

State of Arizona  
Senate  
Fiftieth Legislature  
Second Regular Session  
2012

**CHAPTER 152**  
**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.

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

1           ~~6-~~ 7. "Conditional license" or "conditional approval" means a license  
2 or approval that specifies the conditions under which the regulated party is  
3 allowed to practice or to operate and that is prescribed by the board  
4 pursuant to section 32-1644 or 32-1663.

5           ~~7-~~ 8. "Delegation" means transferring to a competent individual the  
6 authority to perform a selected nursing task in a designated situation in  
7 which the nurse making the delegation retains accountability for the  
8 delegation.

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

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

14           (b) Restitution made to an aggrieved party.

15           (c) A decree of censure.

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

18           (e) Limited licensure.

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

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

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

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

24           ~~9-~~ 11. "Licensee" means a person who is licensed pursuant to this  
25 chapter or in a party state as defined in section 32-1668.

26           ~~10-~~ 12. "Limited license" means a license that restricts the scope or  
27 setting of a licensee's practice.

28           13. "MEDICATION ORDER" MEANS A WRITTEN OR VERBAL COMMUNICATION GIVEN BY  
29 A CERTIFIED REGISTERED NURSE ANESTHETIST TO A HEALTH CARE PROFESSIONAL TO  
30 ADMINISTER A DRUG OR MEDICATION.

31           ~~11-~~ 14. "Nursing assistant" means a person who is certified pursuant  
32 to this chapter to provide or assist in the delivery of nursing or  
33 nursing-related services under the supervision and direction of a licensed  
34 nursing staff member. Nursing assistant does not include a person who:

35           (a) Is a licensed health care professional.

36           (b) Volunteers to provide nursing assistant services without monetary  
37 compensation.

38           ~~12-~~ 15. "Practical nurse" means a person who holds a practical nurse  
39 license issued pursuant to this chapter or pursuant to a multistate compact  
40 privilege and who practices practical nursing as defined in this section.

41           ~~13-~~ 16. "Practical nursing" includes the following activities that are  
42 performed under the supervision of a physician or a registered nurse:

43           (a) Contributing to the assessment of the health status of individuals  
44 and groups.

45           (b) Participating in the development and modification of the strategy  
46 of care.

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

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

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

6 (f) Delegating nursing activities within the scope of practice of a  
7 practical nurse.

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

11 17. "PRESENCE" MEANS WITHIN THE SAME ROOM OR AN ADJOINING ROOM OR  
12 WITHIN THE SAME SURGICAL OR OBSTETRICAL SUITE.

13 ~~14.~~ 18. "Registered nurse" or "professional nurse" means a person who  
14 practices registered nursing and who holds a registered nurse license issued  
15 pursuant to this chapter or pursuant to a multistate compact privilege.

16 ~~15.~~ 19. "Registered nurse practitioner" means a registered nurse who:

17 (a) Is certified by the board.

18 (b) Has completed a nurse practitioner education program approved or  
19 recognized by the board and educational requirements prescribed by the board  
20 by rule.

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

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

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

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

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

32 (iv) Making independent decisions in solving complex client care  
33 problems.

