

[A.C.A. § 17-87-801](#)

Current through all legislation of the 2025 Regular Session.

AR - Arkansas Code Annotated > ***Title 17 Professions, Occupations, and
Businesses*** > ***Subtitle 3. Medical Professions*** > ***Chapter 87 Nurses*** >
Subchapter 8 — Alternative to Discipline Act

17-87-801. Title.

This subchapter shall be known and may be cited as the “Alternative to Discipline Act”.

History

[Acts 2017, No. 325, § 1.](#)

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[A.C.A. § 17-87-802](#)

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Businesses*** > ***Subtitle 3. Medical Professions*** > ***Chapter 87 Nurses*** >
Subchapter 8 — Alternative to Discipline Act

17-87-802. Purpose.

The purpose of this subchapter is to:

- (1) Provide for the identification and treatment of individuals licensed or certified by the Arkansas State Board of Nursing who suffer from impairments;
- (2) Promote public health and safety; and
- (3) Ensure the continued availability of the skills of highly trained healthcare professionals for the benefit of the public.

History

[Acts 2017, No. 325, § 1](#); [2023, No. 234, § 1](#).

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[A.C.A. § 17-87-803](#)

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AR - Arkansas Code Annotated > **Title 17 Professions, Occupations, and
Businesses** > **Subtitle 3. Medical Professions** > **Chapter 87 Nurses** >
Subchapter 8 — Alternative to Discipline Act

17-87-803. Definitions.

As used in this subchapter:

- (1) “Alternative to discipline program” means a plan approved by the Arkansas State Board of Nursing for intervention, treatment, and rehabilitation of an impaired individual who is licensed or certified by the board;
- (2) “Impairment” means the inability or significant potential for inability to practice with reasonable safety and skill as a result of a diagnosed substance use disorder or any diagnosed mental or physical health condition;
- (3) “Participant” means an applicant, licensee, or certified individual who:
 - (A) Self reports an impairment to the board;
 - (B) Is referred to the alternative to discipline program by the board; or
 - (C) Signs an initial agreement with the alternative to discipline program coordinator to oversee the impaired participant; and
- (4) “Rehabilitation” means the process whereby an impaired participant advances in an alternative to discipline program to an optimal level of competence to practice under his or her license or certification without endangering the public.

History

[Acts 2017, No. 325, § 1](#); [2023, No. 234, § 1](#).

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[A.C.A. § 17-87-804](#)

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Businesses** > **Subtitle 3. Medical Professions** > **Chapter 87 Nurses** >
Subchapter 8 — Alternative to Discipline Act

17-87-804. Alternative to discipline program — Program coordinator duties — Board review.

- (a) The Arkansas State Board of Nursing shall create an alternative to discipline program which shall:
- (1) Serve as a diversion program to which the board may refer participants when appropriate in lieu of or in addition to other disciplinary action; and
 - (2) Be a source of referral for participants who, on a strictly voluntary basis, desire to avail themselves of its services.
- (b) The board may perform the following duties and powers while operating the alternative to discipline program:
- (1) Approve addiction evaluators and treatment programs available through the alternative to discipline program;
 - (2) Contract with providers of treatment programs;
 - (3) Receive and evaluate reports of suspected impairment, regardless of the source of the report;
 - (4) Intervene in cases of verified impairment;
 - (5) Refer impaired individuals to the program coordinator of the alternative to discipline program or another treatment program, or both;
 - (6) Monitor the treatment and rehabilitation of impaired participants and the post-treatment of impaired participants who are rehabilitated; and
 - (7) Perform other activities deemed necessary to accomplish the purposes of this subchapter.
- (c)
- (1) The board shall employ a program coordinator to organize and administer the alternative to discipline program.
 - (2) The program coordinator shall:
 - (A) Review and evaluate individuals who request participation in or are recommended for the alternative to discipline program;
 - (B) Review and designate treatment facilities and services to which participants in the alternative to discipline program may be referred;
 - (C) Receive and review information relating to the participation of participants in the alternative to discipline program;
 - (D) Prepare reports for the board; and
 - (E) Carry out other duties as deemed necessary by the board.
 - (3)

17-87-804. Alternative to discipline program — Program coordinator duties — Board review.

- (A) The board shall review the activities of the program coordinator.
- (B) As part of this evaluation, the board may review files of all participants in the alternative to discipline program.
- (C) The board shall also resolve complaints voiced regarding the alternative to discipline program.

