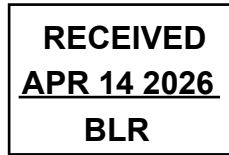


# Proposed Rulemaking



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 120. General Provisions**

#### **Subpart 1. Purpose and Authority**

##### **17 CAR § 120-101. Purpose.**

(a) The Arkansas Nurse Practice Act requires that any person who practices or offers to practice professional nursing, advanced practice nursing, registered nurse practitioner nursing, practical nursing, or psychiatric technician nursing for compensation be licensed and submit evidence that he or she is qualified to so practice and shall be licensed as hereinafter provided.

(b) The Arkansas State Board of Nursing was established by the Arkansas Nurse Practice Act for the implementation of the statute by carrying on the licensing or certification, disciplinary, and educational functions for professional, advanced practice, registered nurse practitioner, practical, and psychiatric technician nursing and medication assistants.

##### **17 CAR § 120-102. Legal authority.**

The authority of the board is contained in Arkansas Code § 17-87-101 et seq.

#### **Subpart 2. The Practice of Nursing**

**DRAFT**

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**17 CAR § 120-201. The practice of professional nursing.**

The performance for compensation of any acts involving the:

- (1) Observation, care, and counsel of the:
  - (A) Ill;
  - (B) Injured; or
  - (C) Infirm;
- (2) Maintenance of health or prevention of illness of others;
- (3) Supervision and teaching of other personnel;
- (4) Delegation of certain nursing practices to other personnel as set forth in rules established by the Arkansas State Board of Nursing; or
- (5) Administration of medications and treatments as prescribed by practitioners authorized to prescribe and treat according to state law where such acts require substantial specialized judgment and skill based on knowledge and application of the principles of biological, physical, and social sciences.

**17 CAR § 120-202. The practice of advanced practice registered nursing.**

(a) The practice of advanced practice registered nursing means the delivery of healthcare services for compensation by professional nurses who have gained additional knowledge and skills through successful completion of an organized program of nursing education that certifies nurses for advanced practice roles as:

- (1) Certified nurse practitioners;
- (2) Certified registered nurse anesthetists;
- (3) Certified nurse midwives; and
- (4) Clinical nurse specialists.

(b) **Certified nurse practitioner.** The practice of certified nurse practitioner nursing means the performance for compensation of nursing skills by a registered nurse who, as demonstrated by national certification, has advanced knowledge and practice skill in the delivery of nursing services.

(c) **Certified registered nurse anesthetist.** The practice of certified registered nurse anesthetist means the performance for compensation of advanced nursing skills relevant to the administration of anesthetics in consultation with, but not necessarily in the presence of, a:

- (1) Licensed physician;
- (2) Licensed dentist; or
- (3) Other person lawfully entitled to order anesthesia.

(d) **Certified nurse midwife.** The practice of nurse midwifery means the performance for compensation of nursing skills relevant to the management of women's health care, focusing on pregnancy, childbirth, the postpartum period, care of the newborn, family planning, and gynecological needs of women, and treatment of the male partners for sexually transmitted disease within a healthcare system that provides for consultation, collaborative management, or referral as indicated by the health status of the client.

(e) **Clinical nurse specialist.** The practice of clinical nurse specialist nursing means the performance for compensation of nursing skills by a registered nurse who, through study and supervised practice at the graduate level and as evidenced by national certification, has advanced knowledge and practice skills in a specialized area of nursing practice.

**17 CAR § 120-203. The practice of registered nurse practitioner nursing.**

(a) The delivery of healthcare services for compensation in collaboration with and under the direction of a licensed physician or under the direction of protocols developed with a licensed physician.

(b) Registered nurse practitioners shall be authorized to engage in activities as:

- (1) Recognized by the nursing profession; and
- (2) Authorized by the Arkansas State Board of Nursing.

(c) Nothing in this section is to be deemed to limit a registered nurse practitioner from engaging in those activities that normally constitute the practice of nursing or

those that may be performed by persons without the necessity of the license to practice medicine.

**17 CAR § 120-204. The practice of practical nursing.**

The performance for compensation of acts involving the care of the ill, injured, or infirm or the delegation of certain nursing practices to other personnel as set forth in rules established by the Arkansas State Board of Nursing, under the direction of a registered professional nurse, an advanced practice nurse, a licensed physician, or a licensed dentist that do not require the substantial specialized skill, judgment, and knowledge required in professional nursing.

