PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2196

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

"Section 1. Section 32-1601, Arizona Revised Statutes, is amended to read:

32-1601. Definitions
In this chapter, unless the context otherwise requires:
1. "Absolute discharge from the sentence" means completion of any sentence, including imprisonment, probation, parole, community supervision or any form of court supervision.
2. "Approval" means that a regulated training or educational program to prepare persons for licensure, or certification has met standards established by the board.
3. "Board" means the Arizona state board of nursing.
4. "Certified registered nurse" means a registered nurse who has been certified by a national nursing credentialing agency recognized by the board.
5. "Certified registered nurse anesthetist" means a registered nurse who meets the requirements of section 32-1634.03 and who practices pursuant to the requirements of section 32-1634.04.
6. "Clinical nurse specialist" means a registered nurse who:
   (a) Is certified by the board as a clinical nurse specialist.
   (b) Holds a graduate degree with a major in nursing and completes educational requirements as prescribed by the board by rule.
   (c) Is nationally certified as a clinical nurse specialist or, if certification is not available, provides proof of competence to the board.
   (d) Has an expanded scope of practice based on advanced education in a clinical nursing specialty that includes:
(i) Assessing clients, synthesizing and analyzing data and understanding and applying nursing principles at an advanced level.

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

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

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

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

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

(vii) Prescribing and dispensing durable medical equipment.

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

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

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

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

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

9. "Disciplinary action" means a regulatory sanction of a license, certificate or approval pursuant to this chapter in any combination of the following:
(a) A civil penalty for each violation of this chapter, not to exceed one thousand dollars for each violation.
(b) Restitution made to an aggrieved party.
(c) A decree of censure.
(d) A conditional license or a conditional approval that fixed a period and terms of probation.
(e) Limited licensure.
(f) Suspension of a license, a certificate or an approval.
(g) Voluntary surrender of a license, a certificate or an approval.
(h) Revocation of a license, a certificate or an approval.
10. "Health care institution" has the same meaning prescribed in section 36-401.
11. "Licensee" means a person who is licensed pursuant to this chapter or in a party state as defined in section 32-1668.
12. "Limited license" means a license that restricts the scope or setting of a licensee's practice.
13. "Medication order" means a written or verbal communication given by a certified registered nurse anesthetist to a health care professional to administer a drug or medication.
14. "NURSE AIDE" MEANS A PERSON WHO IS REGISTERED ON THE REGISTRY OF NURSE AIDES AS A CERTIFIED NURSE AIDE.
15. "Nursing assistant" means a person who is certified LICENSED pursuant to this chapter to provide or assist in the delivery of nursing or nursing-related services under the supervision and direction of a licensed nursing staff member. Nursing assistant does not include a person who:
   (a) Is a licensed health care professional.
   (b) Volunteers to provide nursing assistant services without monetary compensation.
   (c) IS A NURSE AIDE.
16. "Practical nurse" means a person who holds a practical nurse license issued pursuant to this chapter or pursuant to a multistate compact privilege and who practices practical nursing as defined in this section.
16. “Practical nursing” includes the following activities that are performed under the supervision of a physician or a registered nurse:
   (a) Contributing to the assessment of the health status of individuals and groups.
   (b) Participating in the development and modification of the strategy of care.
   (c) Implementing aspects of the strategy of care within the nurse's scope of practice.
   (d) Maintaining safe and effective nursing care that is rendered directly or indirectly.
   (e) Participating in the evaluation of responses to interventions.
   (f) Delegating nursing activities within the scope of practice of a practical nurse.
   (g) Performing additional acts that require education and training as prescribed by the board and that are recognized by the nursing profession as proper to be performed by a practical nurse.

17. “Presence” means within the same room or an adjoining room or within the same surgical or obstetrical suite.

18. “Registered nurse” or “professional nurse” means a person who practices registered nursing and who holds a registered nurse license issued pursuant to this chapter or pursuant to a multistate compact privilege.

19. “Registered nurse practitioner” means a registered nurse who:
   (a) Is certified by the board.
   (b) Has completed a nurse practitioner education program approved or recognized by the board and educational requirements prescribed by the board by rule.
   (c) If applying for certification after July 1, 2004, holds national certification as a nurse practitioner from a national certifying body recognized by the board.
   (d) Has an expanded scope of practice within a specialty area that includes:
      (i) Assessing clients, synthesizing and analyzing data and understanding and applying principles of health care at an advanced level.
(ii) Managing the physical and psychosocial health status of clients.

