

# ARKANSAS STATE BOARD OF NURSING

## **Enabling Laws**

Act 140 of 10  
A.C.A. §17-87-203 & 205

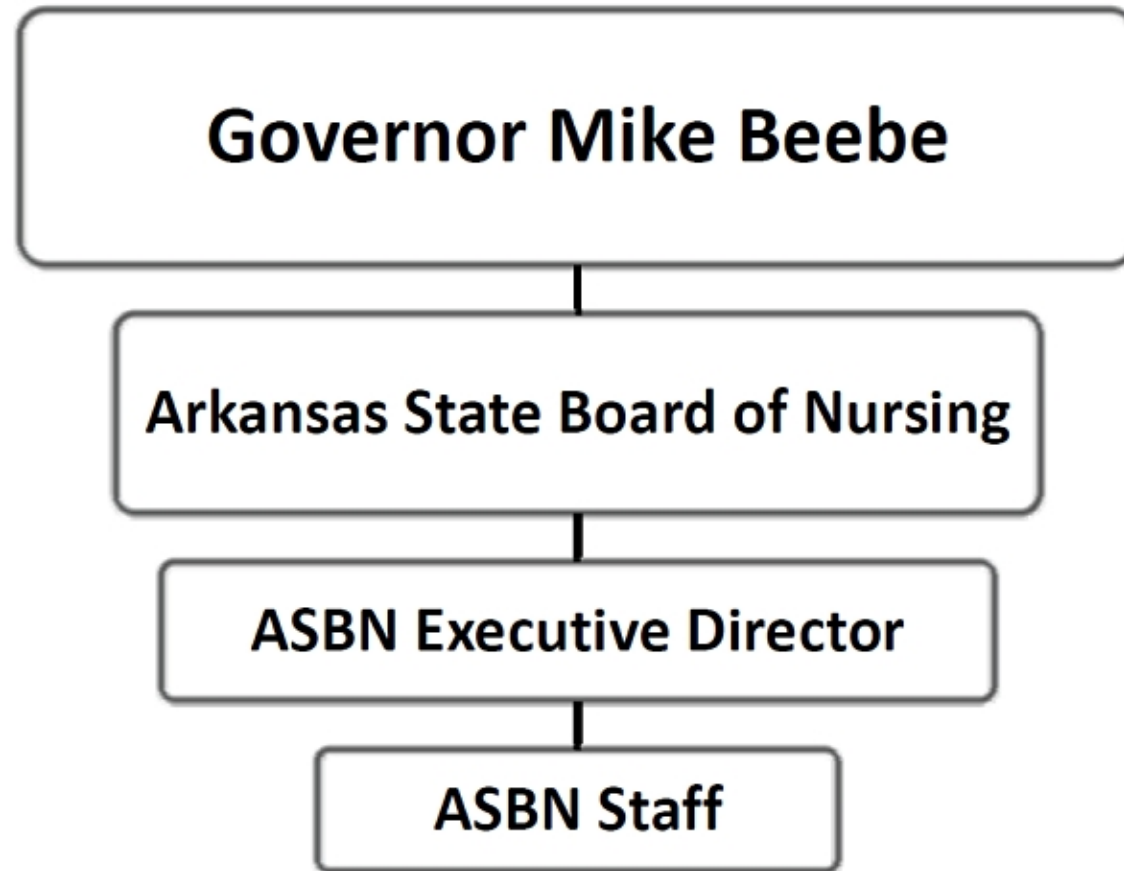
## **History and Organization**

The "State Board of Nurse Examiners" was created by Act 128 of 1913. The Board is composed of thirteen members, appointed by the Governor, subject to confirmation by the Senate. The mission of the Arkansas State Board of Nursing is to protect the public and act as their advocate by effectively regulating the practice of nursing.