**17 CAR § 120-205. The practice of psychiatric technician nursing.**

The performance for compensation of acts involving the care of individuals with physical illness, individuals with mental illness, or individuals who are injured or infirm or the delegation of certain nursing practices to other personnel as set forth in rules established by the Arkansas State Board of Nursing, and the carrying out of medical orders under the direction of a registered professional nurse, an advanced practice nurse, a licensed physician, or a licensed dentist, where such activities do not require the substantial specialized skill, judgment, and knowledge required in professional nursing.

**Subpart 3. Identification Insignia**

**17 CAR § 120-301. Identification insignia.**

(a)(1) Any person who holds a license to practice nursing in this state shall use the legal title or the abbreviation as set forth in Arkansas Code § 17-87-101 et seq.

(2) No other person shall assume any other name, title, or abbreviation or any words, letters, signs, or devices that would cause a reasonable person to believe the user is licensed to practice nursing.

(b) Any person licensed to practice nursing shall wear an insignia to identify himself or herself by his or her name and appropriate legal title or abbreviation during times when such person is providing health care to the public for compensation.

(c) The insignia shall be prominently displayed and clearly legible such that the person receiving care may readily identify the type of nursing personnel providing such care.

#### **Subpart 4. Definition of Terms**

##### **17 CAR § 120-401. Definitions.**

As used in this part and 17 CAR pts. 121 – 130:

(1) "Accredited" means the status granted by an accrediting agency through a voluntary process;

(2) "Active practice" means the act of performing for compensation those acts within specified scope of practice and authorized by the Arkansas State Board of Nursing;

(3) "Activities of daily living" means those self-care activities that must be accomplished each day in order for the client to care for his or her own needs and participate in society;

(4) "Advanced practice registered nurse categories" means:

- (A) Certified nurse practitioner;
- (B) Certified registered nurse anesthetist;
- (C) Certified nurse midwife; and
- (D) Clinical nurse specialist;

(5)(A) "Approval" means recognized by the Arkansas State Board of Nursing as meeting the education standards for preparing graduates for registered or practical nurse licensure.

(B) Approval types:

(i) "Prerequisite" means the status authorizing a program to proceed in establishing a program of nursing;

(ii) "Initial" means the status awarded to a program that has met all initial requirements and that authorizes the program to proceed to admission of students and completion of educational standards;

(iii) "Full" means the status awarded to a program that has met all educational standards;

(iv) "Continued full" means the status awarded to a program that continues to maintain the educational standards; and

(v)(a) "Conditional" means the status of a program that has not maintained the educational standards.

(b) Serves as a warning that if the standards are not followed withdrawal of approval may be initiated;

(6) "ATD" means alternative to discipline program;

(7) "Board" means the Arkansas State Board of Nursing;

(8) "Board-approved evaluator" means an individual who meets Arkansas State Board of Nursing-approved standards;

(9) "Board representative" means a person appointed, hired, or otherwise authorized by the Arkansas State Board of Nursing to carry out its functions;

(10) "Case manager" means the ATD program staff person who monitors participants' compliance;

(11)(A) "Clinical experience" means a faculty planned and guided learning activity that is designed to support students in meeting identified programs' educational and course outcomes.

(B) The clinical settings include a variety of clinical practice settings or affiliating agencies, including but not limited to:

(i)(a) Acute care setting.

(b) A hospital-based clinical site where students provide direct patient care and associated clinical conferences;

(ii)(a) Nonacute care setting.

(b) A long-term, extended care, or nursing home-based clinical site where students provide direct patient care and associated clinical conferences; and

(iii)(a) Community setting.