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

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

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

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

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

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

21. “Registered nursing” includes the following:

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

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

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

(d) Establishing a nursing diagnosis.

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

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

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

(h) Providing for the maintenance of safe and effective nursing care that is rendered directly or indirectly.
(i) Evaluating responses to interventions.
(j) Teaching nursing knowledge and skills.
(k) Managing and supervising the practice of nursing.
(l) Consulting and coordinating with other health care professionals in the management of health care.
(m) Performing additional acts that require education and training as prescribed by the board and that are recognized by the nursing profession as proper to be performed by a registered nurse.


23. "Regulated party" means any person or entity that is licensed, certified, REGISTERED, recognized or approved pursuant to this chapter.

24. "Unprofessional conduct" includes the following, whether occurring in this state or elsewhere:
(a) Committing fraud or deceit in obtaining, attempting to obtain or renewing a license or a certificate issued pursuant to this chapter.
(b) Committing a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude. In either case, conviction by a court of competent jurisdiction or a plea of no contest is conclusive evidence of the commission.
(c) Aiding or abetting in a criminal abortion or attempting, agreeing or offering to procure or assist in a criminal abortion.
(d) Any conduct or practice that is or might be harmful or dangerous to the health of a patient or the public.
(e) Being mentally incompetent or physically unsafe to a degree that is or might be harmful or dangerous to the health of a patient or the public.
(f) Having a license, certificate, permit or registration to practice a health care profession denied, suspended, conditioned, limited or revoked in another jurisdiction and not reinstated by that jurisdiction.
(g) Wilfully or repeatedly violating a provision of this chapter or a rule adopted pursuant to this chapter.
(h) Committing an act that deceives, defrauds or harms the public.

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

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

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

(i) Incompetent to practice.

(ii) Guilty of unprofessional conduct.

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

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

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

Sec. 2. Section 32-1603, Arizona Revised Statutes, is amended to read:

32-1603. Qualifications of board members

A. Each registered nurse member of the board shall:

1. Be a resident of the state.

2. Be a graduate of an approved registered nursing program.

3. Be licensed as a registered nurse in this state.

4. Have had at least five years' experience in nursing following graduation, including executive, supervisory or teaching experience in nursing education or nursing service.

5. Have been actively engaged in the practice of nursing or nursing activities for at least three years preceding the appointment.

B. Each licensed practical nurse member of the board shall:

1. Be a resident of this state.

2. Be a graduate of an approved practical nursing program.

3. Be licensed as a licensed practical nurse in this state.
4. Have had at least five years’ experience in practical nursing following graduation.

5. Have been actively engaged in the practice of nursing for at least three years preceding the appointment.

C. Each public member of the board shall be a person who:
   1. Is not licensed pursuant to chapter 7, 8, 11, 13, 14, 15.1, 16, 17, 18, 19, 19.1, 21, 25 or 29 of this title or this chapter as an individual health care provider.
   2. Is not an employee of any health care institution licensed pursuant to title 36, chapter 4 or any authorized insurer providing disability insurance coverage in this state.
   3. Does not have a financial interest as a provider in the delivery of health care services.

D. Each nursing assistant member of the board shall either:
   1. Be certified LICENSED as a nursing assistant pursuant to this chapter and currently practice or have practiced within three years of initial appointment to the board.
   2. Within one year of appointment to the board, have been employed as an instructor or coordinator in an approved nursing assistant training program.

E. For at least three years preceding appointment to the board, each registered nurse practitioner or clinical nurse specialist member shall be certified pursuant to this chapter and actively practicing as a registered nurse practitioner, actively engaged in a clinical nurse specialist practice or teaching.

F. Each member of the board shall take and subscribe to the oath prescribed by law for state officers, which shall be filed with the secretary of state.

Sec. 3. Section 32-1605.01, Arizona Revised Statutes, is amended to read:

32-1605.01. Executive director; compensation; powers; duties

A. Subject to title 41, chapter 4, article 4, the board shall appoint an executive director who is not a member of the board. The executive
director is eligible to receive compensation set by the board within the range determined under section 38-611.

B. The executive director or the executive director's designee shall:
   1. Perform the administrative duties of the board.
   2. Subject to title 41, chapter 4, article 4, employ personnel needed to carry out the functions of the board.
   3. Issue and renew temporary and permanent licenses, certificates and prescribing or dispensing authority.
   4. Issue single state and multistate licenses pursuant to this chapter and nursing assistant certificates to applicants who are not under investigation and who meet the qualifications for licensure or nursing assistant certification prescribed in this chapter.
   5. Perform other duties as directed by the board.

