

NURSE PRACTICE ACT

(4) Unless the penalty assessed under this subsection is paid within fifteen (15) calendar days following the date for an appeal from the order, the Board shall have the power to file suit in the Circuit Court of Pulaski County to obtain a judgment for the amount of penalty not paid.

17-87-105. Injunction.

(a) The Circuit Court of Pulaski County is vested with jurisdiction and power to enjoin the unlawful practice of nursing in any county of the State of Arkansas in a proceeding by the Board or by any member thereof or by any citizen in this state.

(b) The issuance of any injunction shall not relieve a person from criminal prosecution for violation of the provisions of this chapter. The remedy of injunction is to be in addition to liability for criminal prosecution.

17-87-106. Construction of chapter.

Nothing in this chapter relating to the practice of advanced practice nursing shall be construed to limit or alter the scope of practice of any registered nurse practitioner or any other licensed nurse.

SUBCHAPTER 2 – ARKANSAS STATE BOARD OF NURSING

SECTION.

17-87-201. Creation - Members.

17-87-202. Organization and proceedings.

17-87-203. Powers and duties.

17-87-204. Deposit of funds.

SECTION.

17-87-205. Prescriptive Authority Advisory Committee

17-87-206. Subpoenas and subpoenas duces tecum.

17-87-207. Continuing Education

17-87-201. Creation – Members.

- (a) There is created the Arkansas State Board of Nursing, to be composed of thirteen (13) members to be appointed by the Governor for terms of four (4) years, subject to confirmation by the Senate.
- (b)(1) Five (5) members shall be registered nurses whose highest level of educational preparation shall be as follows:
- (A) One (1) nursing diploma graduate;
 - (B) Two (2) associate degree graduates; and
 - (C) Two (2) baccalaureate degree or post-baccalaureate degree graduates.
- (2) Each registered nurse member of the Board shall have the following qualifications:
- (A) Be an Arkansas resident;
 - (B) Have at least five (5) years of successful experience as a registered nurse in nursing practice, administration, or teaching;
 - (C) Be licensed in Arkansas as a registered nurse; and
 - (D) Have been employed as a registered nurse for at least three (3) years immediately preceding appointment, two (2) of which shall have been in Arkansas.
- (c) (1) Two (2) members shall be a licensed advanced practice registered nurses.
- (2) Each licensed advanced practice registered nurse Board member shall have the following qualifications:
- (A) Be an Arkansas resident;
 - (B) Have at least five (5) years of experience as an advanced practice registered nurse;
 - (C) Be licensed in Arkansas as an advanced practice registered nurse; and
 - (D) Have been actively engaged in nursing for at least three (3) years immediately preceding appointment, two (2) of which shall have been in Arkansas;
 - (E) One (1) member who is an advanced practice registered nurse shall hold a certificate granting prescriptive authority.
- (d) (1) Three (3) members shall be licensed practical nurses or licensed psychiatric technician nurses.
- (2) Each licensed practical nurse Board member or licensed psychiatric technician nurse Board member shall have the following qualifications:

NURSE PRACTICE ACT

- (A) Be an Arkansas resident;
 - (B) Have at least five (5) years of successful experience as a practical nurse or psychiatric technician nurse or as a teacher in an educational program to prepare practitioners of nursing;
 - (C) Be licensed in Arkansas as a licensed practical nurse or licensed psychiatric technician nurse; and
 - (D) Have been employed as a licensed practical nurse or as a licensed psychiatric technician nurse for at least three (3) years immediately preceding appointment, two (2) of which shall have been in Arkansas.
- (e) One (1) member shall be an at large licensed registered nurse or licensed practical nurse.
- (f) At least one (1) member who is a licensed registered nurse or advanced practice registered nurse also shall be a nursing program educator.
- (g) One (1) member shall be a lay person representing consumers of healthcare services.
- (h) (1) One (1) member shall be sixty (60) years of age or older, and shall be the representative of the elderly.
(2) This member shall be appointed from the state at large, subject to confirmation by the Senate, and shall be a full voting member.
- (i) The consumer representative and the representative of the elderly positions may not be filled by the same person.
- (j) A member shall not be appointed to more than two (2) consecutive terms.
- (k) Board members may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.
- (l) The terms of all registered nurse members and advanced practice registered nurse members shall be four (4) years.

17-87-202. Organization and proceedings.

