



NEWSLETTER

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Collaborative Practice Agreement? *William H. Trice, III, Attorney for the Board*

Physicians often call the Arkansas State Medical Board inquiring as to what is this thing called a Collaborative Practice Agreement.

Your Arkansas legislature passed A.C.A. 17-87-310(a)(2) that provides that an advance practice nurse (APN) may obtain a certificate of prescriptive authority from the Arkansas State Board of Nursing if the advance practice nurse has a Collaborative Practice Agreement with a physician who is licensed under the Arkansas Medical Practices Act, and who has a practice comparable in scope, specialty or expertise to that of the advance practice nurse on file with the Arkansas State Board of Nursing.

As you are probably aware, advance practice nurses provide various levels of health care to patients. If the advance practice nurse is desirous of obtaining prescriptive authority, then pursuant to Arkansas law, they must enter into a Collaborative Practice Agreement with a physician who is licensed to practice medicine in this state, and whose medical practice is comparable in scope, specialty and expertise to that of the advance practice nurse.

The legislature also defined a Collaborative Practice Agreement in A.C.A. §17-87-102(2) as “a written plan that identifies a physician who agrees to collaborate with an advance practice nurse in the joint management of the health care of the advance practice nurse’s patients, and outlines procedures for consultation with or referral to the collaborating physician

or other health care professionals as indicated by a patient’s health care needs.” (emphasis added)

The Arkansas legislature further required through A.C.A. §17-87-310(c) that a Collaborative Practice Agreement shall include but not be limited to provisions addressing:

- (1) The availability of the collaborating physician for consultation or referral, or both;
- (2) Methods of management of the collaborative practice, which shall include protocols for prescriptive authority;
- (3) Coverage of the health care needs of a patient in the emergency absence of the advance practice nurse or physician; and
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Collaborative Practice Agreement?

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As you can readily see, the Arkansas legislature and thus your Arkansas State Medical Board views that the Collaborative Practice Agreement will require a physician to be involved in the joint management of the healthcare that is rendered to patients by an advance practice nurse. All physicians in this state are familiar with “quality assurance” programs within their own clinics and hospitals. It is the position of the Board that these same safeguards should be provided to patients who are being treated by advance practice nurses by having the patient’s healthcare managed jointly through the Collaborative Agreement with a physician.

There is not a conflict between the Arkansas law setting forth Collaborative Agreements and the Federal laws governing privacy of medical records, commonly referred to as HIPAA.

Physicians are not violating HIPAA when receiving or sharing Private Health Information (PHI) in their role as a collaborating physician.

45 C.F.R. 164.501 defines “treatment” as “the provision, coordination, or management of health care and related services by one or more health care providers, including the coordination or management of health care by a health care provider with a third party; consultation between health care providers relating to a patient; or the referral of a patient for health care from one health care provider to another.”

45 C.F.R. 164.501 defines “health care operations” to include “(1) conducting quality assessment and improvement activities, including outcomes evaluation and development of clinical guidelines...” and “(2) Reviewing the competence or qualifications of health care professionals, evaluating practitioner and provider performance...”

Finally, HIPAA provides at 45 C.F.R. 164.506(c) that a provider may disclose PHI (1) for its own treatment, payment or healthcare operations, (2) for treatment activities of another health care provider, (3) to another health care provider for that provider’s payment activities, or (4) to another health care provider for that provider’s health care operations, if each entity has or had a relationship with the individual who is the subject of the PHI and if the purpose of the disclosure is one of those listed in paragraph (1) and (2) of the definition of health care operations. (These are the very paragraphs quoted from in the preceding paragraph defining health care operations.)

An analysis of these statutory provisions and HIPAA regulations leads to the following conclusions:

(1) An advanced practice nurse’s patients are jointly managed by the APN and the APN’s collaborating physician. Otherwise,

the APN and the collaborating physician are not complying with the requirements of the statute.

(2) The collaboration process as envisioned by the Arkansas statute defining collaborative agreements could fall under HIPAA’s definition of “treatment” (“coordination or management of health care and related services by one or more health care providers” or HIPAA’s definition of “health care operations” (“quality assessment and improvement” and “reviewing the competence of health care professionals, evaluating practitioner and provider performance.”))

(3) There is no question that an APN and his or her collaborating physician can disclose PHI about the same patient, since the two of them are jointly managing the health care of that patient under state law. This is allowed under both the “treatment” and “health care operations” provisions of HIPAA.