6. REGISTER NURSE AIDES AND MAINTAIN A REGISTRY OF NURSE AIDES.

6- 7. On behalf of the board, enter into stipulated agreements with a licensee for the confidential treatment, rehabilitation and monitoring of chemical dependency. A licensee who materially fails to comply with a program requirement shall be reported to the board and terminated from the confidential program. Any records of a licensee who is terminated from a confidential program are no longer confidential or exempt from the public records law. Notwithstanding any law to the contrary, stipulated agreements are not public records if the following conditions are met:
   (a) The licensee voluntarily agrees to participate in the confidential program.
   (b) The licensee complies with all treatment requirements or recommendations, including participation in alcoholics anonymous or an equivalent twelve step program and nurse support group.
   (c) The licensee refrains from the practice of nursing until the return to nursing has been approved by the treatment program and the executive director or the executive director's designee.
   (d) The licensee complies with all monitoring requirements of the stipulated agreement, including random bodily fluid testing.
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(e) The licensee's nursing employer is notified of the licensee's chemical dependency and participation in the confidential program and is provided a copy of the stipulated agreement.

7. Approve NURSE AIDE AND nursing assistant training programs that meet the requirements of this chapter.

C. If the board adopts a substantive policy statement pursuant to section 41-1091 and the executive director or designee reports all actions taken pursuant to this subsection to the board at the next regular board meeting, the executive director or designee may:

1. Dismiss a complaint pursuant to section 32-1664 if the complainant does not wish to address the board and either there is no evidence substantiating the complaint or, after conducting an investigation, there is insufficient evidence that the regulated party violated this chapter or a rule adopted pursuant to this chapter.

2. Enter into a stipulated agreement with the licensee or certificate holder for the treatment, rehabilitation and monitoring of the licensee's or certificate holder's abuse or misuse of a chemical substance.

3. Close complaints resolved through settlement.

4. Issue letters of concern.

5. In lieu of a summary suspension hearing, enter into a consent agreement if there is sufficient evidence that the public health, safety or welfare imperatively requires emergency action.

D. The executive director may accept the voluntary surrender of a license, certificate or approval to resolve a pending complaint that is subject to disciplinary action. The voluntary surrender or revocation of a license, certificate or approval is a disciplinary action, and the board shall report this action if required by federal law.

Sec. 4. Section 32-1606, Arizona Revised Statutes, is amended to read:

32-1606. **Powers and duties of board**

A. The board may:

1. Adopt and revise rules necessary to carry into effect the provisions of this chapter.
2. Publish advisory opinions regarding registered and practical nursing practice and nursing education.

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

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

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

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

7. Provide education regarding board functions.

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


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

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

B. The board shall:

1. Approve regulated training and educational programs that meet the requirements of this chapter and rules adopted by the board.
2. By rule, establish approval and reapproval processes for nursing, nursing assistant AND NURSE AIDE training programs that meet the requirements of this chapter and board rules.

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

4. Examine qualified registered and practical nurse applicants.

5. License and renew the licenses of qualified registered and practical nurse applicants AND NURSING ASSISTANTS who are not qualified to be licensed by the executive director.

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

7. Keep a record of all proceedings.

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

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

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

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

   (a) Testing and certification REGISTRATION of nursing assistants NURSE AIDES.

   (b) TESTING AND LICENSING OF NURSING ASSISTANTS.

   (c) Maintaining a list of board approved training programs.

   (c) Recertifying nursing assistants.
(d) Maintaining a registry of NURSE AIDES FOR all certified nursing assistants AND NURSE AIDES.

(e) Assessing fees.

12. Adopt rules establishing those acts that may be performed by a registered nurse practitioner in collaboration with a licensed physician, except that the board does not have authority to decide scope of practice relating to abortion as defined in section 36-2151.

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

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

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

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

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

18. Establish standards for approving and reapproving nurse practitioner and clinical nurse specialist programs and provide for surveys of nurse practitioner and clinical nurse specialist programs as it deems necessary.
18. Provide the licensing authorities of health care institutions, facilities and homes any information the board receives regarding practices that place a patient's health at risk.

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

20. Adopt rules to establish competency standards for obtaining and maintaining a license.


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

23. Maintain a list of approved medication assistant training programs.

24. Test and certify medication assistants.

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

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

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

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

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

Sec. 5. Section 32-1608, Arizona Revised Statutes, is amended to read:

32-1608. Examinations; notice

The board shall contract with a private entity to conduct licensure and nursing assistant certification NURSE AIDE REGISTRATION examinations. The
board shall require as part of this contract that the entity provide notice
of the examination procedure to applicants.