- (a)(1) It shall be the duty of the Arkansas State Board of Nursing to meet regularly at least one (1) time every six (6) months for the purpose of conducting its business.
- (2) Special meetings of the Board may be called at any time at the pleasure of the president of the Arkansas State Board of Nursing or by the secretary of the Arkansas State Board of Nursing on the request of any three (3) members of the Board.
- (3) A majority of the members shall constitute a quorum at any meeting of the Board.
- (4) The Board shall determine by its own rules the time and manner of giving notice of meetings to its members.
- (5) The giving of an examination for licensure shall not be considered as a meeting of the Board.
- (b) The secretary shall keep a record of the minutes of the meetings of the Board, together with a record of the action of the Board thereon. The records shall at all reasonable times be open for public inspection.
- (c) The Board shall maintain an office for the administration of its business. The Board shall annually elect a president, vice president, secretary, and treasurer from among its members. The president of the Board shall be a registered nurse.
- (d) The Executive Director of the Board shall be a registered nurse and meet the qualifications required by the Board.

17-87-203. Powers and duties.

The Arkansas State Board of Nursing shall have the following powers and responsibilities:

- (1)(A) Promulgate whatever regulations it deems necessary for the implementation of this chapter.
(B) No regulation promulgated hereafter by the Board shall be effective until reviewed by the Legislative Council and the House Interim Committees on Public Health, Welfare, and Labor and the Senate Interim Committee on Public Health, Welfare, and Labor or appropriate subcommittees thereof of the Arkansas General Assembly;
- (2) Cause the prosecution of persons violating this chapter;
- (3) Keep a record of all its proceedings;
- (4) Make an annual report to the Governor;
- (5) Employ personnel necessary for carrying out its functions;
- (6) Study, review, develop, and recommend role levels of technical classes of nursing service and practice to state and federal health agencies and to public and private administrative bodies;
- (7) Fix the time for holding its regular meetings;
- (8) Prescribe minimum standards and approve curricula for educational programs preparing persons for licensure as registered nurses, advanced practice registered nurses, registered nurse practitioner nurses, licensed practical nurses, and licensed psychiatric technician nurses;

NURSE PRACTICE ACT

- (9) Prescribe minimum standards and approve curricula for educational programs preparing persons for certification as medication assistive persons;
- (10) Provide for surveys of such programs at such times as it deems necessary or at the request of the schools;
- (11) Approve programs that meet the requirements of this chapter;
- (12) Deny or withdraw approval from educational programs for failure to meet prescribed standards;
- (13) Examine, certify, and renew the certification of qualified applicants for medication assistive persons;
- (14) Examine, license, and renew the licenses of qualified applicants for professional nursing, practical nursing, and psychiatric technician nursing;
- (15) License and renew the licenses of qualified applicants for registered nurse practitioner nursing and advanced practice nursing;
- (16) Grant certificates of prescriptive authority to qualified advanced practice registered nurses;
- (17) Convene an advisory committee as provided for in this chapter to assist with oversight of prescriptive authority;
- (18) Convene an advisory committee as provided for in this chapter to assist with oversight of medication assistive persons;
- (19) Establish the maximum number of medication assistive persons who may be supervised by a nurse; and
- (20) Conduct disciplinary proceedings as provided for in this chapter.

17-87-204. Deposit of funds.

All funds received by the Arkansas State Board of Nursing shall be deposited in the State Treasury to the credit of the Board.

17-87-205. Prescriptive Authority Advisory Committee.

- (a)(1) The Prescriptive Authority Advisory Committee is created as an advisory committee to the Arkansas State Board of Nursing.
- (2) The committee shall assist the Board in implementing the provisions of this chapter regarding prescriptive authority.
- (b) The Board shall appoint six (6) members, to be approved by the Governor, who have the following qualifications:
 - (1) Four (4) members shall be advanced practice registered nurses with at least three (3) holding certificates of prescriptive authority and an active DEA number;
 - (2) One (1) member shall be a licensed physician who has been involved in a collaborative practice with an advanced practice registered nurse for at least five (5) years; and
 - (3) One (1) member shall be a licensed pharmacist who has been licensed for at least five (5) years.
- (c) Members shall serve three-year terms.
- (d) The Board may remove any committee member, after notice and hearing, for incapacity, incompetence, neglect of duty, or malfeasance in office.
- (e) The members shall serve without compensation, but may receive expense reimbursement in accordance with § 25-16-901 et seq.

