

Title 17. Professions, Occupations, and Businesses
Chapter XXII. Arkansas State Board of Nursing, Department of Health
Part 129. Alternative to Discipline

17 CAR § 129-101. Qualifications for admission.

- (a) In order to be eligible for admission to the ATD program the individual shall:
- (1) Hold an Arkansas nursing license or certificate or be eligible for licensure or certification;
 - (2) Otherwise be eligible for continued licensure or certification under the Arkansas Nurse Practice Act;
 - (3) Acknowledge a drug or alcohol abuse problem or addiction; and
 - (4) Voluntarily request participation in the ATD program.
- (b) A participant may transfer from another state's alternative program if it is:
- (1) Substantively similar; and
 - (2) Approved by the ATD program director.

Authority. Arkansas Code §§ 17-87-203, 17-87-805.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules of 2024 provided as follows:

"HISTORY: Adopted: January 1, 2018
Amended: July 1, 2020; June 15, 2024"

17 CAR § 129-102. Denial to program.

- Individuals will be denied participation in the ATD program if they:
- (1) Do not meet the qualifications listed in 17 CAR § 129-101;
 - (2) Diverted controlled substances for reasons other than self-administration;
 - (3) Engaged in behaviors resulting in patient harm;
 - (4) Have prior discipline by any board of nursing for substance abuse or diversion; or
 - (5) Demonstrated unsuccessful participation resulting in termination from the Arkansas ATD program or similar program offered in another jurisdiction.

Authority. Arkansas Code §§ 17-87-203, 17-87-805.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules of 2024 provided as follows:

"HISTORY: Adopted: January 1, 2018
Amended: June 15, 2024"

17 CAR § 129-103. Requirements for participation.

The participant shall:

- (1) Agree to immediately place licensure or certification on inactive status;

- (2) Complete an in-depth psychological and addictive evaluation by an Arkansas State Board of Nursing-approved evaluator;
- (3) Agree to complete all treatment recommendations, if any, of the evaluator;
- (4) Admit, in writing, to violation of the Arkansas Nurse Practice Act;
- (5) Enter into an ATD program contract;
- (6) Execute any release necessary to give the ATD program director access to records, including but not limited to medical, employment, and criminal records; and
- (7) Agree to not practice without written authorization from the ATD program director.

Authority. Arkansas Code §§ 17-87-203, 17-87-805.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules of 2024 provided as follows:

“HISTORY: Adopted: January 1, 2018
Amended: June 15, 2024”

17 CAR § 129-104. Standards for approved evaluators and treatment providers.

- (a) Arkansas State Board of Nursing-approved evaluators shall meet the following standards:
 - (1) Be a physician, psychiatrist, psychologist, or mental health-certified advanced practice registered nurse who is engaged in the treatment of substance use disorder, including alcohol;
 - (2) Demonstrate the ability to perform an examination to include a detailed history with the appropriate testing, i.e., drug screens and other psychological testing as indicated;
 - (3) Cooperate and communicate with the ATD program director; and
 - (4) Submit evaluation reports according to board-approved criteria.
- (b) Board-approved treatment providers shall meet the following standards:
 - (1) Provide outpatient and/or inpatient treatment;
 - (2) Cooperate and communicate with the ATD program director;
 - (3) Submit an individualized written plan of care to include, but not be limited to:
 - (A) Assessment;
 - (B) Diagnosis;
 - (C) Treatment goals;
 - (D) Discharge criteria; and
 - (E) Recommendations for continuing recovery; and
 - (4) Meet all regulatory requirements in their respective state.

Authority. Arkansas Code §§ 17-87-203, 17-87-805.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules of 2024 provided as follows: “HISTORY: Adopted: January 1, 2018”

17 CAR § 129-105. Discharge from program.

- (a) A participant shall be discharged from the ATD program upon:
 - (1) Successful completion of all terms and conditions of the ATD program contract; or

- (2) Demonstration of noncompliance with the terms and conditions of the contract.
- (b) If discharged from the ATD program for noncompliance, the participant shall immediately:
 - (1) Surrender their licensure or certification;
 - (2) Accept a consent agreement; or
 - (3) Be scheduled for an Arkansas State Board of Nursing hearing.
- (c) Participation in the ATD program does not preclude the board from commencing any disciplinary action against a participant who:
 - (1) Is discharged from the ATD program; or
 - (2) Receives additional complaints.
- (d) A participant may transfer to another state's alternative program if it is:
 - (1) Substantively similar; and
 - (2) Approved by the Arkansas ATD program director.
- (e) If the participant voluntarily withdraws from the program, he or she shall immediately surrender his or her license or certification.

Authority. Arkansas Code §§ 17-87-203, 17-87-805.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules of 2024 provided as follows:

"HISTORY: Adopted: January 1, 2018
Amended: June 15, 2024"

17 CAR § 129-106. Reporting to the Arkansas State Board of Nursing.

The ATD program director shall make the following information available to the Arkansas State Board of Nursing:

- (1) Names and results of any contact or investigation regarding an impaired individual who is believed to be a danger to the public;
- (2) Names of participants who:
 - (A) Fail to comply with the terms and conditions of the contract;
 - (B) Refuse to cooperate with the ATD program director; or
 - (C) Voluntarily withdraw or involuntarily discharge from the program;
- (3) An annual evaluation of the program; and
- (4) Other information and data as requested by the board.

Authority. Arkansas Code §§ 17-87-203, 17-87-805.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules of 2024 provided as follows:

"HISTORY: Adopted: January 1, 2018
Amended: June 15, 2024"