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

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

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

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

- 1           ~~16-~~ 20. "Registered nursing" includes the following:
- 2           (a) Diagnosing and treating human responses to actual or potential
- 3 health problems.
- 4           (b) Assisting individuals and groups to maintain or attain optimal
- 5 health by implementing a strategy of care to accomplish defined goals and
- 6 evaluating responses to care and treatment.
- 7           (c) Assessing the health status of individuals and groups.
- 8           (d) Establishing a nursing diagnosis.
- 9           (e) Establishing goals to meet identified health care needs.
- 10          (f) Prescribing nursing interventions to implement a strategy of care.
- 11          (g) Delegating nursing interventions to others who are qualified to do
- 12 so.
- 13          (h) Providing for the maintenance of safe and effective nursing care
- 14 that is rendered directly or indirectly.
- 15          (i) Evaluating responses to interventions.
- 16          (j) Teaching nursing knowledge and skills.
- 17          (k) Managing and supervising the practice of nursing.
- 18          (l) Consulting and coordinating with other health care professionals
- 19 in the management of health care.
- 20          (m) Performing additional acts that require education and training as
- 21 prescribed by the board and that are recognized by the nursing profession as
- 22 proper to be performed by a registered nurse.
- 23           ~~17-~~ 21. "Regulated party" means any person or entity that is licensed,
- 24 certified, recognized or approved pursuant to this chapter.
- 25           ~~18-~~ 22. "Unprofessional conduct" includes the following, whether
- 26 occurring in this state or elsewhere:
- 27           (a) Committing fraud or deceit in obtaining, attempting to obtain or
- 28 renewing a license or a certificate issued pursuant to this chapter.
- 29           (b) Committing a felony, whether or not involving moral turpitude, or
- 30 a misdemeanor involving moral turpitude. In either case, conviction by a
- 31 court of competent jurisdiction or a plea of no contest is conclusive
- 32 evidence of the commission.
- 33           (c) Aiding or abetting in a criminal abortion or attempting, agreeing
- 34 or offering to procure or assist in a criminal abortion.
- 35           (d) Any conduct or practice that is or might be harmful or dangerous
- 36 to the health of a patient or the public.
- 37           (e) Being mentally incompetent or physically unsafe to a degree that
- 38 is or might be harmful or dangerous to the health of a patient or the public.
- 39           (f) Having a license, certificate, permit or registration to practice
- 40 a health care profession denied, suspended, conditioned, limited or revoked
- 41 in another jurisdiction and not reinstated by that jurisdiction.
- 42           (g) Wilfully or repeatedly violating a provision of this chapter or a
- 43 rule adopted pursuant to this chapter.
- 44           (h) Committing an act that deceives, defrauds or harms the public.
- 45           (i) Failing to comply with a stipulated agreement, consent agreement
- 46 or board order.

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

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

5 (i) Incompetent to practice.

6 (ii) Guilty of unprofessional conduct.

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

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

14 (m) Cheating or assisting another to cheat on a licensure or  
15 certification examination.

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

18 32-1634.03. Qualifications for certified registered nurse  
19 anesthetist; temporary certificate

20 A. THE BOARD MAY CERTIFY A REGISTERED NURSE WHO IS LICENSED PURSUANT  
21 TO THIS CHAPTER AS A CERTIFIED REGISTERED NURSE ANESTHETIST IF THE REGISTERED  
22 NURSE MEETS THE FOLLOWING REQUIREMENTS:

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

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

27 3. IS CERTIFIED BY A NATIONAL CERTIFYING BODY SUCH AS THE NATIONAL  
28 BOARD OF CERTIFICATION AND RECERTIFICATION FOR NURSE ANESTHETISTS OR ANOTHER  
29 NATIONAL CERTIFYING BODY RECOGNIZED BY THE BOARD.

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

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

35 32-1634.04. Certified registered nurse anesthetist; scope of  
36 practice

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

42 1. A HEALTH CARE INSTITUTION.

43 2. AN OFFICE OF A HEALTH CARE PROFESSIONAL WHO IS LICENSED PURSUANT TO  
44 CHAPTER 7, 11, 13 OR 17 OF THIS TITLE.

45 3. AN AMBULANCE.

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

5 1. ISSUE A MEDICATION ORDER FOR DRUGS OR MEDICATIONS TO BE  
6 ADMINISTERED BY A LICENSED, CERTIFIED OR REGISTERED HEALTH CARE PROVIDER.

7 2. ASSESS THE HEALTH STATUS OF AN INDIVIDUAL AS THAT STATUS RELATES TO  
8 THE RELATIVE RISKS ASSOCIATED WITH ANESTHETIC MANAGEMENT OF AN INDIVIDUAL.

9 3. OBTAIN INFORMED CONSENT.

10 4. ORDER AND EVALUATE LABORATORY AND DIAGNOSTIC TEST RESULTS AND  
11 PERFORM POINT OF CARE TESTING THAT THE CERTIFIED REGISTERED NURSE ANESTHETIST  
12 IS QUALIFIED TO PERFORM.

13 5. ORDER AND EVALUATE RADIOGRAPHIC IMAGING STUDIES THAT THE CERTIFIED  
14 REGISTERED NURSE ANESTHETIST IS QUALIFIED TO ORDER AND INTERPRET.

15 6. IDENTIFY, DEVELOP, IMPLEMENT AND EVALUATE AN ANESTHETIC PLAN OF  
16 CARE FOR A PATIENT TO PROMOTE, MAINTAIN AND RESTORE HEALTH.