Sec. 6. Section 32-1609, Arizona Revised Statutes, is amended to read:

32-1609. Register of licenses and registrations; change of
address

A. The executive director shall keep a register of licenses and
certificates REGISTRATIONS for each person who holds an Arizona nursing
license or A nursing assistant LICENSE certificate OR IS A CERTIFIED NURSE
AIDE that includes the following:

1. Each licensee's and certificate holder's PERSON'S current address.
2. Licenses, and certificates AND REGISTRATIONS granted or revoked.
B. The register shall be open during office hours to public
inspection.
C. Each REGULATED person who holds an Arizona nursing license or
nursing assistant certificate shall notify the board in writing within thirty
days of AFTER each change in the licensee's or certificate holder's PERSON'S
address.

Sec. 7. Section 32-1642, Arizona Revised Statutes, is amended to read:

32-1642. Renewal of license; failure to renew

A. Except as provided in section 32-4301, a registered and practical
nurse licensee shall renew the license every four years on or before April 1.
If a licensee does not renew the license on or before May 1, the licensee
shall pay an additional fee for late renewal as prescribed in section
32-1643. If a licensee does not renew the license on or before August 1, the
license expires. It is a violation of this chapter for a person to practice
nursing with an expired license.

B. An applicant for renewal of a registered or practical nursing
license shall submit a verified statement that indicates whether the
applicant has been convicted of a felony and, if convicted of one or more
felonies, indicates the date of absolute discharge from the sentences for all
felony convictions.

C. On receipt of the application and fee, the board shall verify the
accuracy of the application and issue to the applicant an active renewal
license, which shall be effective for the following four calendar years. The renewal license shall render the holder a legal practitioner of nursing, as specified in the license, during the period stated on the certificate of renewal. A licensee who fails to secure a renewal license within the time specified may secure a renewal license by making verified application as the board prescribes by furnishing proof of being qualified and competent to act as a registered or practical nurse, and additional information and material as required by the board, and by payment of the prescribed fee.

D. Except as provided in section 32-4301, a nursing assistant shall renew the certification LICENSE every two years on the last day of the birth month of the nursing assistant. An applicant for renewal shall submit a verified statement that indicates whether the applicant has been convicted of a felony and, if convicted of one or more felonies, indicates the date of absolute discharge from the sentences for all felony convictions. On receipt of the application and fee, the board shall recertify ISSUE A RENEWAL LICENSE TO qualified applicants.

E. On written request to the board, the name and license of a licensee in good standing may be transferred to an inactive list. The licensee shall not practice during the time the license is inactive, and renewal fees do not accrue. If an inactive licensee wishes to resume the practice of nursing, the board shall renew the license on satisfactory showing that the licensee is then qualified and competent to practice and on payment of the current renewal fee. The licensee shall also file with the board a verified statement that indicates whether the applicant has been convicted of a felony and, if convicted of one or more felonies, that indicates the date of absolute discharge from the sentences for all felony convictions.

Sec. 8. 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.

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

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

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

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

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

9. Application for temporary license or temporary REGISTERED NURSE, PRACTICAL NURSE OR nursing assistant certificate LICENSE, fifty dollars.

10. Retaking the registered nurse or practical nurse examination, one hundred dollars.

11. Issuing a certification card LICENSE to an applicant for nursing assistant certification LICENSURE, fifty dollars.

12. Issuing a certification card LICENSE to a certified LICENSED nursing assistant applicant for renewal, fifty dollars.

13. Application for renewal of a nursing assistant certificate LICENSE after its expiration, twenty-five dollars for each year it is expired, not to exceed a total of one hundred dollars.

14. Issuing a duplicate license or certificate, twenty-five dollars.

15. Copying a nursing program transcript, twenty-five dollars.

16. Verification to another state or country of licensure for endorsement, certification for advanced practice or nursing assistant certification LICENSURE, fifty dollars.
17. Providing verification to an applicant for licensure or for nursing assistant certification by endorsement, fifty dollars.

18. Application to prescribe and dispense medication and application to prescribe medication, one hundred fifty dollars.

19. Application for renewal of prescribing and dispensing medication privileges before expiration and application for renewal of prescribing medication privileges before expiration, twenty dollars.

20. Application for renewal of prescribing and dispensing medication privileges after expiration and application for renewal of prescribing medication privileges after expiration, thirty-five dollars.