History

[Acts 2017, No. 325, § 1; 2023, No. 234, § 1.](#)

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Subchapter 8 — Alternative to Discipline Act

17-87-805. Reporting procedure.

The Arkansas State Board of Nursing shall develop rules and procedures for:

- (1) Reporting to the board:
 - (A) The names and results of any contact or investigation regarding an impaired participant who is believed to be an imminent danger to the public or to himself or herself;
 - (B) An impaired participant who:
 - (i) Fails or refuses to:
 - (a) Cooperate with the program coordinator; or
 - (b) Submit to treatment;
 - (ii) Exhibits professional incompetence; or
 - (iii) Does not have alleviation through treatment for his or her impairment; and
 - (C) A participant of the alternative to discipline program resuming practice;
- (2) Informing each participant of the alternative to discipline program regarding the alternative to discipline program requirements, alternative to discipline program procedures, responsibilities of the participant, and consequences of noncompliance; and
- (3) Performing other activities as necessary to implement this subchapter.

History

[Acts 2017, No. 325, § 1](#); [2023, No. 234, § 1](#).

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[A.C.A. § 17-87-806](#)

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Subchapter 8 — Alternative to Discipline Act

17-87-806. Program requirements.

(a)

(1) Eligibility to participate in the alternative to discipline program is at the sole discretion of the Arkansas State Board of Nursing.

(2) A person is not entitled to participate in the alternative to discipline program.

(b) To establish eligibility, a participant shall:

(1) Have a license or certification issued or an application for licensure or certification in the State of Arkansas;

(2) Acknowledge that the participant has a drug or alcohol abuse problem or addiction; and

(3) Meet any other requirements determined by the board.

(c) A participant in the alternative to discipline program shall:

(1) Agree to:

(A) Complete an evaluation conducted by a board-approved evaluator in order to outline the treatment required;

(B) Place his or her license or certification on inactive status until a treatment provider determines that the participant can safely practice;

(C) Comply with:

(i) The written terms of the agreement to participate in the alternative to discipline program; and

(ii) The terms and conditions of any contract between the board and participant;

(D) Pay all costs for treatment and monitoring;

(E) Select from board-approved evaluators, treatment facilities, counselors, and laboratory facilities before utilization of services; and

(F) Admit in an affidavit to violations of [§ 17-87-101](#) et seq.; and

(2) Perform other activities as determined necessary by the board.

History

[Acts 2017, No. 325, § 1](#); [2023, No. 234, § 1](#).

17-87-806. Program requirements.

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17-87-807. Failure to comply.

- (a) Participation in the alternative to discipline program under this subchapter is not a defense to any disciplinary action that may be taken by the Arkansas State Board of Nursing.
- (b) This subchapter does not preclude the board from commencing disciplinary action against a participant who is terminated from or fails to comply with the alternative to discipline program.

History

[Acts 2017, No. 325, § 1](#); [2023, No. 234, § 1](#).

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17-87-808. Liability.

(a) A person acting on behalf of the Arkansas State Board of Nursing in the alternative to discipline program under this section is considered an officer or employee of the State of Arkansas for purposes of:

- (1) Immunity from civil liability under [§ 25-44-301](#) et seq.; and
- (2) Payment of actual damages on behalf of state officers or employees under [§ 21-9-201](#) et seq.

(b)

- (1) Except as provided in subdivision (b)(3) of this section, all participant records shall be confidential and shall not be subject to public inspection except under an order of a court of competent jurisdiction.
- (2) However, the records may be introduced as evidence in any relevant proceedings before the board and shall be produced upon board request.
- (3) The records regarding a participant in the alternative to discipline program shall be available to:
 - (A) The board;
 - (B) The staff of the board;
 - (C) An employer;
 - (D) A treating healthcare provider;
 - (E) Education programs; and
 - (F) Other states' nursing boards.

History

[Acts 2017, No. 325, § 1](#); [2023, No. 234, § 1](#); [2025, No. 419, § 188](#).

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[A.C.A. § 17-87-901](#)

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Subchapter 9 — Registered Dialysis Patient Care Technician Act

17-87-901. Title.

This subchapter shall be known and may be cited as the “Registered Dialysis Patient Care Technician Act”.

History

[Acts 2025, No. 198, § 1.](#)

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Subchapter 9 — Registered Dialysis Patient Care Technician Act

17-87-902. Purpose.

The purpose of this subchapter is to ensure the health, safety, and welfare of the public by providing for the accurate, cost-effective, and safe utilization of dialysis patient care technicians in the administration of hemodialysis.

