

INTERIM STUDY PROPOSAL 2023-122

State of Arkansas  
94th General Assembly  
Third Extraordinary Session, 2024

**A Bill**

JMB/JMB  
HOUSE BILL

By: Representative Bentley

Filed with: House Committee on Public Health, Welfare, and Labor  
pursuant to A.C.A. §10-3-217.

**For An Act To Be Entitled**

AN ACT TO REPLACE THE DEFINED TERM "MEDICATION ASSISTIVE PERSON" WITH THE DEFINED TERM "CERTIFIED MEDICATION ASSISTANT" THROUGHOUT § 17-87-701 ET SEQ.; TO SET FORTH THE CERTIFICATION REQUIREMENTS, QUALIFICATIONS, AND THE SCOPE OF PRACTICE FOR A CERTIFIED MEDICATION ASSISTANT; AND FOR OTHER PURPOSES.

**Subtitle**

TO REPLACE THE DEFINED TERM "MEDICATION ASSISTIVE PERSON" WITH THE DEFINED TERM "CERTIFIED MEDICATION ASSISTANT" THROUGHOUT § 17-87-701 ET SEQ.

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

SECTION 1. Arkansas Code § 17-87-701 - 17-87-708 are amended to read as follows:

17-87-701. Definitions.

As used in this subchapter:

(1) ~~"Board" means the Arkansas State Board of Nursing~~ "Certified medication assistant" means a person who is certified by the board to administer certain nonprescription and legend drugs in designated facilities;

(2) "Designated facility" means a type of facility determined by the board as an environment in which ~~medication assistive persons~~ a certified

1 medication assistant may serve in accordance with the requirements of this  
2 subchapter and rules promulgated by the board;

3 ~~(3) “Medication assistive person” means a person who is~~  
4 ~~certified by the board to administer certain nonprescription and legend drugs~~  
5 ~~in designated facilities; and~~

6 ~~(4)(3)~~ (3) “Supervision” means the active oversight of patient care  
7 services while on the premises of a designated facility in a manner defined  
8 by the board.

9  
10 17-87-702. Certificate required.

11 In order to safeguard life and health, ~~any~~ a person serving or offering  
12 to serve as a ~~medication assistive person~~ certified medication assistant  
13 shall:

- 14 (1) Submit evidence that he or she is qualified to so serve; and  
15 (2) Be certified as provided in this subchapter.

16  
17 17-87-703. Designated facilities – Notification of use of certified  
18 medication assistants required.

19 ~~(a) The Arkansas State Board of Nursing shall designate the types of~~  
20 ~~facilities that may use medication assistive persons.~~

21 ~~(b)(1) Designated facilities may not be required to use medication~~  
22 ~~assistive persons.~~

23 ~~(2) However, if a designated facility elects to use medication~~  
24 ~~assistive personnel, the facility shall notify the board in a manner~~  
25 ~~prescribed by the board.~~

26 (a) The Arkansas State Board of Nursing shall not require a designated  
27 facility to use certified medication assistants.

28 (b) A designated facility that elects to use certified medication  
29 assistants shall notify the board in a manner prescribed by the board.

30  
31 17-87-704. Qualifications.

32 ~~(a) In order to~~ To be certified as a ~~medication assistive person~~  
33 certified medication assistant, an applicant shall submit to the Arkansas  
34 State Board of Nursing written evidence, verified by oath, that ~~the~~  
35 applicant:

- 36 (1) The applicant meets all of the following requirements:

1 (A) Is currently listed in good standing on the state's  
2 certified nurse aide registry;

3 ~~(B) Has maintained registration on the state's certified~~  
4 ~~nurse aide registry continuously for a minimum of one (1) year;~~

5 ~~(C) Has completed at least one (1) continuous year of~~  
6 ~~full time experience as a certified nurse aide in this state;~~

7 ~~(D)~~(B) Is currently employed at a designated facility;

8 ~~(E)~~(C) Has a high school diploma or the equivalent;

9 ~~(F)~~(D) Has successfully completed a literacy and reading  
10 comprehension screening process approved by the board;

11 ~~(G)~~(E) Has successfully completed a ~~medication assistive~~  
12 ~~person certified medication assistant~~ training course of not less than ~~one~~  
13 ~~hundred (100)~~ one hundred fifteen (115) hours approved by the board; and

14 ~~(H)~~(F) Has successfully passed an examination on subjects  
15 the board determines; or

16 ~~(2)~~(A)(2) The applicant has:

17 (A) Completed ~~Has completed~~ a portion of a nursing  
18 education program equivalent to the ~~medication assistive person certified~~  
19 medication assistant training course; and

20 (B) Passed the ~~medication aide~~ certified medication  
21 assistant examination.