17 7. TAKE ACTION NECESSARY IN RESPONSE TO AN EMERGENCY SITUATION.

18 8. PERFORM THERAPEUTIC PROCEDURES THAT THE CERTIFIED REGISTERED NURSE  
19 ANESTHETIST IS QUALIFIED TO PERFORM.

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

23 Sec. 3. Section 32-1643, Arizona Revised Statutes, is amended to read:  
24 32-1643. Fees; penalties

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

27 1. Initial application for certification for **CERTIFIED REGISTERED**  
28 **NURSE ANESTHETIST**, registered nurse practitioner and clinical nurse  
29 specialist in specialty areas, one hundred fifty dollars.

30 2. Initial application for school nurse certification, seventy-five  
31 dollars.

32 3. Initial application for license as a registered nurse, one hundred  
33 fifty dollars.

34 4. Initial application for license as a practical nurse, one hundred  
35 fifty dollars.

36 5. Application for reissuance of a registered or practical nursing  
37 license, one hundred fifty dollars.

38 6. Application for renewal of a registered nurse or a practical nurse  
39 license before expiration, one hundred sixty dollars.

40 7. Application for renewal of license after expiration, one hundred  
41 sixty dollars, plus a late fee of fifty dollars for each month a license is  
42 lapsed, but not to exceed a total of two hundred dollars.

43 8. Application for renewal of a school nurse certificate, fifty  
44 dollars.

45 9. Application for temporary license or temporary nursing assistant  
46 certificate, fifty dollars.

- 1           10. Retaking the registered nurse or practical nurse examination, one  
2 hundred dollars.
- 3           11. Issuing a certification card to an applicant for nursing assistant  
4 certification, fifty dollars.
- 5           12. Issuing a certification card to a certified nursing assistant  
6 applicant for renewal, fifty dollars.
- 7           13. Application for renewal of a nursing assistant certificate after  
8 its expiration, twenty-five dollars for each year it is expired, not to  
9 exceed a total of one hundred dollars.
- 10          14. Issuing a duplicate license or certificate, twenty-five dollars.
- 11          15. Copying a nursing program transcript, twenty-five dollars.
- 12          16. Verification to another state or country of licensure for  
13 endorsement, certification for advanced practice or nursing assistant  
14 certification, fifty dollars.
- 15          17. Providing verification to an applicant for licensure or for nursing  
16 assistant certification by endorsement, fifty dollars.
- 17          18. Application to prescribe and dispense medication and application to  
18 prescribe medication, one hundred fifty dollars.
- 19          19. Application for renewal of prescribing and dispensing medication  
20 privileges before expiration and application for renewal of prescribing  
21 medication privileges before expiration, twenty dollars.
- 22          20. Application for renewal of prescribing and dispensing medication  
23 privileges after expiration and application for renewal of prescribing  
24 medication privileges after expiration, thirty-five dollars.
- 25          21. Issuing an inactive license, fifty dollars.
- 26          22. Writing the national council licensing examination for the first  
27 time, one hundred fifty dollars.
- 28          23. Sale of publications prepared by the board, fifty dollars.
- 29          24. Providing notary services, two dollars, or as allowed under section  
30 41-316.
- 31          25. Copying records, documents, letters, minutes, applications and  
32 files, fifty cents a page.
- 33          26. Processing fingerprint cards, fifty dollars.
- 34          27. Registration for board seminars, one hundred dollars.
- 35          28. Failing to notify the board of a change of address pursuant to  
36 section 32-1609, twenty-five dollars.
- 37          B. The board may collect from the drawer of a dishonored check, draft  
38 order or note an amount allowed pursuant to section 44-6852.
- 39          Sec. 4. Repeal
- 40          Section 32-1661, Arizona Revised Statutes, is repealed.
- 41          Sec. 5. Certified registered nurse anesthetists; current  
42                 licensees
- 43          The state board of nursing shall issue a certificate to practice as a  
44 certified registered nurse anesthetist to any person who on the effective  
45 date of this act holds a current certificate to act as a certified registered  
46 nurse anesthetist in this state pursuant to rules adopted by the board

S.B. 1362

1 pursuant to section 32-1661, Arizona Revised Statutes, as repealed by this  
2 act.

APPROVED BY THE GOVERNOR MARCH 29, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 29, 2012.