

State of Arizona
Senate
Fiftieth Legislature
Second Regular Session
2012

SENATE BILL 1362

AN ACT

AMENDING SECTION 32-1601, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 15, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 32-1634.03 AND 32-1634.04; AMENDING SECTION 32-1643, ARIZONA REVISED STATUTES; REPEALING SECTION 32-1661, 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 32-1601, Arizona Revised Statutes, is amended to
3 read:

4 ~~32-1601.~~ Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Absolute discharge from the sentence" means completion of any
7 sentence, including imprisonment, probation, parole, community supervision or
8 any form of court supervision.

9 2. "Approval" means that a regulated training or educational program
10 to prepare persons for licensure or certification has met standards
11 established by the board.

12 3. "Board" means the Arizona state board of nursing.

13 4. "Certified registered nurse" means a registered nurse who has been
14 certified by a national nursing credentialing agency recognized by the board.

15 5. "CERTIFIED REGISTERED NURSE ANESTHETIST" MEANS A REGISTERED NURSE
16 WHO MEETS THE REQUIREMENTS OF SECTION 32-1634.03 AND WHO PRACTICES PURSUANT
17 TO THE REQUIREMENTS OF SECTION 32-1634.04.

18 ~~5-~~ 6. "Clinical nurse specialist" means a registered nurse who:

19 (a) Is certified by the board as a clinical nurse specialist.

20 (b) Holds a graduate degree with a major in nursing and completes
21 educational requirements as prescribed by the board by rule.

22 (c) Is nationally certified as a clinical nurse specialist or, if
23 certification is not available, provides proof of competence to the board.

24 (d) Has an expanded scope of practice based on advanced education in a
25 clinical nursing specialty that includes:

26 (i) Assessing clients, synthesizing and analyzing data and
27 understanding and applying nursing principles at an advanced level.

28 (ii) Managing directly and indirectly a client's physical and
29 psychosocial health status.

30 (iii) Analyzing multiple sources of data, identifying alternative
31 possibilities as to the nature of a health care problem and selecting
32 appropriate nursing interventions.

33 (iv) Developing, planning and guiding programs of care for populations
34 of patients.

35 (v) Making independent nursing decisions to solve complex client care
36 problems.

37 (vi) Using research skills and acquiring and applying critical new
38 knowledge and technologies to nursing practice.

39 (vii) Prescribing and dispensing durable medical equipment.

40 (viii) Consulting with or referring a client to other health care
41 providers based on assessment of the client's health status and needs.

42 (ix) Facilitating collaboration with other disciplines to attain the
43 desired client outcome across the continuum of care.

1 (x) Performing additional acts that require education and training as
2 prescribed by the board and that are recognized by the nursing profession as
3 proper to be performed by a clinical nurse specialist.

4 ~~6-~~ 7. "Conditional license" or "conditional approval" means a license
5 or approval that specifies the conditions under which the regulated party is
6 allowed to practice or to operate and that is prescribed by the board
7 pursuant to section 32-1644 or 32-1663.

8 ~~7-~~ 8. "Delegation" means transferring to a competent individual the
9 authority to perform a selected nursing task in a designated situation in
10 which the nurse making the delegation retains accountability for the
11 delegation.

12 ~~8-~~ 9. "Disciplinary action" means a regulatory sanction of a license,
13 certificate or approval pursuant to this chapter in any combination of the
14 following:

15 (a) A civil penalty for each violation of this chapter, not to exceed
16 one thousand dollars for each violation.

17 (b) Restitution made to an aggrieved party.

18 (c) A decree of censure.

19 (d) A conditional license or a conditional approval that fixed a
20 period and terms of probation.

21 (e) Limited licensure.

22 (f) Suspension of a license, a certificate or an approval.

23 (g) Voluntary surrender of a license, a certificate or an approval.

24 (h) Revocation of a license, a certificate or an approval.

25 10. "HEALTH CARE INSTITUTION" HAS THE SAME MEANING PRESCRIBED IN
26 SECTION 36-401.