Statutory Responsibility & Primary Activities: Pursuant to A.C.A. §17-87-203, the Board of Nursing carries out the following responsibilities in the interest of public protection: (1) Cause the prosecution of persons violating the nurse practice act; (2) Employ personnel necessary for carrying out its functions; (3) 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; (4) Prescribe minimum standards and approve curricula for educational programs preparing persons for licensure as registered nurses, advanced practice nurses, registered nurse practitioners, licensed practical nurses, licensed psychiatric technician nurses and preparing persons for certification as medication assistants; (5) Provide for surveys of such programs at such times as it deems necessary, or at the request of the schools; (6) Approve programs that meet the requirements of the law; (7) Deny or withdraw approval from educational programs for failure to meet prescribed standards; (8) Examine, certify, and renew the certifications of qualified applicants for medication assistants; (9) Examine, license and renew the licenses of duly qualified applicants for professional nursing, practical nursing, and psychiatric technician nursing; (10) License and renew the licenses of qualified applicants for registered nurse practitioner and advanced practice nursing; (11) Grant certificates of prescriptive authority to qualified advanced practice nurses; (12) Convene an advisory committee as provided for in the law to assist with oversight of prescriptive authority and medication assistants; and (13) Conduct disciplinary proceedings as provided for in the law. There are currently 50,263 licenses, 1,022 certificates and 744 temporary permits issued by the Board.

Advisory Board or Commission: A.C.A. §17-87-205 created a Prescriptive Authority Advisory Committee to assist the Board in implementing the provisions for prescriptive authority, which was authorized by Act 409 of 1995. This is a five (5) member multidisciplinary committee, which meets as needed to deal with prescriptive issues. A.C.A. §17-87-710 created a Medication Assistive Persons Advisory Committee to assist the Board in implementing the provisions of the medication assistant legislation passed in 2005.

In addition, the Board has an advisory group comprised of directors of each nursing education program in the State. The Nurse Administrators of Nursing Education Programs is a fifty-eight (58) member advisory group, composed of the deans of nursing education programs, which advises the Board on nursing educational issues in the State.



### **Agency Commentary**

Receipts from license fees finance the Board of Nursing's operations. The Board is responsible for licensing, examination, endorsement, education and discipline of over 45,000 nurses and has sufficient revenue and fund balance to accommodate the requests described herein. In order to execute the Board's responsibilities and fulfill the public protection mission, the following change requests are imperative.

The Board of Nursing requests Base Level for the 2011-2013 biennium plus the following Change Level requests:

- ASBN requests one additional Legal Support Specialist position. The volume of work in the disciplinary department has increased over the past few years which have made the review of complaints and subsequent investigations increasingly more difficult to efficiently process. This has resulted in hiring outside investigators to get through the backlog of cases and thus increasing the support staff work in-house as well. Although the work load would warrant more, ASBN is requesting only one new position due to the economy issues of the State at this point. Some of the duties of the support specialist are entering data into multiple databases, reviewing documents related to nurses being monitored due to disciplinary action, typing department documents and preparing for disciplinary hearings. The impact of this position, if approved, is that the board will be able to process investigations and obtain board action on the license and/or take the offending nurse out of practice in a more timely fashion.
- In working with UAMS, the Board of Nursing is requesting appropriation of \$50,000 to provide matching funds for the Robert Wood Johnson grant to address nursing shortage issues in geriatric care. The funds will be used to study the educational preparation needs of the workforce in order to increase the number, to develop the competencies, and to improve the recruitment and retention of nurses to care for an aging Arkansas population. The goal of the study is to secure those viable and sustainable solutions that will result in improved quality of healthcare and safety in geriatric and long-term care settings.
- IT related Capital Outlay of \$176,500 in 2011-2012 and \$23,800 in 2012-2013 is requested by the Board to replace the licensure database and to cover expenses of equipment malfunction and replacement. The licensure database is used to maintain licensure, disciplinary, and education information for the nurses licensed by the Board. The current licensure database annual support costs are expected to increase substantially after the current contract expires. The initial cost to change licensure databases will be \$160,000. However, the support fees for the new database would be \$80,000 less per year than the current system after the contract expires. The IT equipment request is to replace the licensing printer, the renewals scanner equipment, and the phone system that is beyond repair, or too expensive to maintain. The software and hardware items are included in the Board's IT plan as follows: 1) Software-System Automation \$160,000 (licensure database) 2) Hardware-HP9050n Printer (licensing printer) 3) Hardware-Insight 4 Scanner (renewals scanner) 4) Hardware-ShorTel \$23,800 (phone system). These purchases would assist the agency to maintain efficient operations.
- \$70,950 in appropriation is requested each year of the biennium to process federal criminal background checks. In 1999 the legislature passed a law (ACA 17-87-312) requiring criminal background checks as a prerequisite to issuing a nursing license. ASBN processes state background checks online and reimburses the Information Network of Arkansas for the services and pass through these funds to the Arkansas State Police. The Board has been granted a cash increase letter for the past 2 years to also process the federal background checks online, and respectfully requests the continuance of this ability for the next biennium.