17-87-206. Subpoenas and subpoenas duces tecum.

- (a) The Arkansas State Board of Nursing shall have the power to issue subpoenas and subpoenas duces tecum in connection with both its investigations and hearings.
- (b) A subpoena duces tecum may require any book, writing, document, or other paper or thing which is germane to an investigation or hearing conducted by the Board to be transmitted to the Board.
- (c)(1) Service of a subpoena shall be as provided by law for the service of subpoenas in civil cases in the circuit courts of this state, and the fees and mileage of officers serving the subpoenas and of witnesses appearing in answer to the subpoenas shall be the same as provided by law for proceedings in civil cases in the circuit courts of this state.
- (2)(A) The Board shall issue a subpoena or subpoena duces tecum upon the request of any party to a hearing before the Board.
- (B) The fees and mileage of the officers serving the subpoena and of the witness shall be paid by the party at whose request a witness is subpoenaed.

NURSE PRACTICE ACT

(d)(1) In the event a person shall have been served with a subpoena or subpoena duces tecum as provided in this section and fails to comply therewith, the Board may apply to the circuit court of the county in which the Board is conducting its investigation or hearing for an order causing the arrest of the person and directing that the person be brought before the court.

(2) The court shall have the power to punish the disobedient person for contempt as provided by law in the trial of civil cases in the circuit courts of this state.

17-87-207. Continuing education.

(a)(1) The Arkansas State Board of Nursing shall adopt rules setting minimum standards for continuing education to ensure that all licensed nurses remain informed about those technical and professional subjects which the Board deems appropriate to nursing practice.

(2) The Board shall not require more than twenty (20) hours of continuing education per year.

(b) The Board shall make every effort to ensure that the continuing education programs are offered either within the nurse's workplace or at another place convenient to the nurse, whether through live presentation or distance learning.

(c)(1) The Board shall adopt rules to prescribe the methods by which the minimum standards for continuing education may be satisfied.

(2) The failure of any licensed nurse to satisfy the minimum standards for continuing education shall be grounds for disciplinary action or non-renewal of the nurse's license, or both.

SUBCHAPTER 3 – LICENSING

SECTION.

- 17-87-301. Registered nurses.
- 17-87-302. Advanced practice registered nurses.
- 17-87-303. Registered nurse practitioners.
- 17-87-304. Licensed practical nurses.
- 17-87-305. Licensed psychiatric technician nurses.

SECTION.

- 17-87-306. Fees.
- 17-87-307. Temporary permits.
- 17-87-308. Renewal of licenses.
- 17-87-309. Disciplinary actions.
- 17-87-310. Prescriptive authority.
- 17-87-311. Direct reimbursement agreements.
- 17-87-312. Criminal background checks.

17-87-301. Registered nurses.

(a) **QUALIFICATIONS.** Before taking the examination or before the issuance of a license by endorsement, an applicant for a license to practice professional nursing shall submit to the Arkansas State Board of Nursing written evidence, verified by oath, that the applicant:

(1) Is of good moral character;

(2) Has completed an approved high school course of study or the equivalent thereof as determined by the appropriate educational agency; and

(3) Has completed the required approved professional nursing education program.

(b) **ISSUANCE OF LICENSE.** A license to practice as a registered nurse may be issued:

(1) **BY EXAMINATION.** The applicant shall be required to pass an examination in such subjects as the Board may determine. Upon successfully passing the examination, the Board shall issue to the applicant a license to practice professional nursing as a registered nurse;

(2) **BY ENDORSEMENT.** The Board may issue a license to practice professional nursing as a registered nurse by endorsement to an applicant who has been duly licensed as a registered nurse under the laws of another state, territory, or foreign country if, in the opinion of the Board, the applicant meets the qualifications required of registered nurses in this state at the time of graduation and if the Board so recommends.

(c) **NURSES REGISTERED PRIOR TO MARCH 29, 1971.** Any person holding a license or certificate of registration to practice nursing as a registered nurse issued by the Board which was valid on March 29, 1971, shall be deemed to be licensed as a registered nurse under the provisions of this chapter.

(d) **TITLE AND ABBREVIATION.** Any person who holds a license to practice professional nursing in this state shall have the right to use the title "registered nurse" and the abbreviation "R.N."