Session 3

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Take a STAND!™
Use Standing Orders to Vaccinate Adults
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Session 3
State Law & Standing Orders: ARKANSAS

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Overview

Purpose

• State Law and Practice Acts
• State Law Review:
  – Terms equivalent to Standing Orders
  – Terms equivalent to Vaccination
  – Elements of Immunization Practice
• Immunization Practice in Arkansas
• Supervision Requirements
• Practice Settings
• Notable Provisions in Arkansas Law
• Summary
Purpose

Ensure supervising physicians understand:

- Immunization practice = medical practice
- All states have laws governing how physicians delegate medical tasks to health professionals
- Laws may address:
  - The medical practice eligible for delegation
  - Which professionals may participate
  - Level of required supervision
  - Where the practice may occur
- Broad variability among states – No state authorizes all NPHPs to assess, prescribe and administer vaccines
State Law Review

Reviewed relevant laws, regulations, attorney’s general advisory opinions and case law governing:

• Medical Assistants
• Midwives
• Nurses
  – Advanced Practice Nurse
  – Clinical Nurse Specialist
  – Nurse Practitioner
  – Practical Nurse
  – Registered Nurse
  – Vocational Nurse
• Pharmacists
• Physician Assistants
State Law Review

Terms equivalent to “standing orders”:

Collaboration:
- With collaboration
- Collaborative practice
- Collaborative practice agreement
- Collaborative authority
- Collaborating provider

Delegation
- Delegated authority
- Delegation order, agreement

Protocol
- Prescriber-approved protocols
The term “standing orders” is not included in Arkansas law

<table>
<thead>
<tr>
<th>Professional</th>
<th>Equivalent Terms</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Midwife</td>
<td>• In collaboration with a physician</td>
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<tr>
<td>• Clinical Nurse Specialist</td>
<td>• Under the direction of protocols developed with a physician</td>
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<tr>
<td>• Nurse Practitioner</td>
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<tr>
<td>Medical Assistant</td>
<td>Physicians may delegate certain medical practices or tasks</td>
</tr>
<tr>
<td>Practical Nurse</td>
<td>May act under the direction of Registered nurse, advanced practice registered nurse, physician, dentist</td>
</tr>
<tr>
<td>Registered Nurse</td>
<td>May act as prescribed by authorized practitioner</td>
</tr>
<tr>
<td>Vocational Nurse</td>
<td>SILENT</td>
</tr>
<tr>
<td>Pharmacist</td>
<td>General written protocol; patient-specific orders; prescriptions issued by a physician</td>
</tr>
<tr>
<td>Physician Assistant</td>
<td>May act if delegated by supervising physician</td>
</tr>
</tbody>
</table>
State Law Review

Terms equivalent to “vaccination”:

- Immunization
- Diagnostic or therapeutic regimens/measures
- Drug or device by injection
- Nonscheduled legend drug/substance*
- Medication**
- Pharmacological agents
- Prescription drugs or devices
- Schedule VI controlled substances

* **LEGEND DRUGS** are approved by the FDA and must be dispensed to the public only when a licensed physician or other licensed provider prescribes them. Legend drugs may be a controlled substance or a non-narcotic.


**MEDICATION** includes drugs and pharmaceuticals and may be administered by injection or other methods.
### Defining “Vaccination” in ARKANSAS Law

<table>
<thead>
<tr>
<th>Professional</th>
<th>Term</th>
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</thead>
<tbody>
<tr>
<td><strong>Midwife</strong></td>
<td>Medications</td>
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<tr>
<td><strong>Clinical Nurse Specialist</strong></td>
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<td><strong>Nurse Practitioner</strong></td>
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<tr>
<td><strong>Medical Assistant</strong></td>
<td>Drugs</td>
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<tr>
<td><strong>Practical Nurse</strong></td>
<td>Immunizations</td>
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<tr>
<td><strong>Registered Nurse</strong></td>
<td>• Medications</td>
</tr>
<tr>
<td></td>
<td>• Immunizations</td>
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<tr>
<td><strong>Vocational Nurse</strong></td>
<td>Immunizations</td>
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<tr>
<td><strong>Pharmacist</strong></td>
<td>• Immunizations</td>
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<tr>
<td></td>
<td>• Drugs</td>
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<tr>
<td><strong>Physician Assistant</strong></td>
<td>• Legend Drugs</td>
</tr>
<tr>
<td></td>
<td>• Nonscheduled prescription medication</td>
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</tbody>
</table>
State Law Review