## **Audit Findings**

DIVISION OF LEGISLATIVE AUDIT  
AUDIT OF :  
ARKANSAS STATE BOARD OF NURSING

### Findings

A separate report for this Agency was not issued. However, financial activity for the Agency was included in the audit of the State's CAFR for the year ended June 30, 2009.

### Recommendations

## **Employment Summary**

	Male	Female	Total	%
White Employees	3	19	22	88 %
Black Employees	0	2	2	8 %
Other Racial Minorities	0	1	1	4 %
Total Minorities			3	12 %
Total Employees			25	100 %

## **Publications**

### **A.C.A. 25-1-204**

Name	Statutory Authorization	Required for		# of Copies	Reason(s) for Continued Publication and Distribution
		Governor	General Assembly		
Annual Report	17-87-203(4)	Y	N	200	Statutory requirement and public information for workforce data

## Department Appropriation Summary

### Historical Data

### Agency Request and Executive Recommendation

Appropriation	2009-2010		2010-2011		2010-2011		2011-2012						2012-2013					
	Actual	Pos	Budget	Pos	Authorized	Pos	Base Level	Pos	Agency	Pos	Executive	Pos	Base Level	Pos	Agency	Pos	Executive	Pos
286 Board of Nursing-Operations	2,377,232	26	2,532,253	26	2,543,783	26	2,466,493	26	2,729,845	27	2,729,845	27	2,466,493	26	2,527,145	27	2,527,145	27
2MA Nursing Education Workshops	24,313	0	35,000	0	35,000	0	35,000	0	35,000	0	35,000	0	35,000	0	35,000	0	35,000	0
56K Background Check Fee	121,875	0	156,750	0	85,800	0	85,800	0	156,750	0	156,750	0	85,800	0	156,750	0	156,750	0
58J Scholar Loans	30,000	0	500,000	0	550,000	0	500,000	0	500,000	0	500,000	0	500,000	0	500,000	0	500,000	0
Total	2,553,420	26	3,224,003	26	3,214,583	26	3,087,293	26	3,421,595	27	3,421,595	27	3,087,293	26	3,218,895	27	3,218,895	27

Funding Sources			%		%			%		%		%		%		%		%
Fund Balance	4000005	3,147,485	54.3	3,237,854	55.7		2,585,645	53.6	2,585,645	50.1	2,585,645	50.1	2,193,908	47.3	2,193,908	46.0	2,193,908	46.0
Special Revenue	4000030	2,439,221	42.1	2,393,368	41.2		2,130,016	44.2	2,393,368	46.4	2,393,368	46.4	2,332,716	50.3	2,393,368	50.2	2,393,368	50.2
Cash Fund	4000045	152,838	2.6	178,426	3.1		107,476	2.2	178,426	3.5	178,426	3.5	107,476	2.3	178,426	3.7	178,426	3.7
Transfer from Special Revenue	4000565	551,730	9.5	0	0.0		0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Transfers / Adjustments	4000683	(500,000)	(8.6)	0	0.0		0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Total Funds		5,791,274	100.0	5,809,648	100.0		4,823,137	100.0	5,157,439	100.0	5,157,439	100.0	4,634,100	100.0	4,765,702	100.0	4,765,702	100.0
Excess Appropriation/(Funding)		(3,237,854)		(2,585,645)			(1,735,844)		(1,735,844)		(1,735,844)		(1,546,807)		(1,546,807)		(1,546,807)	
Grand Total		2,553,420		3,224,003			3,087,293		3,421,595		3,421,595		3,087,293		3,218,895		3,218,895	