27 ~~9-~~ 11. "Licensee" means a person who is licensed pursuant to this
28 chapter or in a party state as defined in section 32-1668.

29 ~~10-~~ 12. "Limited license" means a license that restricts the scope or
30 setting of a licensee's practice.

31 13. "MEDICATION ORDER" MEANS A WRITTEN OR VERBAL COMMUNICATION GIVEN BY
32 A CERTIFIED REGISTERED NURSE ANESTHETIST TO A HEALTH CARE PROFESSIONAL TO
33 ADMINISTER A DRUG OR MEDICATION.

34 ~~11-~~ 14. "Nursing assistant" means a person who is certified pursuant
35 to this chapter to provide or assist in the delivery of nursing or
36 nursing-related services under the supervision and direction of a licensed
37 nursing staff member. Nursing assistant does not include a person who:

38 (a) Is a licensed health care professional.

39 (b) Volunteers to provide nursing assistant services without monetary
40 compensation.

41 ~~12-~~ 15. "Practical nurse" means a person who holds a practical nurse
42 license issued pursuant to this chapter or pursuant to a multistate compact
43 privilege and who practices practical nursing as defined in this section.

44 ~~13-~~ 16. "Practical nursing" includes the following activities that are
45 performed under the supervision of a physician or a registered nurse:

1 (a) Contributing to the assessment of the health status of individuals
2 and groups.

3 (b) Participating in the development and modification of the strategy
4 of care.

5 (c) Implementing aspects of the strategy of care within the nurse's
6 scope of practice.

7 (d) Maintaining safe and effective nursing care that is rendered
8 directly or indirectly.

9 (e) Participating in the evaluation of responses to interventions.

10 (f) Delegating nursing activities within the scope of practice of a
11 practical nurse.

12 (g) Performing additional acts that require education and training as
13 prescribed by the board and that are recognized by the nursing profession as
14 proper to be performed by a practical nurse.

15 17. "PRESENCE" MEANS WITHIN THE SAME ROOM OR AN ADJOINING ROOM OR
16 WITHIN THE SAME SURGICAL OR OBSTETRICAL SUITE.

17 ~~14.~~ 18. "Registered nurse" or "professional nurse" means a person who
18 practices registered nursing and who holds a registered nurse license issued
19 pursuant to this chapter or pursuant to a multistate compact privilege.

20 ~~15.~~ 19. "Registered nurse practitioner" means a registered nurse who:
21 (a) Is certified by the board.

22 (b) Has completed a nurse practitioner education program approved or
23 recognized by the board and educational requirements prescribed by the board
24 by rule.

25 (c) If applying for certification after July 1, 2004, holds national
26 certification as a nurse practitioner from a national certifying body
27 recognized by the board.

28 (d) Has an expanded scope of practice within a specialty area that
29 includes:

30 (i) Assessing clients, synthesizing and analyzing data and
31 understanding and applying principles of health care at an advanced level.

32 (ii) Managing the physical and psychosocial health status of clients.

33 (iii) Analyzing multiple sources of data, identifying alternative
34 possibilities as to the nature of a health care problem and selecting,
35 implementing and evaluating appropriate treatment.

36 (iv) Making independent decisions in solving complex client care
37 problems.

38 (v) Diagnosing, performing diagnostic and therapeutic procedures, and
39 prescribing, administering and dispensing therapeutic measures, including
40 legend drugs, medical devices and controlled substances within the scope of
41 registered nurse practitioner practice on meeting the requirements
42 established by the board.

1 (vi) Recognizing the limits of the nurse's knowledge and experience
2 and planning for situations beyond the nurse's knowledge, educational
3 preparation and expertise by consulting with or referring clients to other
4 health care providers when appropriate.

5 (vii) Delegating to a medical assistant pursuant to section 32-1456.

6 (viii) Performing additional acts that require education and training
7 as prescribed by the board and that are recognized by the nursing profession
8 as proper to be performed by a nurse practitioner.

9 ~~16-~~ 20. "Registered nursing" includes the following:

10 (a) Diagnosing and treating human responses to actual or potential
11 health problems.