(b) Community partner experiences with nurses and or professional staff in settings other than acute and nonacute settings where students provide indirect or direct patient care and associated clinical conferences;

(12) "Clinical facility" means a facility outside the framework of the program that provides educational experiences for the student;

(13) "Collaborating physician" means a physician, licensed under the Arkansas Medical Practices Act, Arkansas Code § 17-95-201 et seq., Arkansas Code § 17-95-301 et seq., and Arkansas Code § 17-95-401 et seq., who has a practice comparable in scope, specialty, or expertise to that of the advanced practice nurse or registered nurse practitioner;

(14) "Collaborative practice agreement" means a document setting out how an advanced practice registered nurse and physician intend to cooperate in the delivery of client care;

(15) "Consultation" means the manner and process utilized between a certified registered nurse anesthetist and a licensed physician, licensed dentist, or other person lawfully entitled to order anesthesia performing the procedure or directly involved with the procedure when working jointly toward a common goal of providing services for the patient;

(16) "Consulting physician" means a physician licensed by the Arkansas Medical Practices Act who has privileges in a hospital;

(17) "Contact hour" means a measurement for continuing education, either a fifty-minute or sixty-minute clock hour of continuing education;

(18)(A) "Continuing education unit (CEU)" means a measurement for continuing education.

(B) One (1) CEU equals ten (10) contact hours;

(19) "Contract" means the written agreement executed by a licensee or an applicant for licensure and the Arkansas State Board of Nursing that establishes the terms for participation in the ATD program;

(20) "Controlled substance" means drug substance or immediate precursor in Schedules I – V;

(21) "Coprescribe" means to provide a prescription for an opioid antagonist when prescribing an opioid;

(22) "Credential" means:

(A) A license;

(B) A certificate; or

(C) Other evidence of qualifications;

(23)(A) "Delegation" means entrusting the performance of a selected nursing task to an individual who is qualified, competent, and able to perform such tasks.

(B) The nurse retains the accountability for the total nursing care of the individual;

(24) "Distant learning site" means a location separate from the main campus where course offerings are delivered;

(25) "Documentation" means written proof or evidence to substantiate factual claims or statements satisfactory to the Arkansas State Board of Nursing;

(26) "Drug sample" means a unit of a legend drug that is:

(A) Distributed to a practitioner by a manufacturer or a manufacturer's representative at no charge;

(B) Not intended to be sold; and

(C) Intended to promote the sale of the drug;

(27) "Emergency care" means unanticipated care provided to a person who is unconscious, ill, or injured when the:

(A) Circumstances require prompt decisions and actions; and

(B) Necessity of immediate care is so apparent that any delay would seriously worsen the physical condition or endanger the life of the person;

(28) "Failed drug screen" means the analysis of a biological specimen that is determined to be dilute, substituted, abnormal, adulterated, or tests positive for controlled substances, abuse potential substances, or their metabolites without a valid prescription;

(29)(A) "First-level nurse" means a nurse who provides and coordinates patient care after graduating from an approved program of at least two (2) years in length.

(B) Regionally, the nurse may be referred to as a professional or a registered nurse (RN);

(30) "Full practice authority/full independent practice" means the ability of a certified nurse midwife, certified nurse practitioner, or clinical nurse specialist to practice independently with prescriptive authority without a collaborative practice agreement;

(31) "Graduate competencies" means educational outcomes expected of the nursing program's graduates;

(32) "Impaired nurse" means a licensee or applicant for licensure who is impaired by:

(A) Alcohol use;

(B) A substance use disorder; or

(C) Co-occurring disorder;

(33) "Legend drug" means a drug limited by Section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act to being dispensed by or upon a practitioner's prescription;

(34) "May" indicates permission;

(35) "Medical procedure" means a course of action intended to achieve a result in the delivery of health care as consulted by:

(A) A licensed physician;

(B) A licensed dentist; or

(C) Another person lawfully entitled to order anesthesia;

(36) "Mission" means beliefs accepted by the parent institution for the framework of the school's programs and offerings;

(37) "Noncompliance" means failure of the ATD participant to comply with the terms and conditions of the contract;

(38) "Observational experience" means one in which the nursing student provides no nursing care;

(39) "Parent institution" means the official institution sponsoring the nursing program;

(40) "Participant" means a licensee who executes a contract with the Arkansas State Board of Nursing;

(41) "Patient harm" means actual or potential physical or mental injury, abuse, or neglect of a patient;

(42) "Peri-obstetrical" means preanesthetic preparation or evaluation, anesthesia induction, maintenance or emergence, or postanesthesia care of the pregnant female;

(43) "Perioperative" means preanesthetic preparation or evaluation, anesthesia induction, maintenance or emergence, or postanesthesia care of clients;

(44) "Personal care" means assistance with activities of daily living not requiring a medical prescription;