Budget exceeds Authorized Appropriation for the Background Check Fee appropriation due to a transfer from the Cash Fund Holding Account. The difference in fund balances between FY12 and FY13 is due to unfunded appropriation of \$458,064 in the Scholar Loans Program.

## Agency Position Usage Report

FY2008 - 2009						FY2009 - 2010						FY2010 - 2011					
Authorized in Act	Budgeted			Unbudgeted Total	% of Authorized Unused	Authorized in Act	Budgeted			Unbudgeted Total	% of Authorized Unused	Authorized in Act	Budgeted			Unbudgeted Total	% of Authorized Unused
	Filled	Unfilled	Total				Filled	Unfilled	Total				Filled	Unfilled	Total		
23	25	1	26	-3	-8.70 %	26	24	2	26	0	7.69 %	26	25	1	26	0	3.85 %

During 2009, the agency received supplemental positions, resulting in filled positions being greater than the number of positions authorized in Act 396 of 07.

## **Analysis of Budget Request**

**Appropriation:** 286 - Board of Nursing-Operations

**Funding Sources:** SBN - State Board of Nursing Fund

The State Board of Nursing is funded from the receipt of fees charged by the Agency, as authorized by Arkansas Code Annotated §17-87-306. The mission of the Board is to protect the public and act as their advocate by effectively regulating the practice of nursing.

Base Level salaries and matching do not include appropriation for a Cost of Living Adjustment or Career Service Payments. The Base Level salary of the unclassified position reflects the FY11 line item maximum. The Base Level request for Regular Salaries includes board member stipend payments.

This is the operation's appropriation for the Board of Nursing and supports 26 full-time positions as well as maintenance and operation expenses totaling \$2,466,493 each year of the 2011-2013 biennium. Additional requests are \$263,352 in FY12 and \$60,652 in FY13. An additional Legal Support Specialist is requested for the disciplinary department of the Board. The volume of work has increased over the past few years making it difficult to review complaints and conduct subsequent investigations efficiently. The Board has had to hire outside investigators to process the backlog of cases. Total cost for the position is \$36,852 each year of the biennium.

In FY12 only, the Board is requesting a \$50,000 Grants & Aid line item to provide matching funds to UAMS for the Robert Woods Johnson grant that will address nursing shortage issues in geriatric care.

Technology requests makeup the majority of the Board's biennial request. Capital Outlay in the amount of \$176,500 in FY11 is requested to replace the current licensure database as well as the licensing printer and renewals scanner. This database is used to maintain licensure, disciplinary, and education information for the nurses licensed by the Board. Support costs for the current licensure database are expected to significantly increase once the current contract expires at the end of FY10. The support fees for the new database (Software-System Automation) are projected to be \$80,000 less per year. In FY12, Capital Outlay in the amount of \$23,800 is requested to replace the current phone system. The Board's IT Plan reflects these changes and has been reviewed by the Department of Information Systems.

The Executive Recommendation provides for Agency Request.