22 (b) The board may issue a certification as a ~~medication assistive~~  
23 ~~person certified medication assistant~~ by endorsement to an applicant who has  
24 been licensed or certified as a ~~medication assistive person certified~~  
25 medication assistant under the laws of another state or territory, if:

26 (1) In the opinion of the board, the applicant meets the  
27 qualifications of ~~medication assistive persons~~ a certified medication  
28 assistant in this state; and

29 (2) The board recommends certification.

30 (c) ~~Any A~~ person holding a certification as a ~~medication assistive~~  
31 ~~person shall have the right to~~ certified medication assistant may use the  
32 title "~~medication assistive person~~" "certified medication assistant" or  
33 "medication assistant - certified" and the abbreviation "~~M.A.P.~~" "C.M.A." or  
34 "M.A. - C.".

35 (d) The training courses for ~~medication assistive persons~~ a certified  
36 medication assistant may be provided by a postsecondary educational

1 institution, a hospital, or a consortium of five (5) or more skilled nursing  
2 facilities.

3

4 17-87-705. Scope of work.

5 (a)(1) A ~~medication assistive person~~ certified medication assistant  
6 may perform the delegated nursing function of medication administration and  
7 related tasks in accordance with rules promulgated by the Arkansas State  
8 Board of Nursing.

9 (2) A ~~medication assistive person~~ certified medication assistant  
10 shall perform medication administration and related tasks only:

11 (A) At a designated facility; and

12 (B) Under the supervision of a licensed nurse.

13 (3)(A) Medication administration shall be limited to the  
14 administration of nonprescription and legend drugs ordered by an authorized  
15 prescriber by the following methods:

16 (i) Orally;

17 (ii) Topically;

18 (iii) Drops for eye, ear, or nose;

19 (iv) Vaginally;

20 (v) Rectally;

21 (vi) Transdermally; ~~and~~

22 (vii) ~~Via oral inhaler~~ Inhalation; and

23 (viii) Subcutaneous injections of insulin.

24 (B) Medication administration by a ~~medication assistive~~  
25 ~~person~~ certified medication assistant shall not include controlled  
26 substances.

27 (b) A ~~medication assistive person~~ certified medication assistant shall  
28 not:

29 (1) Receive, have access to, or administer any controlled  
30 substance;

31 (2) Administer parenteral, enteral, or injectable medications,  
32 except as authorized under this subchapter;

33 (3) Administer any substances by nasogastric or gastrostomy  
34 tubes;

35 (4) Calculate drug dosages;

36 (5) Destroy medication;

1 (6) Receive orders, either in writing or verbally, for new or  
2 changed medications;

3 (7) Transcribe orders from the medical record;

4 (8) Order initial medications;

5 (9) Evaluate medication error reports;

6 (10) Perform treatments;

7 (11) Conduct patient assessments or evaluations; or

8 (12) Engage in patient teaching activities.

9  
10 17-87-706. Renewal of certifications.

11 (a)(1) The Arkansas State Board of Nursing shall prescribe the  
12 procedure for the cyclical renewal of ~~medication assistive person~~  
13 ~~certifications~~ the certification of a certified medication assistant.

14 (2) In each case, the board shall mail a notification for  
15 renewal to the ~~medication assistive person~~ certified medication assistant at  
16 least thirty (30) days before the expiration date of the certification.

17 (b)(1) Upon receipt of the renewal application and the fee, the board  
18 shall verify the accuracy of the application.

19 (2)(A) If the board finds the application to be accurate, the  
20 board shall issue a certificate of renewal to the applicant.

21 (B) As a condition of certification renewal, a ~~medication~~  
22 ~~assistive person~~ certified medication assistant shall be:

23 (i) Currently listed in good standing on the state's  
24 certified nurse aide registry; and

25 (ii) Required to satisfactorily complete at least  
26 eight (8) hours of continuing medication education course work as required by  
27 the board.

28 (c) ~~The renewal shall render~~ A renewal of a certificate under this  
29 section renders the holder of the certificate a legal provider of ~~medication~~  
30 ~~assistive person~~ certified medication assistant services for the period  
31 stated in the certificate of renewal.

32 (d) ~~Any medication assistive person~~ A certified medication assistant  
33 who allows his or her certification to lapse by failing to renew the  
34 certification as provided in this section may be reinstated by the board on:

35 (1) Payment of the renewal fee plus a penalty; and

1           (2) Submission of evidence that the person currently meets the  
2 requirements to serve as a ~~medication assistive person~~ certified medication  
3 assistant.

4           (e) ~~Any~~ A person providing services as a ~~medication assistive person~~  
5 certified medication assistant during the time his or her certification has  
6 lapsed ~~shall be considered to be~~ is providing services illegally and shall be  
7 subject to the penalties provided for violations of this subchapter.

8  
9           17-87-707. Disciplinary actions.