(45) "Philosophy" means beliefs adopted by the nursing faculty for the framework of the program;

(46) "Practice-focused" means academic study or continuing education targeted to meet the needs of the nurse in his or her nursing practice role;

(47) "Preceptor" means a currently licensed nurse or physician, meeting the requirements of this part, who serves as a facilitator of student learning in a practice setting;

(48) "Preceptorship" means practice under the supervision of a qualified preceptor in the care of consumers of health services while a student in an Arkansas State Board of Nursing-approved program;

(49)(A) "Prescriptive authority" means authorization, given by the Arkansas State Board of Nursing, for an advanced practice nurse who meets established requirements to prescribe.

(B) Prescriptive authority for controlled substances shall only extend to drugs listed in Schedules II – V subject to the provisions of 17 CAR § 123-601 et seq.;

(50) "Professional boundaries" means social, physical, and psychological limits in a therapeutic relationship between a nurse and a patient or their family that promote the client's:

- (A) Dignity;
- (B) Independence; and
- (C) Best interests;

(51)(A) "Program" means an education unit that offers courses and learning experiences preparing graduates who are:

- (i) Competent to practice nursing safely; and
- (ii) Eligible to take the NCLEX-PN or RN® examination.

(B) The program is often referred to as a prelicensure nursing program.

(C) Types of prelicensure nursing education programs are:

(i)(a) Associate degree program.

(b) A professional nursing program leading to an associate degree with a major in nursing;

(ii)(a) Baccalaureate degree program.

(b) A professional nursing program leading to a baccalaureate degree with a major in nursing;

(iii)(a) Diploma program.

(b) A professional nursing program leading to a diploma with a major in nursing;

(iv)(a) Master's degree program.

(b) A professional nursing program leading to a master's degree that is an individual's first professional degree in nursing;

(v)(a) Practical nursing program.

(b) A nursing program leading to a certificate in practical nursing; and

(vi)(a) Psychiatric technician nursing program.

(b) A nursing program leading to a certificate in psychiatric technician nursing;

(52) "Program director" means the individual employed by the Arkansas State Board of Nursing to administer the ATD program or the person responsible for the specific educational unit in nursing, regardless of the official title in the institution;

(53) "Program outcomes" means measurable indicators that reflect the extent to which the results of the nursing program are achieved and by which nursing program effectiveness is documented;

(54) "Protocol" means a written statement that delineates agreed-upon approaches in client care and management;

(55) "Refresher course" means a formal course of instruction designed to provide a review and update of nursing theory and practice;

(56) "Qualified provider" means individuals engaged in the treatment of substance use disorder, including alcohol, with sufficient:

(A) Education;

(B) Training; and

(C) Experience;

(57) "Relapse" means use of any unauthorized controlled or abuse potential substance, including alcohol, as reported by the participant or the submission of any confirmed positive drug screen;

(58) "Satellite campus" means a separate geographic location where a program is offered that has a separate student body and a separate faculty leader/coordinator and/or faculty;

(59) "Self-report" means a licensee or an applicant for licensure who provides voluntary written notification to board staff or the ATD program director that the licensee or applicant for licensure is or has been impaired;

(60) "Shall", "will", "must" indicates a mandatory requirement;

(61) "Should" indicates a recommendation;

(62) "SUD" means substance use disorder, defined by the United States Substance Abuse and Mental Health Services Administration as the recurrent use of alcohol and/or drugs that causes clinically and functionally significant impairment, such as:

- (A) Health problems;
- (B) Disability; and
- (C) Failure to meet major responsibilities at:
  - (i) Work;
  - (ii) School; or
  - (iii) Home;

(63) "Survey" means a visit to determine compliance with minimum requirements;

(64) "Therapeutic device" means an instrument or apparatus, requiring a prescription, that is intended for use in diagnosis or treatment and in the prevention of disease or maintenance or restoration of health;

(65) "Transmitting" means relaying an order for a:

- (A) Medication;
- (B) Treatment; or
- (C) Therapeutic device;

(66) "Under the direction of a licensed physician" means the performance of specific acts and procedures that:

- (A) Have been authorized by a licensed physician; and
- (B) May be performed outside the presence of the physician under conditions where a physician is readily available for consultation; and

(67) "Unencumbered license" means free of disciplinary limitations.