21. Issuing an inactive license, fifty dollars.

22. Writing the national council licensing examination for the first time, one hundred fifty dollars.

23. Sale of publications prepared by the board, fifty dollars.

24. Providing notary services, two dollars, or as allowed under section 41-316.

25. Copying records, documents, letters, minutes, applications and files, fifty cents a page.


27. Registration for board seminars, one hundred dollars.

28. Failing to notify the board of a change of address pursuant to section 32-1609, twenty-five dollars.

B. The board may collect from the drawer of a dishonored check, draft order or note an amount allowed pursuant to section 44-6852.

Sec. 9. Section 32-1645, Arizona Revised Statutes, is amended to read:

32-1645. Nursing assistant; nurse aide; qualifications

A. A person who wishes to practice as a nursing assistant shall file a verified application on a form prescribed by the board and accompanied by the fee required pursuant to section 32-1643. The applicant shall also submit a verified statement that indicates whether the applicant has been convicted of a felony and, if convicted of one or more felonies, indicates the date of absolute discharge from the sentences for all felony convictions. The
applicant shall also submit proof satisfactory to the board that the applicant has:

1. Satisfactorily completed the basic curriculum of a program approved by the board.
2. Received a valid certificate from a training program approved by the board.
3. Satisfactorily completed a competency examination pursuant to section 32-1647.

B. A person who wishes to practice as a nurse aide shall file a verified form prescribed by the board and authorized by the omnibus budget reconciliation act of 1987 (P.L. 100-123; 101 Stat. 1330), as amended by the medicare catastrophic coverage act of 1988 (P.L. 100-360; 102 Stat. 683). The applicant shall also submit proof satisfactory to the board that the applicant has:

1. Satisfactorily completed the basic curriculum of a program approved by the board.
2. Received a valid certificate from a training program approved by the board.
3. Satisfactorily completed the nurse aide competency examinations pursuant to section 32-1647.

Sec. 10. Section 32-1646, Arizona Revised Statutes, is amended to read:

32-1646. Nursing assistants; nurse aides; board powers

A. In the regulation of nursing assistants the board may:

1. Investigate allegations of violation of this article and refer criminal violations of this article to the appropriate law enforcement agency.
2. File a letter of concern if the board believes there is insufficient evidence to support direct action against the nursing assistant's certificate LICENSE but sufficient evidence for the board to notify the nursing assistant of its concern.
3. Pursuant to the omnibus budget reconciliation act of 1987 (P.L. 100-203; 101 Stat. 1330), as amended by the medicare catastrophic coverage act of 1988 (P.L. 100-360; 102 Stat. 683), the board may:

   a. Investigate allegations of violation of this article and refer criminal violations of this article to the appropriate law enforcement agency.
   b. File a letter of concern if the board believes there is insufficient evidence to support direct action against the nursing assistant's certificate LICENSE but sufficient evidence for the board to notify the nursing assistant of its concern.

   c. Pursuant to the omnibus budget reconciliation act of 1987 (P.L. 100-203; 101 Stat. 1330), as amended by the medicare catastrophic coverage act of 1988 (P.L. 100-360; 102 Stat. 683), the board may:

      i. Investigate allegations of violation of this article and refer criminal violations of this article to the appropriate law enforcement agency.
      ii. File a letter of concern if the board believes there is insufficient evidence to support direct action against the nursing assistant's certificate LICENSE but sufficient evidence for the board to notify the nursing assistant of its concern.
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act of 1988 (P.L. 100-360; 102 Stat. 683), indicate on the certificate the
existence of any substantiated complaints against the certificate holder.

4.  3.  Deny certification or recertification a license or refuse to
renew a license or take disciplinary action if a nursing assistant commits an
act of unprofessional conduct. Disciplinary action against nursing assistant
certificates is limited to revocation, suspension, a decree of censure,
imposing a civil penalty and ordering restitution.

5.  4.  Issue a temporary nursing assistant certificate license to an
applicant who meets the qualifications for certification licensure specified
in section 32-1645. The certificate license expires six months after the
date of issuance and may be renewed at the discretion of the board.

6.  5. In addition to any other disciplinary action it may take,
impose a civil penalty of not more than one thousand dollars for each
violation of this chapter.

B. The board shall revoke a certificate license of a person or not
issue a certificate or recertification or renew a license to an applicant who
has one or more felony convictions and who has not received an absolute
discharge from the sentences for all felony convictions five or more years
prior to the date of filing an application pursuant to this chapter.

