

Stricken language would be deleted from and underlined language would be added to the Code of Arkansas Rules.

Proposed Rulemaking

Title

Promulgated by:
Arkansas State Board of Nursing

Title 17. Professions, Occupations, and Businesses

Chapter XXII. Arkansas State Board of Nursing, Department of Health

Subchapter A. Generally

Part 130. Full Independent Practice Credentialing Committee

Subpart 1. General Matters

17 CAR § 130-101. Purpose.

The purpose of the Full Independent Practice Credentialing Committee is to review and act on:

- (1) Applications for full independent practice authority submitted by certified nurse practitioners and clinical nurse specialists; and
- (2) Complaints filed against certified nurse practitioners and clinical nurse specialists who have full independent practice authority.

17 CAR § 130-102. Definitions.

As used in this part:

- (1) "Certified nurse practitioner" means a registered nurse who:
 - (A) Has successfully completed a nationally accredited graduate or postgraduate APRN education program that prepares nurses for the advanced practice role of nurse practitioner;
 - (B) Is nationally certified in the population foci appropriate to the educational preparation; and

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(C) Is licensed at the advanced practice level;

(2) "Clinical nurse specialist" means a registered nurse who:

(A) Has successfully completed a nationally accredited graduate or post-graduate APRN education program that prepares nurses for the advanced practice role of clinical nurse specialist;

(B) Is nationally certified in the population foci appropriate to the educational preparation; and

(C) Is licensed at the advanced practice level;

(3) "Full independent practice authority" means the ability of a certified nurse practitioner or clinical nurse specialist to practice with prescriptive authority without a collaborative practice agreement as described in Arkansas Code § 17-87-310; and

(4) "Prescriptive authority" means the ability to receive and prescribe drugs, medicines, or therapeutic devices appropriate to the advanced practice registered nurse's area of practice.

17 CAR § 130-103. Meeting.

(a) The Full Independent Practice Credentialing Committee shall:

(1) Meet at least quarterly; and

(2) Have the power to call and hold special meetings at such times and places as it deems necessary.

(b) Five (5) members shall constitute a quorum at any meeting of the committee.

17 CAR § 130-104. Members.

The Full Independent Practice Credentialing Committee shall be composed of eight (8) members appointed according to Arkansas Code § 17-87-314 who may serve up to two (2) three-year terms, or until a successor is appointed.

17 CAR § 130-105. Officers.

(a) The Full Independent Practice Credentialing Committee shall elect a chair and a vice chair.

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(b) Officers may serve no more than two (2) consecutive one-year terms.

(c) Powers and duties of the chair:

- (1) Sign subpoenas;
- (2) Administer oaths;
- (3) Authenticate all notices and other actions of the committee; and
- (4) Issue notices of hearings and other processes and as directed by the

committee.

(d) The vice chair shall assume all duties and privileges of the chair in the absence of the chair.

17 CAR § 130-106. Duties.

(a) Review all applications, initial or renewal, for full independent practice authority submitted by certified nurse practitioners or clinical nurse specialists licensed by the Arkansas State Board of Nursing.

(b)(1) Approve or deny applications for full independent practice authority.

(2) All actions shall be provided, in writing, to the applicant.

(3) Denial of an application shall include the reason or reasons for denial.

(c)(1) Review complaints filed in writing against certified nurse practitioners or clinical nurse specialists with full independent practice authority.

(2) The Full Independent Practice Credentialing Committee shall review complaints against certified nurse practitioners or clinical nurse specialists who hold a certificate of full independent practice authority.

(3)(A) The committee may take action, suspend, or revoke the certificate for full independent practice authority based on the complaint.

(B) However, the committee may not take action against the nursing license of a certified nurse practitioner or clinical nurse specialist.

(d) All complaints and actions shall be reported to the board.

17 CAR § 130-107. Hearings.

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(a) Hearings will be conducted when the Full Independent Practice Credentialing Committee takes action to suspend or revoke the certificate of full independent practice authority.

(b) Hearings will be conducted according to the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

(c) The certified nurse practitioner or clinical nurse specialist will be provided ten (10) days' notice, in writing, to appear before the committee.

17 CAR § 130-108. Appeal.

If a certified nurse practitioner's or clinical nurse specialist's certificate of full independent practice authority is denied, suspended, or revoked they may appeal the action of the Full Independent Practice Credentialing Committee under the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

17 CAR § 130-109. Reports.

(a) A quarterly report will be provided to the:

- (1) Senate Committee on Public Health, Welfare, and Labor; and
- (2) House Committee on Public Health, Welfare, and Labor.

(b) The report will contain, at a minimum, the number of applicants approved and denied a certificate of independent practice authority.

Subpart 2. Qualifications for Full Independent Practice Authority — Fees

17 CAR § 130-201. Qualifications for full independent practice authority.

(a) Initial:

- (1) Submission of an application for full independent practice authority;
- (2) Submission of two (2) letters of recommendation;
- (3) Hold an active, unencumbered Arkansas certified nurse practitioner or clinical nurse specialist license;

(4) Hold an unencumbered prescriptive authority certificate or equivalent in the state of licensure;

(5) Submission of documentation showing a minimum of six thousand two hundred forty (6,240) hours of practice:

(A)(i) Under a board-required agreement with a physician.

(ii) Such documentation shall include:

(a)(1) An affidavit from a collaborating physician attesting to the number of hours the certified nurse practitioner or clinical nurse specialist practiced under a collaborative practice agreement with the physician.

(2) Multiple attestations are acceptable; or

(b)(1) Other evidence of meeting the qualifications for full independent practice and an affidavit signed by the nurse practitioner or clinical nurse specialist, in the event a collaborating physician has died, become disabled, retired, relocated to another state, or any other circumstance that inhibits the ability of the nurse practitioner from obtaining an affidavit.

(2) Other evidence may include employment records, military service, Medicare or Medicaid reimbursement records, or other similar records that verify clinical practice in the population foci for which the nurse practitioner or clinical nurse specialist is licensed and certified.

(3) The burden shall be on the nurse practitioner applicant to provide sufficient evidence to support the nurse practitioner's inability to obtain an affidavit from a collaborating physician; or

(B) In another state, territory, or foreign country that authorizes a certified nurse practitioner or a clinical nurse specialist to practice with prescriptive authority if the certified nurse practitioner or clinical nurse specialist provides proof of:

(i) Holding prescriptive authority in the state; and

(ii) The APRN license is in good standing; and

(6) Submission of any other relevant documents requested by the committee in support of the application.

(b) Renewal:

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(1) The certificate for full independent practice authority shall be renewed every three (3) years by submitting the required application and corresponding fee; and

(2) Renewal applicants must hold an active, unencumbered Arkansas certified nurse practitioner or clinical nurse specialist license.

17 CAR § 130-202. Fees.

(a) The Full Independent Practice Credentialing Committee shall establish fees for services relating to:

(1) Application for full independent practice authority; and

(2) Renewal of the full independent practice certificate.

(b) The initial application fee shall be one hundred fifty dollars (\$150).

(c) The certificate renewal fee shall be fifty dollars (\$50.00).

(d) All funds received shall be deposited into the State Treasury to the credit of the committee.

(e) Fees paid shall be by credit card.

(f) Fees paid are processing fees and are not refundable.