10          (a) The Arkansas State Board of Nursing ~~shall have~~ has sole authority  
11 to deny, suspend, revoke, or limit any ~~medication assistive person~~  
12 certificate of a certified medication assistant issued by the board or  
13 applied for in accordance with ~~the provisions of~~ this subchapter or to  
14 otherwise discipline a certificate holder upon proof that the person:

15           (1) Has been found guilty of or pleads guilty or nolo contendere  
16 to:

17                   (A) Fraud or deceit in procuring or attempting to procure  
18 a ~~medication assistive person~~ certificate of a certified medication  
19 assistant; or

20                   (B) Providing services as a ~~medication assistive person~~  
21 certified medication assistant without a valid certificate;

22           (2) Is unfit or incompetent by reason of negligence, habits, or  
23 other causes;

24           (3) Is habitually intemperate or is addicted to the use of  
25 habit-forming drugs;

26           (4) Is mentally incompetent;

27           (5) Is guilty of unprofessional conduct;

28           (6) Has had a license, certificate, or registration revoked or  
29 suspended;

30           (7) Has been placed on probation or under disciplinary order in  
31 any jurisdiction;

32           (8) Has voluntarily surrendered a license, certification, or  
33 registration and has not been reinstated in any jurisdiction; or

34           (9) Has willfully or repeatedly violated any of the provisions  
35 of this subchapter.

1 (b) The board shall refuse to issue or shall revoke the certificate of  
2 any person who would be disqualified from employment under ~~the provisions of~~  
3 § 20-33-213.

4 (c) Proceedings under this section shall be conducted in accordance  
5 with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

6  
7 17-87-708. Penalty.

8 (a)(1) ~~It shall be a misdemeanor for any person to~~ It is unlawful for  
9 a person to:

10 (A) Sell or fraudulently obtain or furnish any ~~medication~~  
11 ~~assistive person's~~ certified medication assistant's certificate, renewal, or  
12 record or aid or abet in any such sale or fraud;

13 (B) Serve as a ~~medication assistive person~~ certified  
14 medication assistant under cover of any certificate or record illegally or  
15 fraudulently obtained or signed or issued unlawfully or under fraudulent  
16 representation;

17 (C) Serve as a ~~medication assistive person~~ certified  
18 medication assistant unless certified by the Arkansas State Board of Nursing;

19 (D) Use in connection with his or her name any of the  
20 following titles, names, or initials if the user is not properly certified  
21 under this subchapter:

- 22 (i) ~~Medication assistive person;~~
- 23 ~~(ii) M.A.P.;~~
- 24 ~~(iii) Medication aide;~~
- 25 ~~(iv)(ii) Medication technician;~~
- 26 ~~(v)(iii) Medication assistant;~~
- 27 ~~(vi)(iv) Certified medication aide~~ assistant;
- 28 ~~(vii)(v) C.M.A.;~~
- 29 ~~(viii)(vi) Medication assistant – Certified;~~
- 30 ~~(ix)(vii) MA – C; or~~
- 31 ~~(x)(viii) Any other name, title, or initials that~~  
32 would cause a reasonable person to believe the user is certified under this  
33 subchapter;

34 (E) Serve as a ~~medication assistive person~~ certified  
35 medication assistant during the time his or her certification is suspended;

1 (F) Conduct an education program for the preparation of  
2 ~~medication assistive persons~~ certified medication assistants unless the  
3 program has been approved by the board; or

4 (G) Otherwise violate any provisions of this subchapter.

5 (2)(A) A ~~misdemeanor~~ violation under subdivision (a)(1) of this  
6 section ~~shall be~~ is a violation punishable by a fine of not less than twenty-  
7 five dollars (\$25.00) or more than five hundred dollars (\$500).

8 (B) Each subsequent offense under subdivision (a)(1) of  
9 this section ~~shall be punishable by a fine of not more than five hundred~~  
10 ~~dollars (\$500) or by imprisonment of not more than thirty (30) days, or by~~  
11 ~~both a fine and imprisonment~~ is a Class C misdemeanor.

12 (b)(1) After providing notice and a hearing, the board may levy civil  
13 penalties in an amount not to exceed one thousand dollars (\$1,000) against a  
14 person or entity for each violation of this subchapter or rules promulgated  
15 under this subchapter.

16 (2) Each day of violation shall be a separate offense.

17 ~~(e)~~(3) Unless a penalty assessed under this ~~section~~ subsection is paid  
18 within fifteen (15) calendar days following the date for an appeal from the  
19 order, the board may file suit in Pulaski County Circuit Court to obtain a  
20 judgment for the amount of penalty not paid.

21 ~~(d)~~(c) The penalties permitted in this section shall be in addition to  
22 other penalties that may be imposed by the board under this subchapter.

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24  
25 Referred by Representative Bentley

26 Prepared by: JMB/JMB  
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