## **Subpart 5. General Matters**

### **17 CAR § 120-501. Office and hours.**

- (a) The office of the Arkansas State Board of Nursing is in Little Rock, Arkansas.
- (b) The office shall be open during business hours each day, Saturday, Sunday, and holidays excepted.

### **17 CAR § 120-502. Examination, inquiry, or investigation.**

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(a) The Arkansas State Board of Nursing may, through one (1) or more of its members, or staff especially authorized, conduct at its office in Little Rock, Arkansas, or in any part of the state, any examination, inquiry or investigation, hearing, or other proceeding necessary to perform its duties and functions.

(b) The Director of the Arkansas State Board of Nursing shall:

(1) Have custody of the seal and official records; and  
(2) Be responsible for the maintenance and custody of the files and records of the board, including:

- (A) The credentials for all Arkansas licensed nurses;
- (B) Transcripts of testimony and exhibits;
- (C) The minutes of all actions taken by the board; and
- (D) All of its:
  - (i) Findings;
  - (ii) Determinations;
  - (iii) Reports;
  - (iv) Opinions;
  - (v) Orders;
  - (vi) Rules; and
  - (vii) Approved forms.

**17 CAR § 120-503. Authentication.**

All notices and other actions of the Arkansas State Board of Nursing shall be authenticated or signed by the:

- (1) President of the Arkansas State Board of Nursing;
- (2) Secretary of the Arkansas State Board of Nursing; or
- (3) Such other person as may be authorized by the board.

**17 CAR § 120-504. Notice.**

Upon order of the Arkansas State Board of Nursing, the President of the Arkansas State Board of Nursing, Secretary of the Arkansas State Board of Nursing, or Director of

the Arkansas State Board of Nursing shall issue all notices of hearings and other process as may be directed by the board.

**17 CAR § 120-505. Director.**

The Director of the Arkansas State Board of Nursing shall:

- (1) Be a registered nurse; and
- (2) Meet the qualifications required by the Arkansas State Board of Nursing.

**17 CAR § 120-506. Board funds and fees.**

(a) The Arkansas State Board of Nursing shall establish and collect fees for services as follows:

**Initial Licensure**

APRN	\$125.00
RN/LPN	\$100.00
Medication Assistant-Certified	\$35.00
International Nurse	\$200.00
<u>Dialysis Patient Care Technician</u>	<u>\$35.00</u>

**Endorsement**

APRN	\$125.00
RN & LPN	\$125.00
LPTN	\$100.00
Certification to another state	\$30.00
Medication Assistant-Certified	\$65.00
<u>Dialysis Patient Care Technician</u>	<u>\$35.00</u>

**Renewal of Licensure**

APRN	\$65.00
RN	\$100.00
LPN/LPTN	\$90.00

RNP	\$40.00
Lapsed (expired) Reinstatement	\$100.00
Medication Assistant-Certified	\$40.00
<u>Dialysis Patient Care Technician</u>	<u>\$40.00</u>
<b>Miscellaneous Fees</b>	
Prescriptive Authority	\$160.00
Temporary permit	\$30.00
CE Late Fee	\$50.00/contact hour
CRNA Corporation Registration	\$25.00
CRNA Corporation Renewal	\$10.00
Continuing Education Workshop Registration	\$45.00
Criminal Records Review (prelicensure waiver)	\$75.00
CE Approval Request	\$10.00
Returned Check Fee	\$30.00
VISA Screening	\$30.00

(b) All funds received by the board shall be deposited into the State Treasury to the credit of the board.

(c) Fees paid to the board may be in the form of:

- (1) Cashier checks;
- (2) Credit cards; or
- (3) Money orders.

(d) Fees paid to the board are processing fees and are not refundable.

**17 CAR § 120-507. Waiver of initial licensure fees.**

Effective January 1, 2022, application fees shall be waived if the applicant:

- (1) Is receiving assistance through the:
  - (A) Arkansas Medicaid Program;
  - (B) Supplemental Nutrition Assistance Program;

- (C) Special Supplemental Nutrition Program for Women, Infants, and Children;
  - (D) Temporary Assistance for Needy Families Program; or
  - (E) Lifeline Assistance Program;
- (2) Was approved for unemployment within the last twelve (12) months; or
- (3) Has an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines, as verified by the Department of Human Services and the Division of Workforce Services.

