representative.
 - (2) No record, file, or document shall be removed from the custody of the Division of Arkansas State Police.
- (h) Any information made available to the affected applicant for licensure or the person whose license is subject to revocation shall be information pertaining to that person only.