12 (b) Assisting individuals and groups to maintain or attain optimal
13 health by implementing a strategy of care to accomplish defined goals and
14 evaluating responses to care and treatment.

15 (c) Assessing the health status of individuals and groups.

16 (d) Establishing a nursing diagnosis.

17 (e) Establishing goals to meet identified health care needs.

18 (f) Prescribing nursing interventions to implement a strategy of care.

19 (g) Delegating nursing interventions to others who are qualified to do
20 so.

21 (h) Providing for the maintenance of safe and effective nursing care
22 that is rendered directly or indirectly.

23 (i) Evaluating responses to interventions.

24 (j) Teaching nursing knowledge and skills.

25 (k) Managing and supervising the practice of nursing.

26 (l) Consulting and coordinating with other health care professionals
27 in the management of health care.

28 (m) Performing additional acts that require education and training as
29 prescribed by the board and that are recognized by the nursing profession as
30 proper to be performed by a registered nurse.

31 ~~17-~~ 21. "Regulated party" means any person or entity that is licensed,
32 certified, recognized or approved pursuant to this chapter.

33 ~~18-~~ 22. "Unprofessional conduct" includes the following, whether
34 occurring in this state or elsewhere:

35 (a) Committing fraud or deceit in obtaining, attempting to obtain or
36 renewing a license or a certificate issued pursuant to this chapter.

37 (b) Committing a felony, whether or not involving moral turpitude, or
38 a misdemeanor involving moral turpitude. In either case, conviction by a
39 court of competent jurisdiction or a plea of no contest is conclusive
40 evidence of the commission.

41 (c) Aiding or abetting in a criminal abortion or attempting, agreeing
42 or offering to procure or assist in a criminal abortion.

43 (d) Any conduct or practice that is or might be harmful or dangerous
44 to the health of a patient or the public.

1 (e) Being mentally incompetent or physically unsafe to a degree that
2 is or might be harmful or dangerous to the health of a patient or the public.

3 (f) Having a license, certificate, permit or registration to practice
4 a health care profession denied, suspended, conditioned, limited or revoked
5 in another jurisdiction and not reinstated by that jurisdiction.

6 (g) Wilfully or repeatedly violating a provision of this chapter or a
7 rule adopted pursuant to this chapter.

8 (h) Committing an act that deceives, defrauds or harms the public.

9 (i) Failing to comply with a stipulated agreement, consent agreement
10 or board order.

11 (j) Violating this chapter or a rule that is adopted by the board
12 pursuant to this chapter.

13 (k) Failing to report to the board any evidence that a registered or
14 practical nurse or a nursing assistant is or may be:

15 (i) Incompetent to practice.

16 (ii) Guilty of unprofessional conduct.

17 (iii) Mentally or physically unable to safely practice nursing or to
18 perform nursing related duties. A nurse who is providing therapeutic
19 counseling for a nurse who is in a drug rehabilitation program is required to
20 report that nurse only if the nurse providing therapeutic counseling has
21 personal knowledge that patient safety is being jeopardized.

22 (l) Failing to self-report a conviction for a felony or undesignated
23 offense within ten days after the conviction.

24 (m) Cheating or assisting another to cheat on a licensure or
25 certification examination.

26 Sec. 2. Title 32, chapter 15, article 2, Arizona Revised Statutes, is
27 amended by adding sections 32-1634.03 and 32-1634.04, to read:

28 32-1634.03. Qualifications for certified registered nurse
29 anesthetist; temporary certificate

30 A. THE BOARD MAY CERTIFY A REGISTERED NURSE WHO IS LICENSED PURSUANT
31 TO THIS CHAPTER AS A CERTIFIED REGISTERED NURSE ANESTHETIST IF THE REGISTERED
32 NURSE MEETS THE FOLLOWING REQUIREMENTS:

33 1. SUBMITS AN APPLICATION AS PRESCRIBED BY THE BOARD.

