

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SENATE BILL 1169

AN ACT

AMENDING SECTION 32-1606, ARIZONA REVISED STATUTES; RELATING TO THE STATE BOARD OF NURSING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

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.

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

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

36 B. The board shall:

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

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

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

- 1 4. Examine qualified registered and practical nurse applicants.
- 2 5. License and renew the licenses of qualified registered and
- 3 practical nurse applicants who are not qualified to be licensed by the
- 4 executive director.
- 5 6. Adopt a seal, which the executive director shall keep.
- 6 7. Keep a record of all proceedings.
- 7 8. For proper cause, deny or rescind approval of a regulated training
- 8 or educational program for failure to comply with this chapter or the rules
- 9 of the board.
- 10 9. Adopt rules for the approval of credential evaluation services that
- 11 evaluate the qualifications of applicants who graduated from an international
- 12 nursing program.
- 13 10. Determine and administer appropriate disciplinary action against
- 14 all regulated parties who are found guilty of violating this chapter or rules
- 15 adopted by the board.
- 16 11. Perform functions necessary to carry out the requirements of the
- 17 nursing assistant training and competency evaluation program as set forth in
- 18 the omnibus budget reconciliation act of 1987 (P.L. 100-203; 101 Stat. 1330),
- 19 as amended by the medicare catastrophic coverage act of 1988 (P.L. 100-360;
- 20 102 Stat. 683). These functions shall include:
- 21 (a) Testing and certification of nursing assistants.
- 22 (b) Maintaining a list of board approved training programs.
- 23 (c) Recertifying nursing assistants.
- 24 (d) Maintaining a registry of all certified nursing assistants.
- 25 (e) Assessing fees.
- 26 12. Adopt rules establishing those acts that may be performed by a
- 27 registered nurse practitioner in collaboration with a licensed physician,
- 28 **EXCEPT THAT THE BOARD DOES NOT HAVE AUTHORITY TO DECIDE SCOPE OF PRACTICE**
- 29 **RELATING TO ABORTION AS DEFINED IN SECTION 36-2151.**
- 30 13. Adopt rules establishing educational requirements for the
- 31 certification of school nurses.
- 32 14. Publish copies of board rules and distribute these copies on
- 33 request.
- 34 15. Require each applicant for initial licensure or certification to
- 35 submit a full set of fingerprints to the board for the purpose of obtaining a
- 36 state and federal criminal records check pursuant to section 41-1750 and
- 37 Public Law 92-544. The department of public safety may exchange this
- 38 fingerprint data with the federal bureau of investigation.
- 39 16. Require each applicant for initial nursing assistant certification
- 40 to submit a full set of fingerprints to the board for the purpose of
- 41 obtaining a state and federal criminal records check pursuant to section
- 42 41-1750 and Public Law 92-544. The department of public safety may exchange
- 43 this fingerprint data with the federal bureau of investigation.

1 17. Revoke a license of a person, revoke the multistate licensure
2 privilege of a person pursuant to section 32-1669 or not issue a license or
3 renewal to an applicant who has one or more felony convictions and who has
4 not received an absolute discharge from the sentences for all felony
5 convictions five or more years before the date of filing an application
6 pursuant to this chapter.

7 18. Establish standards for approving and reapproving nurse
8 practitioner and clinical nurse specialist programs and provide for surveys
9 of nurse practitioner and clinical nurse specialist programs as it deems
10 necessary.

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

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

16 21. Adopt rules to establish competency standards for obtaining and
17 maintaining a license.

18 22. Adopt rules for the qualification and certification of clinical
19 nurse specialists.

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

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

23 25. Test and certify medication assistants.

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

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

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

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

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

38 Sec. 2. Authority of the board

39 The authority of the state board of nursing to make scope of practice
40 determinations is and always has been limited to authority delegated to the
41 board by the legislature. Where the board's scope of practice determination
42 is inconsistent with the authority of the legislature to set policy, it is
43 void. Any rule, advisory opinion or other action taken relating to abortion
44 and the scope of practice of nurses licensed pursuant to title 32, chapter
45 15, Arizona Revised Statutes, is rescinded and is not valid for any purpose.