Immunization Practice includes:

**Assessment:** Screening, examining, diagnosing, treating

- **EXCLUDES:** merely collecting or reporting data, interviewing or taking patient history

**Prescription:** Oral, written or electronic

- **EXCLUDES:** simply transmitting a prescription issued by another provider

**Administration:** Injection, oral, nasal

- **EXCLUDES:** Dispensing medication
<table>
<thead>
<tr>
<th>Professional</th>
<th>Assessment</th>
<th>Prescription</th>
<th>Administration</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Midwife</td>
<td>OWN AUTHORITY</td>
<td>SILENT</td>
<td>OWN AUTHORITY</td>
</tr>
<tr>
<td>• Clinical Nurse Specialist</td>
<td></td>
<td></td>
<td>Exclude Midwife</td>
</tr>
<tr>
<td>• Nurse Practitioner</td>
<td>DELEGATED</td>
<td>SILENT</td>
<td>DELEGATED</td>
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<td></td>
<td>Exclude CNS</td>
<td></td>
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<tr>
<td>Medical Assistant</td>
<td>SILENT</td>
<td>SILENT</td>
<td>DELEGATED</td>
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<td>Practical Nurse</td>
<td>SILENT</td>
<td>SILENT</td>
<td>OWN AUTHORITY</td>
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<td>Physician Assistant</td>
<td>SILENT</td>
<td>DELEGATED</td>
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</tr>
</tbody>
</table>
Supervision Requirements include:

**Medical Assistant**
Direct, within close proximity of supervisor, undefined supervision, at physician’s discretion

**Midwife**
Collaborative agreements with supervising physicians if midwife is an Advanced Practice Nurse

**Nurses in Advanced Practice**
Collaborative agreement with supervising physician/system governs entire practice
Supervision Requirements include:

**Practical Nurse**
Direct, on-site supervision from physician, dentist, podiatrist, nurse in advanced practice, registered nurse, physician assistant

**Registered Nurse**
In collaboration with physician, dentist, podiatrist

**Vocational Nurse**
None listed

**Pharmacist**
Under own license or under delegated authority, protocol

**Physician Assistant**
With adequate physician supervision
## Supervision Requirements in ARKANSAS Law

<table>
<thead>
<tr>
<th>Professional</th>
<th>Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Midwife</td>
<td>Registered Nurse Practitioner Only</td>
</tr>
<tr>
<td>Clinical Nurse Specialist</td>
<td>• In collaboration with and under the direction of a licensed physician</td>
</tr>
<tr>
<td>Nurse Practitioner</td>
<td>• Under protocols developed with a licensed physician</td>
</tr>
<tr>
<td>Registered Nurse</td>
<td>May act as prescribed by practitioners</td>
</tr>
<tr>
<td>Medical Assistant</td>
<td>Determined by the supervising physician</td>
</tr>
<tr>
<td>Practical Nurse</td>
<td>May act under delegation and direction of a registered nurse, advanced practice registered nurse; physician; dentist</td>
</tr>
<tr>
<td>Registered Nurse</td>
<td>SILENT</td>
</tr>
<tr>
<td>Vocational Nurse</td>
<td>SILENT</td>
</tr>
<tr>
<td>Pharmacist</td>
<td>• General written protocol</td>
</tr>
<tr>
<td></td>
<td>• Patient-specific order or prescription</td>
</tr>
<tr>
<td>Physician Assistant</td>
<td>May act under supervision of a licensed physician</td>
</tr>
</tbody>
</table>
Permissible Practice Settings include:

**Medical Assistant**
- Public, private ambulatory care setting, delegating physician’s office, licensed clinics

**Midwife**
- Public/private clinical settings, physician’s offices

**Nurses in Advanced Practice (APN; CNS; NP)**
- Public/private clinical settings, patient’s home, schools, occupational health, community health settings

**Practical Nurse**
- Public/private clinical settings, patient’s home, schools, occupational health, community health settings
State Law Review (cont.)