34 2. HAS COMPLETED A PROGRAM IN THE SCIENCE OF ANESTHESIA ACCREDITED BY
35 THE COUNCIL ON ACCREDITATION OF NURSE ANESTHESIA EDUCATIONAL PROGRAMS OR
36 ANOTHER NATIONAL ACCREDITING BODY RECOGNIZED BY THE BOARD.

37 3. IS CERTIFIED BY A NATIONAL CERTIFYING BODY SUCH AS THE NATIONAL
38 BOARD OF CERTIFICATION AND RECERTIFICATION FOR NURSE ANESTHETISTS OR ANOTHER
39 NATIONAL CERTIFYING BODY RECOGNIZED BY THE BOARD.

40 4. PAYS THE CERTIFICATION FEE PRESCRIBED PURSUANT TO SECTION 32-1643.

41 B. THE BOARD MAY ISSUE A TEMPORARY CERTIFICATE TO A PERSON WHO MEETS
42 THE REQUIREMENTS OF SUBSECTION A, PARAGRAPHS 2 AND 3 OF THIS SECTION. A
43 TEMPORARY CERTIFICATE EXPIRES ON THE DATE SPECIFIED IN THE CERTIFICATE AND
44 MAY BE RENEWED AT THE DISCRETION OF THE EXECUTIVE DIRECTOR.

32-1634.04. Certified registered nurse anesthetist: scope of practice

A. A CERTIFIED REGISTERED NURSE ANESTHETIST MAY ADMINISTER ANESTHETICS UNDER THE DIRECTION OF AND IN THE PRESENCE OF A PHYSICIAN OR SURGEON IN CONNECTION WITH THE PREOPERATIVE, INTRAOPERATIVE OR POSTOPERATIVE CARE OF A PATIENT OR AS PART OF A PROCEDURE PERFORMED BY A PHYSICIAN OR SURGEON IN THE FOLLOWING SETTINGS:

1. A HEALTH CARE INSTITUTION.
2. AN OFFICE OF A HEALTH CARE PROFESSIONAL WHO IS LICENSED PURSUANT TO CHAPTER 7, 11, 13 OR 17 OF THIS TITLE.
3. AN AMBULANCE.

B. IN CONNECTION WITH THE PREOPERATIVE, INTRAOPERATIVE OR POSTOPERATIVE CARE OF A PATIENT OR AS PART OF THE PROCEDURE IN THE SETTINGS PRESCRIBED IN SUBSECTION A OF THIS SECTION, A CERTIFIED REGISTERED NURSE ANESTHETIST MAY AS PART OF THE CARE OR PROCEDURE:

1. ISSUE A MEDICATION ORDER FOR DRUGS OR MEDICATIONS TO BE ADMINISTERED BY A LICENSED, CERTIFIED OR REGISTERED HEALTH CARE PROVIDER.
2. ASSESS THE HEALTH STATUS OF AN INDIVIDUAL AS THAT STATUS RELATES TO THE RELATIVE RISKS ASSOCIATED WITH ANESTHETIC MANAGEMENT OF AN INDIVIDUAL.
3. OBTAIN INFORMED CONSENT.
4. ORDER AND EVALUATE LABORATORY AND DIAGNOSTIC TEST RESULTS AND PERFORM POINT OF CARE TESTING THAT THE CERTIFIED REGISTERED NURSE ANESTHETIST IS QUALIFIED TO PERFORM.
5. ORDER AND EVALUATE RADIOGRAPHIC IMAGING STUDIES THAT THE CERTIFIED REGISTERED NURSE ANESTHETIST IS QUALIFIED TO ORDER AND INTERPRET.
6. IDENTIFY, DEVELOP, IMPLEMENT AND EVALUATE AN ANESTHETIC PLAN OF CARE FOR A PATIENT TO PROMOTE, MAINTAIN AND RESTORE HEALTH.
7. TAKE ACTION NECESSARY IN RESPONSE TO AN EMERGENCY SITUATION.
8. PERFORM THERAPEUTIC PROCEDURES THAT THE CERTIFIED REGISTERED NURSE ANESTHETIST IS QUALIFIED TO PERFORM.