### **17 CAR § 120-508. Records.**

(a) **Record maintenance.** The Director of the Arkansas State Board of Nursing shall:

(1) Enter, in permanent form:

(A) Credentials of all nurses; and

(B) Records of official transactions and proceedings; and

(2) Keep such records in safekeeping.

(b) **Tapes.** Meetings may be taped as necessary for purposes of minute taking.

(c) **Destruction.** The director may destroy or dispose of records in the office in accord with applicable law.

(d) **Certified copies.** Upon written request and payment of a fee, the director shall provide to any nurse holding Arkansas licensure a certified copy of any of his or her records on file in the Arkansas State Board of Nursing office.

(e) **Public inspection.** Records shall be open to public inspection except as may be specifically exempted by statute.

(f) **Request for copies of rules.** Copies of rules of the board will be furnished free of charge to any official of a government agency requesting them in the performance of his or her duties.

### **17 CAR § 120-509. Examination review.**

A registered nurse, practical nurse, or psychiatric technician nurse candidate who has failed the licensure examination may review his or her examination and/or challenge examination items according to the policies and procedures of the test development vendor.

## **Subpart 6. Faith A. Fields Nursing Scholarship/Loan Program**

### **17 CAR § 120-601. Eligibility requirements.**

(a) As funds are made available, any Arkansas resident who is enrolled in, or has been accepted for admission to, an approved school of nursing in this state or in a nationally accredited school outside the state in a course of study leading to qualification as a registered nurse, licensed practical nurse, or nurse educator shall be eligible to make application to the Arkansas State Board of Nursing for a nursing educator loan or a nursing practice loan.

(b) The board may, depending upon available funds, make a nursing educator loan or a nursing practice loan to an applicant when it determines that the applicant:

- (1) Warrants financial assistance to complete his or her nursing studies; and
- (2) Has signed a written agreement to, upon graduation and licensure and for one (1) year for each year a loan is granted:

(A) Either:

(i) Teach in a nursing education program in the State of Arkansas if granted a nursing educator loan; or

(ii) Engage in practice as a registered nurse or licensed practical nurse in the State of Arkansas if granted a nursing practice loan; and

(B) Repay each loan with interest at the maximum legal rate if the applicant fails to fulfill the requirements of the board.

### **17 CAR § 120-602. Maintenance requirements.**

(a) Subject to the availability of funds and the limits set out in this part, each loan made to an applicant shall be renewable annually for the number of years required to complete studies leading to qualification as a:

- (1) Registered nurse;
- (2) Licensed practical nurse; or
- (3) Nursing educator.

(b) Any loan made to an applicant subsequent to an initial loan shall be made only upon application of the recipient and upon finding by the Arkansas State Board of Nursing that the applicant:

(1) Has successfully completed the nursing studies of the preceding academic year and remains in good standing as an enrolled student in the appropriate nursing program;

(2) Warrants financial assistance to complete his or her nursing studies;

(3) Has signed a written agreement to, upon graduation and licensure and for one (1) year for each year a loan is granted:

(A) Either:

(i) Teach in a nursing education program in the State of Arkansas; or

(ii) Engage in practice as a registered nurse or licensed practical nurse in the State of Arkansas; and

(B) Repay each loan with interest at the maximum legal rate if the applicant fails to fulfill the requirements of the board; and

(4) Continues to be a lawful resident of the State of Arkansas.

(c) The total of the loans made to any one (1) student shall not exceed twenty thousand dollars (\$20,000).

**17 CAR § 120-603. Borrower's loss of good standing.**

If the recipient of a loan ceases to be enrolled in good standing in a recognized nursing program before completing the education requirements to qualify as a registered nurse, licensed practical nurse, or nursing educator, the principal and interest

of all loans made to the recipient shall become due and payable immediately or as provided in the loan agreement.

**17 CAR § 120-604. Loan repayment.**

(a) A recipient of a loan shall repay each loan together with interest at the maximum rate allowed by Arkansas law if the recipient:

(1) Ceases to be enrolled in good standing in a recognized nursing program before completing the education requirements to qualify as a:

- (A) Registered nurse;
- (B) Licensed practical nurse; or
- (C) Nursing educator;

(2) Does not, for the period specified in the agreement, teach in an Arkansas nursing education program if granted a nursing educator loan or engage in practice as a registered nurse or licensed practical nurse in Arkansas if granted a nursing practice loan; or

(3) Fails to comply with any other requirements of the agreement.