History

[Acts 2025, No. 198, § 1.](#)

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[A.C.A. § 17-87-903](#)

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Subchapter 9 — Registered Dialysis Patient Care Technician Act

17-87-903. Definition.

As used in this subchapter, “dialysis patient care technician” means a person who meets the requirements of [§ 17-87-905](#).

History

[Acts 2025, No. 198, § 1.](#)

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[A.C.A. § 17-87-904](#)

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Subchapter 9 — Registered Dialysis Patient Care Technician Act

17-87-904. Tasks performed.

A dialysis patient care technician may administer direct patient care and hemodialysis, including administering associated medications and central venous catheter access and care, under the authority of a registered nurse licensed in this state who may delegate tasks based on nursing judgment to a dialysis patient care technician based on the dialysis patient care technician's education, knowledge, training, and skill.

History

[Acts 2025, No. 198, § 1.](#)

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Subchapter 9 — Registered Dialysis Patient Care Technician Act

17-87-905. Registration.

- (a) To register as a dialysis patient care technician, an individual shall:
- (1) Possess a high school diploma or a general educational development certificate;
 - (2) Demonstrate that he or she:
 - (A) Is employed as a dialysis patient care technician;
 - (B) Is enrolled in a training course that follows national recommendations for dialysis patient care technicians and is conducted primarily in a work setting; or
 - (C) Has completed a training course that follows national recommendations for dialysis patient care technicians with verification of competency and a skills checklist signed by the medical director of the facility that employs the person;
 - (3)
 - (A) Obtain national certification by successful passage of a national certification examination within eighteen (18) months of becoming employed as a dialysis patient care technician.
 - (B)
 - (i) A dialysis patient care technician shall recertify national certification at intervals required by the organization providing the certification examination.
 - (ii) The intervals required under subdivision (a)(3)(B)(i) of this section shall include no fewer than thirty (30) and no more than forty (40) patient contact hours since the previous certification or recertification;
 - (4) Submit an application with the Arkansas State Board of Nursing; and
 - (5) Pay the applicable fee as determined by the board.
- (b)
- (1) An applicant for registration as a dialysis patient care technician shall report to the board, in writing, any conviction for a felony or misdemeanor.
 - (2) A conviction is not a disqualification for registration under this section unless the conviction relates to the criminal offenses listed in [§ 17-3-102](#).
- (c)
- (1) An applicant or a dialysis patient care technician may report any pardon or setting aside of a conviction to the board.
 - (2) If a pardon or setting aside has been obtained, the conviction for which the pardon or setting aside was obtained shall not be maintained on the Dialysis Patient Care Technician Registry created under [§ 17-87-906](#).

17-87-905. Registration.

(d) If a person registered as a dialysis patient care technician becomes licensed as a registered nurse or licensed practical nurse, his or her registration as a dialysis patient care technician shall terminate as of the date of licensure as a registered nurse or licensed practical nurse.

(e)

(1) The board shall refuse to register or shall revoke the registration of a person who would be disqualified from employment under [§ 20-33-213](#).

(2) The board may suspend, revoke, or refuse to issue or renew a registration of a dialysis patient care technician for:

(A) Securing a registration under this subchapter through fraud or deceit;

(B) Unprofessional conduct, unethical conduct, gross ignorance, or inefficiency in the conduct of his or her practice;

(C) Using a false name or an alias in his or her practice;

(D) Violating any provision of this subchapter; or

(E) Failing to comply with any of the requirements for registration.

(3) Proceedings under this section shall be conducted in accordance with the Arkansas Administrative Procedure Act, [§ 25-15-201](#) et seq.

History

[Acts 2025, No. 198, § 1.](#)

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Subchapter 9 — Registered Dialysis Patient Care Technician Act

17-87-906. Dialysis Patient Care Technician Registry — Contents of registry.

(a)

(1) The Arkansas State Board of Nursing shall list each dialysis patient care technician registrant on a registry to be named the “Dialysis Patient Care Technician Registry”.

(2) A listing in the registry is valid for the term of the registration and upon renewal unless the listing is refused renewal or is removed.

(b) The registry shall contain the following information on each person who is a registered dialysis patient care technician:

(1) The individual's full name;

(2) Any conviction of a felony or misdemeanor reported to the board;

(3) A certificate showing completion of a nationally recognized training program; and

(4) A certificate of completion of a nationally commercially available dialysis patient care technician certification examination.

History

[Acts 2025, No. 198, § 1.](#)

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