C. In the regulation of nurse aides the board may:

1. Investigate allegations of violation of this article and refer
criminal violations of this article to the appropriate law enforcement
agency.

2. File a letter of concern if the board believes there is
insufficient evidence to support direct action against the nurse aide's
registration but sufficient evidence for the board to notify the nurse aide
of its concern.

3. Pursuant to the omnibus budget reconciliation act of 1987 (P.L.
100-203; 101 Stat. 1330), as amended by the medicare catastrophic coverage
act of 1988 (P.L. 100-360; 102 Stat. 683), indicate on the registration the
existence of any substantiated complaints against the nurse aide in
compliance with title 41, chapter 6, article 10.
Sec. 11. Section 32-1647, Arizona Revised Statutes, is amended to read:

32-1647. Examination of nursing assistants and nurse aides

A. An applicant for certification LICENSURE as a nursing assistant OR AN APPLICANT FOR REGISTRATION AS A NURSE AIDE WHO WISHES TO BE PLACED ON THE REGISTRY OF NURSE AIDES shall pass a— BOTH THE written and manual skills examination COMPETENCY EXAMINATIONS on subjects contained in a— THE nursing assistant OR NURSE AIDE training program approved by the board.

B. The board shall MAY issue a certificate NURSING ASSISTANT LICENSE to a person who successfully passes both examinations and meets all other requirements as prescribed in this article.

C. If an A NURSE AIDE applicant fails to pass either the written or the manual skills COMPETENCY examination within two years after completing an educational program, the applicant shall complete to the board's satisfaction an approved nursing assistant NURSE AIDE training program before the applicant may take that examination again.

Sec. 12. Section 32-1648, Arizona Revised Statutes, is amended to read:

32-1648. Nursing assistants; nurse aides; acceptance of out of state licenses

A. The board may issue a certificate LICENSE to a nursing assistant who has a current certificate or an equivalent document issued by another state if the board receives an application pursuant to section 32-1645 and determines that the applicant meets the qualifications of this article.

B. The board shall not issue a certificate LICENSE to an applicant UNDER SUBSECTION A OF THIS SECTION who has one or more felony convictions and who has not received an absolute discharge from the sentences for all felony convictions five or more years prior to the date of filing the application.

C. THE BOARD MAY REGISTER A NURSE AIDE WHO HAS BEEN LISTED ON THE NURSE AIDE REGISTRY MAINTAINED IN ANOTHER STATE IF THE NURSE AIDE PROVIDES TO THE BOARD CURRENT PROOF OF REGISTRATION OR AN EQUIVALENT DOCUMENT ISSUED BY ANOTHER STATE AND THE BOARD RECEIVES AN APPLICATION PURSUANT TO SECTION
32-1645 AND DETERMINES THAT THE APPLICANT MEETS THE QUALIFICATIONS OF THIS ARTICLE.

Sec. 13. Section 32-1649, Arizona Revised Statutes, is amended to read:

32-1649. Use of title or abbreviations by a nursing assistant and nurse aide

A. Only a person who is currently certified LICENSED by the board to practice as a nursing assistant shall use the title "certified LICENSED nursing assistant" and the abbreviation "CNA" "LNA".

B. ONLY A PERSON WHO IS REGISTERED BY THE BOARD TO PRACTICE AS A NURSE AIDE SHALL USE THE TITLE "CERTIFIED NURSE AIDE" AND THE ABBREVIATION "CNA".

Sec. 14. Section 32-1650, Arizona Revised Statutes, is amended to read:

32-1650. Certified medication assistants; medication administration; delegation

A. A nurse who is licensed pursuant to this chapter may delegate medication administration to a LICENSED nursing assistant who is certified by the board as a medication assistant or to a student in an approved medication assistant program under the following conditions:

1. The recipient of the medication is a resident of a licensed nursing care institution as defined in section 36-401.

2. Delegated medications are limited to:
   (a) Regularly scheduled medications, including controlled substances, by oral, topical, nasal, otic, optic and rectal routes.
   (b) Following the nurse's assessment of the resident's need for the medication and at the direction of the nurse, as-needed medications for bowel care or over-the-counter analgesics. The nurse shall evaluate the effect of the medication and document findings in the resident's record.

3. The delegating nurse maintains accountability for the delegation and management of the resident's medications.

B. A nurse may not delegate to a medication assistant:

1. If, in the professional judgment of the nurse after evaluating the condition of and the level of services required for the resident and the
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conduct and skills of the certified medication assistant or medication assistant student, the delegation would pose an unacceptable risk of harm or jeopardize the health or welfare of the resident or if safe delegation cannot be accomplished.