## Appropriation Summary

**Appropriation:** 286 - Board of Nursing-Operations

**Funding Sources:** SBN - State Board of Nursing Fund

### Historical Data

### Agency Request and Executive Recommendation

Commitment Item		2009-2010	2010-2011	2010-2011	2011-2012			2012-2013		
		Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	1,317,752	1,369,266	1,393,118	1,342,965	1,369,496	1,369,496	1,342,965	1,369,496	1,369,496
<b>#Positions</b>		<b>26</b>	<b>26</b>	<b>26</b>	<b>26</b>	<b>27</b>	<b>27</b>	<b>26</b>	<b>27</b>	<b>27</b>
Personal Services Matching	5010003	378,916	403,387	391,065	403,928	414,249	414,249	403,928	414,249	414,249
Operating Expenses	5020002	585,173	632,075	632,075	632,075	632,075	632,075	632,075	632,075	632,075
Conference & Travel Expenses	5050009	22,593	29,048	29,048	29,048	29,048	29,048	29,048	29,048	29,048
Professional Fees	5060010	39,597	57,477	57,477	57,477	57,477	57,477	57,477	57,477	57,477
Data Processing	5090012	0	0	0	0	0	0	0	0	0
Grants and Aid	5100004	0	0	0	0	50,000	50,000	0	0	0
Refunds/Reimbursements	5110014	950	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
Capital Outlay	5120011	32,251	40,000	40,000	0	176,500	176,500	0	23,800	23,800
<b>Total</b>		<b>2,377,232</b>	<b>2,532,253</b>	<b>2,543,783</b>	<b>2,466,493</b>	<b>2,729,845</b>	<b>2,729,845</b>	<b>2,466,493</b>	<b>2,527,145</b>	<b>2,527,145</b>

Funding Sources										
Fund Balance	4000005	3,086,582	2,648,571		2,509,686	2,509,686	2,509,686	2,173,209	2,173,209	2,173,209
Special Revenue	4000030	2,439,221	2,393,368		2,130,016	2,393,368	2,393,368	2,332,716	2,393,368	2,393,368
Transfers / Adjustments	4000683	(500,000)	0		0	0	0	0	0	0
Total Funding		5,025,803	5,041,939		4,639,702	4,903,054	4,903,054	4,505,925	4,566,577	4,566,577
Excess Appropriation/(Funding)		(2,648,571)	(2,509,686)		(2,173,209)	(2,173,209)	(2,173,209)	(2,039,432)	(2,039,432)	(2,039,432)
Grand Total		2,377,232	2,532,253		2,466,493	2,729,845	2,729,845	2,466,493	2,527,145	2,527,145

The FY11 Budget amount for Personal Services Matching exceeds the authorized amount due to matching rate adjustments during the 2009-2011 biennium.



## Change Level by Appropriation

**Appropriation:** 286 - Board of Nursing-Operations  
**Funding Sources:** SBN - State Board of Nursing Fund

### Agency Request

Change Level		2011-2012	Pos	Cumulative	% of BL	2012-2013	Pos	Cumulative	% of BL
<b>BL</b>	<b>Base Level</b>	<b>2,466,493</b>	<b>26</b>	<b>2,466,493</b>	<b>100.0</b>	<b>2,466,493</b>	<b>26</b>	<b>2,466,493</b>	<b>100.0</b>
C01	Existing Program	36,852	1	2,503,345	101.5	36,852	1	2,503,345	101.5
C02	New Program	50,000	0	2,553,345	103.5	0	0	2,503,345	101.5
C08	Technology	176,500	0	2,729,845	110.7	23,800	0	2,527,145	102.5

### Executive Recommendation

Change Level		2011-2012	Pos	Cumulative	% of BL	2012-2013	Pos	Cumulative	% of BL
<b>BL</b>	<b>Base Level</b>	<b>2,466,493</b>	<b>26</b>	<b>2,466,493</b>	<b>100.0</b>	<b>2,466,493</b>	<b>26</b>	<b>2,466,493</b>	<b>100.0</b>
C01	Existing Program	36,852	1	2,503,345	101.5	36,852	1	2,503,345	101.5
C02	New Program	50,000	0	2,553,345	103.5	0	0	2,503,345	101.5
C08	Technology	176,500	0	2,729,845	110.7	23,800	0	2,527,145	102.5

