

COMMITTEE ON EMPLOYMENT AND REGULATORY AFFAIRS

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1169

(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 32-1606, Arizona Revised Statutes, is amended to
3 read:

4 32-1606. Powers and duties of board

5 A. The board may:

6 1. Adopt and revise rules necessary to carry into effect the
7 provisions of this chapter.

8 2. Publish advisory opinions regarding registered and practical
9 nursing practice and nursing education.

10 3. Issue limited licenses or certificates if it determines that an
11 applicant or licensee cannot function safely in a specific setting or within
12 the full scope of practice.

13 4. Refer criminal violations of this chapter to the appropriate law
14 enforcement agency.

15 5. Establish a confidential program for the monitoring of licensees
16 who are chemically dependent and who enroll in rehabilitation programs that
17 meet the criteria established by the board. The board may take further
18 action if the licensee refuses to enter into a stipulated agreement or fails
19 to comply with its terms. In order to protect the public health and safety,
20 the confidentiality requirements of this paragraph do not apply if the
21 licensee does not comply with the stipulated agreement.

22 6. On the applicant's or regulated party's request, establish a
23 payment schedule with the applicant or regulated party.

24 7. Provide education regarding board functions.

25 8. Collect or assist in the collection of workforce data.

26 9. Adopt rules for conducting pilot programs consistent with public
27 safety for innovative applications in nursing practice, education and
28 regulation.

1 10. Grant retirement status on request to retired nurses who are or
2 were licensed under this chapter, who have no open complaint or investigation
3 pending against them and who are not subject to discipline.

4 11. Accept and spend federal monies and private grants, gifts,
5 contributions and devises to assist in carrying out the purposes of this
6 chapter. These monies do not revert to the state general fund at the end of
7 the fiscal year.

8 B. The board shall:

9 1. Approve regulated training and educational programs that meet the
10 requirements of this chapter and rules adopted by the board.

11 2. By rule, establish approval and reapproval processes for nursing
12 and nursing assistant training programs that meet the requirements of this
13 chapter and board rules.

14 3. Prepare and maintain a list of approved nursing programs for the
15 preparation of registered and practical nurses whose graduates are eligible
16 for licensing under this chapter as registered nurses or as practical nurses
17 if they satisfy the other requirements of this chapter and board rules.

18 4. Examine qualified registered and practical nurse applicants.

19 5. License and renew the licenses of qualified registered and
20 practical nurse applicants who are not qualified to be licensed by the
21 executive director.

22 6. Adopt a seal, which the executive director shall keep.

23 7. Keep a record of all proceedings.

24 8. For proper cause, deny or rescind approval of a regulated training
25 or educational program for failure to comply with this chapter or the rules
26 of the board.

27 9. Adopt rules for the approval of credential evaluation services that
28 evaluate the qualifications of applicants who graduated from an international
29 nursing program.

30 10. Determine and administer appropriate disciplinary action against
31 all regulated parties who are found guilty of violating this chapter or rules
32 adopted by the board.

1 11. Perform functions necessary to carry out the requirements of the
2 nursing assistant training and competency evaluation program as set forth in
3 the omnibus budget reconciliation act of 1987 (P.L. 100-203; 101 Stat. 1330),
4 as amended by the medicare catastrophic coverage act of 1988 (P.L. 100-360;
5 102 Stat. 683). These functions shall include:

- 6 (a) Testing and certification of nursing assistants.
- 7 (b) Maintaining a list of board approved training programs.
- 8 (c) Recertifying nursing assistants.
- 9 (d) Maintaining a registry of all certified nursing assistants.
- 10 (e) Assessing fees.

11 12. Adopt rules establishing those acts that may be performed by a
12 registered nurse practitioner in collaboration with a licensed physician,
13 EXCEPT THAT THE BOARD DOES NOT HAVE AUTHORITY TO DECIDE SCOPE OF PRACTICE
14 RELATING TO ABORTION AS DEFINED IN SECTION 36-2151.

15 13. Adopt rules establishing educational requirements for the
16 certification of school nurses.

17 14. Publish copies of board rules and distribute these copies on
18 request.

19 15. Require each applicant for initial licensure or certification to
20 submit a full set of fingerprints to the board for the purpose of obtaining a
21 state and federal criminal records check pursuant to section 41-1750 and
22 Public Law 92-544. The department of public safety may exchange this
23 fingerprint data with the federal bureau of investigation.

24 16. Require each applicant for initial nursing assistant certification
25 to submit a full set of fingerprints to the board for the purpose of
26 obtaining a state and federal criminal records check pursuant to section
27 41-1750 and Public Law 92-544. The department of public safety may exchange
28 this fingerprint data with the federal bureau of investigation.

29 17. Revoke a license of a person, revoke the multistate licensure
30 privilege of a person pursuant to section 32-1669 or not issue a license or
31 renewal to an applicant who has one or more felony convictions and who has
32 not received an absolute discharge from the sentences for all felony

1 convictions five or more years before the date of filing an application
2 pursuant to this chapter.

3 18. Establish standards for approving and reapproving nurse
4 practitioner and clinical nurse specialist programs and provide for surveys
5 of nurse practitioner and clinical nurse specialist programs as it deems
6 necessary.

7 19. Provide the licensing authorities of health care institutions,
8 facilities and homes any information the board receives regarding practices
9 that place a patient's health at risk.

10 20. Limit the multistate licensure privilege of any person who holds or
11 applies for a license in this state pursuant to section 32-1668.

12 21. Adopt rules to establish competency standards for obtaining and
13 maintaining a license.

14 22. Adopt rules for the qualification and certification of clinical
15 nurse specialists.

16 23. Adopt rules for approval and reapproval of refresher courses for
17 nurses who are not currently practicing.

18 24. Maintain a list of approved medication assistant training programs.

19 25. Test and certify medication assistants.

20 26. Maintain a registry and disciplinary record of medication
21 assistants who are certified pursuant to this chapter.

22 C. The board may conduct an investigation on receipt of information
23 that indicates that a person or regulated party may have violated this
24 chapter or a rule adopted pursuant to this chapter. Following the
25 investigation, the board may take disciplinary action pursuant to this
26 chapter.

27 D. The board may limit, revoke or suspend the privilege of a nurse to
28 practice in this state granted pursuant to section 32-1668.

29 E. Failure to comply with any final order of the board, including an
30 order of censure or probation, is cause for suspension or revocation of a
31 license or a certificate.

1 F. The president or a member of the board designated by the president
2 may administer oaths in transacting the business of the board.

3 Sec. 2. Authority of the board

4 The authority of the state board of nursing to make scope of practice
5 determinations is and always has been limited to authority delegated to the
6 board by the legislature. Where the board's scope of practice determination
7 is inconsistent with the authority of the legislature to set policy, it is
8 void. Any rule, advisory opinion or other action taken relating to abortion
9 and the scope of practice of nurses licensed pursuant to title 32, chapter 15
10 is rescinded and is not valid for any purpose."

11 Amend title to conform

and, as so amended, it do pass

BOB ROBSON
Chairman

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3/22/11
H:jmb