2. The first dose of a new medication or of a previously prescribed medication if the dosage is changed.

3. Any new medication that arrives from the pharmacy without ensuring that it reflects the original prescription.

4. As-needed medications except as provided in this section.

5. The counting of controlled substances at the beginning and end of a shift and any act associated with obtaining multiple doses of controlled substances.

6. Any medication delivered by a needle or by intradermal, subcutaneous, intramuscular, intravenous, intrathecal and intraosseous routes.

7. The administration of any medication that must be inserted into a nasogastric tube or gastric tube.

8. Changing oxygen settings or turning oxygen on or off.

9. The administration of inhalant medications.

10. The regulation of intravenous fluids or the programming of insulin pumps.

11. The administration of topical patches or topical medications that require a sterile dressing or assessment of skin condition.

12. The administration of sublingual medications.

13. The administration of any medication that requires a mathematical conversion between units of measurement to determine the correct dose.

Sec. 15. Section 32-1650.01, Arizona Revised Statutes, is amended to read:

32-1650.01. Medication assistant training programs; requirements

A. The board shall approve medication assistant training programs pursuant to this section and rules adopted by the board. An entity that
applies for approval of a medication assistant training program must be either:

1. A postsecondary education institution in this state that is accredited by an accrediting agency recognized by the United States department of education.

2. A postsecondary school that is licensed by the state board of FOR private postsecondary education.

3. A long-term care facility that is licensed by the department of health services.

B. An applicant for a medication assistant training program must:

1. Submit an application on a form and in a manner prescribed by the board that shows compliance with this chapter and board rules and that is accompanied by a fee prescribed by the board by rule.

2. Implement a minimum one hundred hour curriculum that is consistent with the curriculum requirements of a board pilot program that allows certified nursing assistants to administer medication or that is specified by the board by rule.

3. Schedule classroom instruction so that there are not more than four hours of classroom instruction in any one day.

4. Implement admission criteria that are consistent with the requirements of section 32-1650.02.

5. Screen potential students for mathematics and reading comprehension skills that are necessary to understand written material and to safely administer medications.

6. Administer at least three separate unit examinations and a comprehensive final examination that students must pass to progress in the program.

7. Provide course policies regarding attendance, clinical supervision, course completion requirements, passing examination scores and makeup examinations.

8. Ensure that EACH course instructor has an unrestricted registered nursing license or multistate privilege and at least forty hours
of experience administering medications in a licensed long-term care facility.

9. Meet other requirements as specified by the board by rule.

C. The board or its authorized agent shall review the application and provide a written analysis of the applicant's compliance with the requirements in this section and board rules. The board shall notify the applicant of any deficiencies in the application. If the board determines that the program meets the requirements prescribed in this chapter and board rules and that approval is in the best interest of the public, the board shall approve the program for a period of not more than four years.

D. The board's authorized employees or representatives periodically may review and conduct a site visit of all approved medication assistant training programs in this state and file written reports of these reviews or site visits with the board. If the board determines that an approved medication assistant training program is not maintaining the required standards, it shall immediately give written notice to the program specifying the defects. If the defects are not corrected within a reasonable time as determined by the board, the board may take either of the following actions:

1. Restrict the program's ability to admit new students until the program complies with board standards.

2. Revoke the approval of the program for a period of two years.

E. An approved medication assistant training program must maintain accurate and current records for at least five years, including the full theoretical and practical curriculum provided to each student.

F. The training program must furnish a copy of a student's certificate of completion to the board within ten days after each student successfully completes a medication assistant training program.

Sec. 16. Section 32-1650.02, Arizona Revised Statutes, is amended to read:

32-1650.02. Certified medication assistants; qualifications

A. A person who wishes to practice as a medication assistant must:

1. File an application on a form prescribed by the board accompanied by a fee prescribed by the board by rule.
2. Submit a statement that indicates whether the applicant has been convicted of a felony and, if convicted of one or more felonies, that indicates the date of absolute discharge from the sentences for all felony convictions.

3. Have been certified and worked as a nursing assistant for at least six months before the start of the medication assistant training program and have no outstanding complaints or restrictions on the nursing assistant certification.

4. Hold one of the following:
   (a) A diploma issued by a high school that is located in the United States.
   (b) A general equivalency diploma issued in the United States.
   (c) A transcript from a nationally or regionally accredited postsecondary school located in the United States or from the United States military that documents successful completion of college-level coursework.
   (d) Evidence of completing at least twelve years of education in a foreign country and, if the language of that country was other than English, a passing score on an English language proficiency examination as determined by the board.