(4) Similarly, a second physician, other than the collaborating physician, can disclose PHI to the collaborating physician under either the HIPAA treatment provision or the HIPAA health care operations provision. The patient is a patient of the non-collaborating physician. The patient’s health care is also being jointly managed by the APN and the collaborating physician pursuant to the collaborative agreement with the APN. Therefore, the two physicians can disclose PHI to one another for quality assurance and evaluation purposes (operations) as well as for coordination or management of care purposes (treatment).

Scheduled Board Meeting Dates for the Arkansas State Medical Board

February 4-5, 2010

April 8-9, 2010

June 3-4, 2010

August 5-6, 2010

October 7-8, 2010

December 2-3, 2010

The Board will hold “called” meetings when
Necessary

Meetings will be held in the
W. Ray Jouett, M.D. Conference Room at
2100 Riverfront Drive
Little Rock, Arkansas

Meeting dates and times are subject to change.

Physician Reminders From The Board And CCVS!

- Complete a Change of Address form when your mailing address has changed. Forms can be found on the Board's website at www.armedicalboard.org or requested by phone, fax or email.
- Keep all records relative to your Continuing Medical Education (CME) efforts for at least 3 years from the end of the reporting period. You must provide proof of completion if the Board notifies you that you have been selected for a CME audit. The Board randomly selects physicians for these audits.

NOTE: If you have not received notification of an audit, *PLEASE do not send* your CME certificate originals or copies to the Board or CCVS to hold for you or to maintain for you.

- Report to the Board any malpractice lawsuits that have been filed or settled. Any arrests, convictions or disciplinary actions should be reported as well.
- Notify the ASMB or CCVS of your current practice location or changes to your CV so your CCVS profile is always current.
- Request your malpractice insurance carrier list the ASMB as a certificate holder and the CCVS will automatically be notified of updates. Organizations are required by the mandate to collect this information from the CCVS, and not request the physician provide copies to them.
- Respond promptly to the CCVS staff if you are notified of any inconsistency in your signature on any document sent to the CCVS. You cannot have someone sign for you on authorization and releases and attestations. **The staff audits these for your protection and notification requesting clarification or identification of your signature possibly means that someone is signing your name with or without your permission.**
- Your attestation information should always be completed as of your signature date. Do not include information that has not occurred yet. For instance, if your insurance will not be effective until a date in the future, you would not answer that question "Yes" if you do not have insurance on the day you sign it. Your answer to that question would be "No". If you feel that you want that info on there, your answer will still be "No" but you can add in the margin, "Effective date [enter date]."
- The CCVS requires a current attestation every 120 days. However, some organizations choose to collect these and will provide a copy to the CCVS. The CCVS will only ask the physician if one cannot be located that was signed within 120 days. Answer all questions correctly, legibly sign and date and include at least one correct legible identifier such as license # or printed name.
- Organizations may collect their own specific attestations.
- Please remember that you should never sign a Board or CCVS document with just your first name or nickname. The staff is checking your name against the legal name in your file or in the system and will reject any document that does not match your legal name.
- Email your questions to the Customer Service staff at CCVS@armedicalboard.org. Your question will be directed to the appropriate department and you'll receive a prompt response. Thank you!

Allied Healthcare Update

Respiratory Therapist Advisory Committee

Meeting Dates:

March 5, 2010

June 11, 2010

Sept. 10, 2010

Dec. 10, 2010

(All beginning at 2:00 PM)

Occupational Therapy Committee

Meeting Dates:

January 4, 2010

April 5, 2010

August 2, 2010

November 8, 2010

(All beginning at 2:00 PM)

Physician Assistant Advisory Committee

Meeting Dates:

February 3, 2010

April 7, 2010

June 2, 2010

August 4, 2010

October 6, 2010

December 1, 2010

Julia Feazell

PA Licensing Coordinator

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Dates and Times are subject to change.

BOARD ACTIONS & LICENSE ADJUSTMENTS

October 15, 2009 through January 6, 2010

Diaz, John A., LRCP (**RCP-2917**)

Little Rock, AR

- Emergency Order of Suspension, 12/29/2009

Eubanks, Kenneth Dewayne, M.D. (**E-2241**)

Jonesboro, AR

- Emergency Order of Suspension, 11/25/2009

Morgan, Bobby Sturdivant, LRCP (**RCP-3004**)

Fayetteville, AR

- Revoked, 12/18/2009

Prince, Leasa A., M.D. (**N-8287**)

Little Rock, AR

- Surrendered, 12/3/2009

Vickers, Robin Michelle, LRCP (**RCP-2373**)

Harrison, AR

- Surrendered, 12/3/2009

Yoser, Seth Leigh, M.D. (**E-0335**)

Germantown, TN

- Surrendered, 1/6/2010

PROFILE OF A BOARD MEMBER

Sylvia D. Simon, M.D.