### Justification

C01	ASBN requests one additional Legal Support Specialist (C113). The volume of work in the disciplinary department has increased over the past few years which has made the review of complaints and subsequent investigations increasingly more difficult to efficiently process. The addition of this position will allow the board to process investigations and obtain board action on the license and/or take the offending nurse out of practice in a more timely fashion.
C02	Grants line item in the amount of \$50,000 in FY2012 only is requested to provide matching funds for the Robert Woods Johnson grant that will address nursing shortage issues in geriatric care. The funds will be used to study the educational preparation needs of the workforce in order to increase the number, to develop the competencies, and to improve the recruitment and retention of nurses to care for the aging Arkansas population.
C08	ASBN is requesting capital outlay to replace the licensure database (IT-Software System Automation) and IT equipment including the HP905n licensing printer and the renewals scanning equipment (IT-Hardware) totalling \$176,500 in FY2012. The Board currently uses GL Suites to maintain licensure, disciplinary, and education information for the nurses licensed by the Board. Support fees for the new database would be \$80,000 less per year than the current equipment being used by the Board. Capital outlay in FY2013 in the amount of \$23,800 is requested to replace the phone system (IT-Hardware).

## **Analysis of Budget Request**

**Appropriation:** 2MA - Nursing Education Workshops

**Funding Sources:** NNB - Cash in Treasury

The Board conducts Continuing Education Workshops as mandated by A.C.A. §17-87-207. Currently, the Board is conducting onsite workshops as well as online courses for nurses. Funding for this appropriation is from registration fees.

The Board is requesting Base Level for the 2011-2013 biennium.

The Executive Recommendation provides for Agency Request. Expenditure of appropriation is contingent upon available funding.

## Appropriation Summary

**Appropriation:** 2MA - Nursing Education Workshops

**Funding Sources:** NNB - Cash in Treasury

### Historical Data

### Agency Request and Executive Recommendation

Commitment Item		2009-2010	2010-2011	2010-2011	2011-2012			2012-2013		
		Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Operating Expenses	5020002	20,642	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000
Conference & Travel Expenses	5050009	0	0	0	0	0	0	0	0	0
Professional Fees	5060010	3,671	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000
Data Processing	5090012	0	0	0	0	0	0	0	0	0
Capital Outlay	5120011	0	0	0	0	0	0	0	0	0
Total		24,313	35,000	35,000	35,000	35,000	35,000	35,000	35,000	35,000
<b>Funding Sources</b>										
Fund Balance	4000005	53,218	43,310		25,986	25,986	25,986	8,662	8,662	8,662
Cash Fund	4000045	14,405	17,676		17,676	17,676	17,676	17,676	17,676	17,676
Total Funding		67,623	60,986		43,662	43,662	43,662	26,338	26,338	26,338
Excess Appropriation/(Funding)		(43,310)	(25,986)		(8,662)	(8,662)	(8,662)	8,662	8,662	8,662
Grand Total		24,313	35,000		35,000	35,000	35,000	35,000	35,000	35,000

## **Analysis of Budget Request**

**Appropriation:** 56K - Background Check Fee

**Funding Sources:** NNB - Cash in Treasury

The appropriation allows the Board to continue online criminal background check services provided by Information Network of Arkansas (INA). The INA bills the Board \$22 for each state criminal background check and \$19.25 for each federal background check conducted online. This appropriation will allow the Board to process 3,800 requests each year. During the current biennium online processing of federal background checks was made available. The Board received additional appropriation from the DFA Cash Holding Account for this processing.

Base Level is \$85,000 for each year of the 2011-2013 biennium. An additional \$70,950 is requested each year to allow the Board to continue processing online federal background checks.

The Executive Recommendation provides for Agency Request. Expenditure of appropriation is contingent upon available funding.