(b) Interest shall accrue from the date each payment of funds was received by the recipient.

(c) No interest shall accrue and no obligation to repay a loan exists during any period of time that the recipient of the loan serves on active duty in the United States Armed Forces.

(d) If repayment of a loan is required, upon the death of the recipient of the loan all unpaid principal and interest is due and payable.

(e) The failure to repay a loan as specified may be considered unprofessional conduct for disciplinary purposes.

**17 CAR § 120-605. Default or delinquent student loans and scholarships.**

Except as provided for rural medical practice student loans and scholarships under Arkansas Code § 6-81-701 et seq., the Arkansas State Board of Nursing shall not

suspend or revoke a license that has been issued to an individual solely on the basis of that individual being:

(1) In default on the repayment obligations required by one (1) or more student loans;

(2) Delinquent in the payments of one (1) or more student loans;

(3) In default on the satisfaction of the requirements and conditions of a scholarship; or

(4) Delinquent in the satisfaction of the requirements and conditions of a scholarship.

1 State of Arkansas As Engrossed: H1/27/25 H1/29/25 S2/11/25

2 95th General Assembly

# A Bill

3 Regular Session, 2025

HOUSE BILL 1183

4

5 By: Representative Bentley

6 By: Senator C. Penzo

7

8

## For An Act To Be Entitled

9 AN ACT TO CREATE THE REGISTERED DIALYSIS PATIENT CARE  
10 TECHNICIAN ACT; AND FOR OTHER PURPOSES.

11

12

13

## Subtitle

14

TO CREATE THE REGISTERED DIALYSIS

15

PATIENT CARE TECHNICIAN ACT.

16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18

19 SECTION 1. Arkansas Code Title 17, Chapter 87, is amended to add an  
20 additional subchapter to read as follows:

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Subchapter 9 – Registered Dialysis Patient Care Technician Act

22

23

17-87-901. Title.

24

This subchapter shall be known and may be cited as "the "Registered"

25

Dialysis Patient Care Technician Act".

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17-87-902. Purpose.

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The purpose of this subchapter is to ensure the health, safety, and

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welfare of the public by providing for the accurate, cost-effective, and safe

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utilization of dialysis patient care technicians in the administration of

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hemodialysis.

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17-87-903. Definition.

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As used in this subchapter, "dialysis patient care technician" means a

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person who meets the requirements of § 17-87-905.

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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.

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.

1 (b)(1) An applicant for registration as a dialysis patient care  
2 technician shall report to the board, in writing, any conviction for a felony  
3 or misdemeanor.

4 (2) A conviction is not a disqualification for registration  
5 under this section unless the conviction relates to the criminal offenses  
6 listed in § 17-3-102.

7 (c)(1) An applicant or a dialysis patient care technician may report  
8 any pardon or setting aside of a conviction to the board.

9 (2) If a pardon or setting aside has been obtained, the  
10 conviction for which the pardon or setting aside was obtained shall not be  
11 maintained on the Dialysis Patient Care Technician Registry created under §  
12 17-87-906.

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

17 (e)(1) The board shall refuse to register or shall revoke the  
18 registration of a person who would be disqualified from employment under §  
19 20-33-213.

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

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

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

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

27 (D) Violating any provision of this subchapter; or

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

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

33  
34 17-87-906. Dialysis Patient Care Technician Registry – Contents of  
35 registry.

36 (a)(1) The Arkansas State Board of Nursing shall list each dialysis

1 patient care technician registrant on a registry to be named the "Dialysis  
2 Patient Care Technician Registry".

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

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

8 (1) The individual's full name;

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

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

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

15  
16 17-87-907. Construction.

17 This subchapter does not:

18 (1) Require a dialysis patient care technician to register as a  
19 medication assistive person under § 17-87-701 et seq.; or

20 (2) Apply to a dialysis patient care technician who is working  
21 directly with a physician licensed by the Arkansas State Medical Board.

22  
23 */s/Bentley*

24  
25  
26 **APPROVED: 2/27/25**