

PROPOSED

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

KIMBERLY YEE

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3/18/11  
8:14 AM  
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