Sylvia Simon is a native of southeast Arkansas. Upon her graduation from Warren High School in 1991, she attended the University of Arkansas in Fayetteville for three years where she worked toward a degree in chemistry. Prior to completion of her bachelor’s degree, she was accepted into medical school at the University of Arkansas for Medical Sciences. She graduated from UAMS in 1998. Following medical school, she and her husband, Timothy Simon, who is also a graduate of UAMS, attended the Family Practice Residency at Via Christi in Wichita, Kansas, completing it in 2001.

She served as chief resident in the program, which was designed to train physicians for rural practice. She has been a family physician in Monticello since 2001. She currently enjoys a thriving practice with her husband and their partner, Jay Connelley, M.D. She was honored to be appointed to the Arkansas State Medical Board by Governor Mike Beebe in July 2009.

Sylvia and Tim have been married since 1997. They have an eight year old daughter, Mary Emma, and a three year old son, Peter Michael. Dr. Simon enjoys baking, needlework, tatting, target shooting and gardening.

OFFICIAL BOARD APPOINTMENT

Governor Mike Beebe has appointed Ms. Rose Crane as a member of the Arkansas State Medical Board, replacing Mrs. Anne Britton. Ms. Crane resides in Little Rock. Her position on the Board is Consumer Representative. We welcome Ms. Crane, whose term will expire December 31, 2015.

ABOUT CAQH

The ASMB/CCVS does not advocate or have any connection to the Coalition for Affordable Healthcare Quality (CAQH). CAQH provides credentialing Applications for some insurance networks operating in this state. Completion of the application is between the physician and the insurance network. *All applications, whether generated through an application service or provided directly from the credentialing organization, are mandated to comply with state law if they are credentialing physicians for Arkansas.* Physicians DO NOT have to send copies of information that is provided by state law through the CCVS but that law ONLY applies to organizations that credential them for Arkansas.

**ARKANSAS STATE MEDICAL BOARD and
CENTRALIZED CREDENTIAL VERIFICATION
SERVICE WORKSHOP**

The ASMB and CCVS is pleased to provide this workshop once again for organizations, credentialing staff, administrators and recruiters at the Board office. It will be helpful for anyone to attend who is credentialing, recruiting, or placing locum or contract physicians in Arkansas. This one-day program will provide information on the medical licensure and CCVS processes from beginning to current status with the CCVS and beyond. There will be additional valuable information.

Mark your calendars! The spring workshop has been scheduled for Friday, March 5, 2010. Registration is for the all day (9am-3pm) session.

The first Fall Workshop filled up very quickly so please make sure your reservations are sent in as quickly as possible. Registrations cannot be accepted via email or phone and cannot be confirmed if payment is not received. If you or your staff didn’t get to attend the first one, you won’t want to miss this one!

CCVS LAUNCHES NEW WEB SITE!!

The Arkansas State Medical Board is proud to announce the launch of a new Web site, www.ARCCVS.org. While the existing ASMB Web site (www.armedicalboard.org) will still feature Board information, all CCVS information will be moving over to the new location.

The separation of the two web sites should provide easier access for CCVS customers to find all the information specific to them. However, they will be required to go to the Board’s site if they are just printing license verifications or ordering and printing detailed license verifications. All the information for the Board will be on the www.armedicalboard.org and all the information for the CCVS will be on the www.ARCCVS.org site.

The CCVS home page will feature News and Announcements specific to CCVS customers, FAQs, and quick links to CCVS’s standard forms, as well as an e-mail form for contacting CCVS. There will be links back to the Board for those who approach change with caution. Once logged into either site, you will find that most screens are the same and can be navigated in a similar manner. The ASMB/CCVS Customer Support staff are in the process of updating this information to the CCVS User Guide, will also feature a Physician Guide to assist physicians currently in the CCVS taking them through licensure renewal and a Licensure Guide for physicians considering applying for licensure in Arkansas, or those assisting them in this endeavor.

OFFICIAL BOARD APPOINTMENT

Governor Beebe also reappointed Jim City, M.D. to the Arkansas State Medical Board. Dr. City practices in Searcy. He serves as a Congressional District member and his term will expire December 31, 2015.

ARKANSAS STATE MEDICAL BOARD 2009 ANNUAL REPORT

The 2009 members and officers of the Arkansas State Medical Board are as follows:

Trent P. Pierce, M.D., Chairman; Joseph M. Beck, II, M.D., Vice-Chairman; Bob E. Cogburn, M.D., Secretary; Mrs. Anne Britton, Treasurer; Omar T. Atiq, M.D.; Harold B. Betton, M.D.; Jim C. Citty, M.D.; William F. Dudding, M.D.; Roger Harmon, P.D.; John E. Hearnberger, II, M.D.; Patty K. Pettway, D.O.; Sylvia D. Simon, M.D.; Douglas F. Smart, M.D. and John B. Weiss, M.D.