## Appropriation Summary

**Appropriation:** 56K - Background Check Fee

**Funding Sources:** NNB - Cash in Treasury

### Historical Data

### Agency Request and Executive Recommendation

Commitment Item		2009-2010	2010-2011	2010-2011	2011-2012			2012-2013		
		Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Operating Expenses	5020002	121,875	156,750	85,800	85,800	156,750	156,750	85,800	156,750	156,750
Conference & Travel Expenses	5050009	0	0	0	0	0	0	0	0	0
Professional Fees	5060010	0	0	0	0	0	0	0	0	0
Data Processing	5090012	0	0	0	0	0	0	0	0	0
Capital Outlay	5120011	0	0	0	0	0	0	0	0	0
Total		121,875	156,750	85,800	85,800	156,750	156,750	85,800	156,750	156,750
Funding Sources										
Fund Balance	4000005	7,685	12,037		12,037	12,037	12,037	12,037	12,037	12,037
Cash Fund	4000045	126,227	156,750		85,800	156,750	156,750	85,800	156,750	156,750
Total Funding		133,912	168,787		97,837	168,787	168,787	97,837	168,787	168,787
Excess Appropriation/(Funding)		(12,037)	(12,037)		(12,037)	(12,037)	(12,037)	(12,037)	(12,037)	(12,037)
Grand Total		121,875	156,750		85,800	156,750	156,750	85,800	156,750	156,750

Budget exceeds Authorized Amount in Operating Expenses due to additional appropriation received from the Cash Fund Holding Account.

## Change Level by Appropriation

**Appropriation:** 56K - Background Check Fee  
**Funding Sources:** NNB - Cash in Treasury

### Agency Request

Change Level		2011-2012	Pos	Cumulative	% of BL	2012-2013	Pos	Cumulative	% of BL
<b>BL</b>	<b>Base Level</b>	<b>85,800</b>	<b>0</b>	<b>85,800</b>	<b>100.0</b>	<b>85,800</b>	<b>0</b>	<b>85,800</b>	<b>100.0</b>
C01	Existing Program	70,950	0	156,750	182.7	70,950	0	156,750	182.7

### Executive Recommendation

Change Level		2011-2012	Pos	Cumulative	% of BL	2012-2013	Pos	Cumulative	% of BL
<b>BL</b>	<b>Base Level</b>	<b>85,800</b>	<b>0</b>	<b>85,800</b>	<b>100.0</b>	<b>85,800</b>	<b>0</b>	<b>85,800</b>	<b>100.0</b>
C01	Existing Program	70,950	0	156,750	182.7	70,950	0	156,750	182.7

### Justification

C01	Additional appropriation is being requested each year to allow processing of federal criminal background check processing.								
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## **Analysis of Budget Request**

**Appropriation:** 58J - Scholar Loans

**Funding Sources:** NNB - Cash In Treasury

Initially authorized for the current biennium, this appropriation is used by the Board to provide loans to persons studying to become a registered or licensed practical nurse and nurse educator. In FY10, Act 656 of 2009 authorized the transfer of funds from the State Board of Nursing Fund and the Nursing Student Loan Revolving Fund for the loan program. The Board contracts with the Department of Higher Education to review applications.

The Agency request is Base Level of \$500,000 each year of the biennium.

The Executive Recommendation provides for Agency Request. Expenditure of appropriation is contingent upon available funding.

## Appropriation Summary

**Appropriation:** 58J - Scholar Loans  
**Funding Sources:** NNB - Cash In Treasury

### Historical Data

### Agency Request and Executive Recommendation

Commitment Item	2009-2010	2010-2011	2010-2011	2011-2012			2012-2013		
	Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Nursing Student Loan Prgm 5900046	30,000	500,000	550,000	500,000	500,000	500,000	500,000	500,000	500,000
Total	30,000	500,000	550,000	500,000	500,000	500,000	500,000	500,000	500,000
<b>Funding Sources</b>									
Fund Balance 4000005	0	533,936		37,936	37,936	37,936	0	0	0
Cash Fund 4000045	12,206	4,000		4,000	4,000	4,000	4,000	4,000	4,000
Transfer from Special Revenue 4000565	551,730	0		0	0	0	0	0	0
Total Funding	563,936	537,936		41,936	41,936	41,936	4,000	4,000	4,000
Excess Appropriation/(Funding)	(533,936)	(37,936)		458,064	458,064	458,064	496,000	496,000	496,000
Grand Total	30,000	500,000		500,000	500,000	500,000	500,000	500,000	500,000