Permissible Practice Settings include:

Registered Nurse
• Public/private clinical settings, patient’s home, schools, occupational health, community health settings

Vocational Nurse
• Public/private clinical settings, patient’s home, schools, occupational health, community health settings

Pharmacist
• Hospitals, pharmacies, other health care facilities, jails

Physician Assistant
• Clinical and community locations
## Practice Settings in ARKANSAS Law

<table>
<thead>
<tr>
<th>Professional</th>
<th>Setting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nurse Practitioner</td>
<td>SILENT</td>
</tr>
<tr>
<td>Medical Assistant</td>
<td>Physical boundaries of the delegating physician’s offices</td>
</tr>
<tr>
<td>Practical Nurse</td>
<td>SILENT</td>
</tr>
<tr>
<td>Registered Nurse</td>
<td>SILENT</td>
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<tr>
<td>Pharmacist</td>
<td>SILENT</td>
</tr>
<tr>
<td>Physician Assistant</td>
<td>Any setting authorized by the supervising physician</td>
</tr>
</tbody>
</table>
Medical Assistants in ARKANSAS Law (1)

Physicians may delegate certain medical practices or tasks to:

- Qualified and properly trained employees (commonly referred to as medical assistants)
- Who are not licensed or otherwise specifically authorized by Arkansas law to perform the practice or task.
Prior to delegating a medical practice or task, the physician must determine whether:

• The task is within the physician’s authority to perform

• The practice or task is indicated for the patient

• The appropriate level of supervision while the task is being performed

• The MA is qualified and properly trained to perform the task
Medical Assistants in ARKANSAS Law (3)

The medical practice can be delegated as long as the medical practice:

- Does not require the exercise of judgment based on medical knowledge
- The results of the practice are reasonably predictable
- Can be safely performed according to exact, unchanging directions
- Does not require complex observation or critical decisions
- Does not require repeated medical assessments
Medical Assistants in ARKANSAS Law (4)

Additional requirements related to delegation of administration of drugs:

• Must not require substantial, specialized judgment and skill based on knowledge and application of the principles of biological, physical, and social sciences

• Must occur within the physical boundaries of the physician’s office

• The physician must evaluate the patient’s acuity and determine that delegation is appropriate

• The physician must determine the competency of the MA through training and experience, including the physician’s personal observation.
Summary
Delegation of Immunizations in ARKANSAS:

1. ADVANCED PRACTICE NURSE (Midwife, Clinical Nurse Specialist, Nurse Practitioner):
   - May assess patient status under own authority
   - Midwives and Nurse Practitioners may assess under delegation
   - May administer medications under delegation and own authority
     (exclude Midwives)

2. MEDICAL ASSISTANT: May administer drugs only as delegated by physician

3. PRACTICAL and Vocational NURSE: May administer adult immunizations under own authority in limited situations

4. REGISTERED NURSE:
   - May assess patient status under own authority
   - May administer medications, immunizations as prescribed

5. PHARMACIST: May administer immunizations and drugs under protocols

6. PHYSICIAN ASSISTANT: May issue prescriptions and administer legend drugs and nonscheduled prescription medication under delegation.
Comments????
CITATIONS

5. Ark. Admin. Code § 016.06.18-201.000 (2015) Arkansas Medicaid Participation Requirements for Child Health Services (EPSDT) Providers Except School-Based Child Health Services Providers
6. Ark. Admin. Code § 070.00.9-09-00-0002 (2015) Prescription Orders to Administer Medication and/or Immunizations