The Board met bimonthly and addressed complaints, hearings, and other pertinent business affecting health care in the State of Arkansas.

2009 Licensing Statistics

Medical Doctors and Doctors of Osteopathy Licensed.....	456
Medical Doctors and Doctors of Osteopathy (total).....	8,595
Medical Doctors and Doctors of Osteopathy (in state).....	5,772
Occupational Therapists Licensed.....	89
Occupational Therapists (total).....	1,107
Occupational Therapy Assistants Licensed.....	48
Occupational Therapy Assistants (total).....	245
Physician Assistants Licensed.....	35
Physician Assistants (total).....	176
Respiratory Care Therapists Licensed.....	135
Respiratory Care Therapists (total).....	1,873
Radiologist Assistants License.....	1
Radiologist Assistants (total).....	2
Radiology Practitioner Assistants (total)	4

Over Prescribing.....	18
Actions taken by other states.....	11
Lack of physician response to patients.....	13
Quality of Care Issues.....	106
Record Keeping.....	3
Staff Issues.....	5
Self Prescribing.....	1
Sexual Harassment.....	1
Unauthorized Prescribing.....	1
Unprofessional Conduct.....	6

2009 Board Actions

Suspension.....	19
Revocation.....	7
Revocation (stayed).....	7
Probation.....	2
Surrendered.....	4

Summary of Board Proceedings for 2009

Individual Discussions and Issues (total).....	547
Complaints (including investigations).....	347
Issues.....	200

There were no new or amended regulations during this calendar year.

Complaint Allegations (including investigations)

Alcohol/Drugs.....	1
Advertising.....	1
Behavior/Attitude.....	29
Billing/Insurance Issues.....	15
Boundaries.....	1
Communication.....	7
Data Bank Report.....	6
Emergency Room Treatment.....	10
Ethics.....	8
Falsifying Information.....	7
Investigation.....	21
Malpractice.....	34
Miscellaneous.....	35
Medical Records.....	5
Practicing/Allowing to Practice w/o License.....	1
Over Charging.....	1

Respiratory Therapist Committee Has A New Member

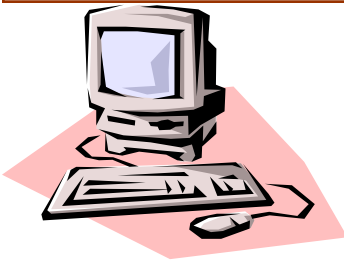
The Arkansas State Medical Board Respiratory Therapy Examining Committee would like to welcome new member Darrell Benham, RRT, LRCP to the Committee. Mr. Benham replaces David Jordan. We look forward to the contributions Mr. Benham will make to the committee and certainly his long practice experience in the field.

We're on the WEB!!!

Main Phone: (501) 296-1802
 Regulatory Fax: (501) 296-1805
 CCVS Fax: (501) 296-1806
 Accounting/Personnel Fax: (501) 603-3552
 Licensing Fax: (501) 296-1972
 License Renewals Fax: (501) 603-3555
 QA/CS Fax: (501) 603-3555

Mission of the Arkansas State Medical Board

Protecting the health, safety, and welfare of the people of the State of Arkansas with the goal that all citizens be provided with the highest quality health care.



WEB INFORMATION CENTER

www.armedicalboard.org

MEDICAL PRACTICES ACT BOOKLETS
\$15 PER COPY or free from the web site at
www.armedicalboard.org

COPIES OF ALL BOARD REGULATIONS ARE INCLUDED IN THE MEDICAL PRACTICES ACT BOOKLET. It is the physician's responsibility to read and comply with these rules.

Online Directory

CD-ROM directories are no longer available

All actively licensed Arkansas physicians, Respiratory Therapists, Occupational Therapists, Physician Assistants and Radiology Practitioner Assistants may be queried in the Online Directory. To purchase data files of these practitioners, please visit our Data Portal. Payment is via secured online order form with Visa, Mastercard only.

Arkansas State Medical Board
 2100 Riverfront Drive
 Little Rock, AR 72202-1747

Medical Board Launches Two Sites

www.armedicalboard.org www.arccvs.org



ATTENTION!

Change of Address Form is now available on the ASMB Web Site:
<http://www.armedicalboard.org/support/sub-Downloads.asp>

Please FAX: (501) 603-3555

E-Mail: (Licensing@armedicalboard.org)

or Mail to:

**Arkansas State Medical Board
 2100 Riverfront Drive
 Little Rock AR 72202-1747**