C. A CERTIFIED REGISTERED NURSE ANESTHETIST'S AUTHORITY TO ADMINISTER ANESTHETICS OR TO ISSUE A MEDICATION ORDER AS PRESCRIBED BY THIS SECTION DOES NOT CONSTITUTE PRESCRIBING AUTHORITY.

Sec. 3. Section 32-1643, Arizona Revised Statutes, is amended to read:

32-1643. Fees; penalties

A. The board by formal vote at its annual meeting shall establish fees not to exceed the following amounts:

1. Initial application for certification for CERTIFIED REGISTERED NURSE ANESTHETIST, registered nurse practitioner and clinical nurse specialist in specialty areas, one hundred fifty dollars.
2. Initial application for school nurse certification, seventy-five dollars.
3. Initial application for license as a registered nurse, one hundred fifty dollars.

- 1 4. Initial application for license as a practical nurse, one hundred
2 fifty dollars.
- 3 5. Application for reissuance of a registered or practical nursing
4 license, one hundred fifty dollars.
- 5 6. Application for renewal of a registered nurse or a practical nurse
6 license before expiration, one hundred sixty dollars.
- 7 7. Application for renewal of license after expiration, one hundred
8 sixty dollars, plus a late fee of fifty dollars for each month a license is
9 lapsed, but not to exceed a total of two hundred dollars.
- 10 8. Application for renewal of a school nurse certificate, fifty
11 dollars.
- 12 9. Application for temporary license or temporary nursing assistant
13 certificate, fifty dollars.
- 14 10. Retaking the registered nurse or practical nurse examination, one
15 hundred dollars.
- 16 11. Issuing a certification card to an applicant for nursing assistant
17 certification, fifty dollars.
- 18 12. Issuing a certification card to a certified nursing assistant
19 applicant for renewal, fifty dollars.
- 20 13. Application for renewal of a nursing assistant certificate after
21 its expiration, twenty-five dollars for each year it is expired, not to
22 exceed a total of one hundred dollars.
- 23 14. Issuing a duplicate license or certificate, twenty-five dollars.
- 24 15. Copying a nursing program transcript, twenty-five dollars.
- 25 16. Verification to another state or country of licensure for
26 endorsement, certification for advanced practice or nursing assistant
27 certification, fifty dollars.
- 28 17. Providing verification to an applicant for licensure or for nursing
29 assistant certification by endorsement, fifty dollars.
- 30 18. Application to prescribe and dispense medication and application to
31 prescribe medication, one hundred fifty dollars.
- 32 19. Application for renewal of prescribing and dispensing medication
33 privileges before expiration and application for renewal of prescribing
34 medication privileges before expiration, twenty dollars.
- 35 20. Application for renewal of prescribing and dispensing medication
36 privileges after expiration and application for renewal of prescribing
37 medication privileges after expiration, thirty-five dollars.
- 38 21. Issuing an inactive license, fifty dollars.
- 39 22. Writing the national council licensing examination for the first
40 time, one hundred fifty dollars.
- 41 23. Sale of publications prepared by the board, fifty dollars.
- 42 24. Providing notary services, two dollars, or as allowed under section
43 41-316.
- 44 25. Copying records, documents, letters, minutes, applications and
45 files, fifty cents a page.

1 26. Processing fingerprint cards, fifty dollars.
2 27. Registration for board seminars, one hundred dollars.
3 28. Failing to notify the board of a change of address pursuant to
4 section 32-1609, twenty-five dollars.
5 B. The board may collect from the drawer of a dishonored check, draft
6 order or note an amount allowed pursuant to section 44-6852.
7 Sec. 4. Repeal
8 Section 32-1661, Arizona Revised Statutes, is repealed.
9 Sec. 5. Certified registered nurse anesthetists; current
10 licensees
11 The state board of nursing shall issue a certificate to practice as a
12 certified registered nurse anesthetist to any person who on the effective
13 date of this act holds a current certificate to act as a certified registered
14 nurse anesthetist in this state pursuant to rules adopted by the board
15 pursuant to section 32-1661, Arizona Revised Statutes, as repealed by this
16 act.