5. Be at least eighteen years of age.

6. Provide documentation directly from the program of successfully completing an approved medication assistant training program or a portion of an approved nursing education program equivalent to the medication assistant training course.

7. Have passed a competency examination pursuant to section 32-1650.03.

8. Submit a full set of fingerprints under section 32-1606, subsection B, paragraph 15.

B. The board shall May certify a person as a medication assistant who meets the qualifications of this section for a period of not more than two years. The person's medication assistant certification expires at the same time the person's nursing assistant certification expires.
Sec. 17. Section 32-1650.05, Arizona Revised Statutes, is amended to read:

32-1650.05. Certified medication assistants; recertification; unprofessional conduct

A. A medication assistant who is certified pursuant to 32-1650.02 may apply for recertification before expiration of the certificate if that person:

1. Submits an application on a board prescribed form accompanied by a fee prescribed by the board by rule before the expiration date on the certificate.

2. Submits an affidavit with the application that the applicant has practiced as a medication assistant for at least one hundred sixty hours in the past two years.

3. Submits an affidavit with the application that indicates whether the applicant has been convicted of a felony, and if convicted of one or more felonies, indicates the date of absolute discharge from the sentences for all felony convictions.

4. Submits a current application to renew the person's nursing assistant certificate or holds a current nursing assistant certificate.

B. If the current medication assistant certificate has expired, the board may assess a late fee as prescribed by the board by rule. A medication assistant who practices with an expired certificate commits an act of unprofessional conduct and is subject to disciplinary action pursuant to this chapter.

Sec. 18. Section 32-1663.01, Arizona Revised Statutes, is amended to read:

32-1663.01. Administrative violations; administrative penalty

A. The board may sanction any of the following as an administrative violation rather than as unprofessional conduct and may impose an administrative penalty of not more than one thousand dollars for any of the following:
1. Failing to timely renew a nursing license or nurse assistant certificate while continuing to practice nursing or engage in activities or duties related to nursing regulated by this chapter.

2. Failing to notify the board in writing within thirty days after a change in address.

3. Failing to renew nursing, or nursing assistant program approval and continuing to operate the program.

4. If the board adopts a substantive policy statement pursuant to section 41-1091, practicing nursing without a license.

B. A regulated party who fails to pay an administrative penalty as prescribed by this section or to establish a schedule for payment as prescribed pursuant to section 32-1606, subsection A, paragraph 6 within thirty days after notification commits an act of unprofessional conduct and is subject to disciplinary action.

C. The board shall deposit, pursuant to sections 35-146 and 35-147, all monies collected under this section in the state general fund.

Sec. 19. Section 32-1666, Arizona Revised Statutes, is amended to read:

32-1666. Unlawful acts

A. It is unlawful for a person who is not licensed or certified under this chapter to:

1. Practice or offer to practice as a registered or practical nurse, registered nurse practitioner or clinical nurse specialist in this state.

2. Represent or use any title, abbreviation, letters, figures, sign, card or device to indicate that the person or any other person is a registered nurse, graduate nurse, professional nurse, nurse practitioner, clinical nurse specialist, or practical nurse or nursing assistant.

3. Represent or use any title, abbreviation, letters, sign, card or device to indicate that the person or any other person is certified pursuant to this chapter.

B. It is unlawful for a person to operate a training or educational program to prepare students for licensure or certification under this chapter unless it has been approved under this chapter.
Section 20. Section 32-3021, Arizona Revised Statutes, is amended to read:

32-3021. Private vocational program license; qualifications; provision of information; exemptions

A. A person shall not operate a private vocational program unless the person holds a private vocational program license issued pursuant to this chapter. Each program offered by a private vocational program licensee shall be authorized on a private vocational program license. The board shall prescribe the manner in which the programs shall be identified on the license.

B. An applicant for a private vocational program license shall meet all of the following requirements:

1. Furnish a letter of credit, surety bond or cash deposit as provided in section 32-3023.

2. Make specific information concerning educational programs, including statements of purpose, objectives, course of study, policies, fees and other pertinent information, available to prospective students and the general public.

3. Be financially responsible and have management capability.

4. Maintain a qualified faculty.

5. Maintain facilities, equipment and materials that are appropriate for the stated program. All facilities shall meet applicable state and local health and safety laws.

6. Maintain appropriate records as the board prescribes that are properly safeguarded and preserved.

7. Use only advertisements that are consistent with the information made available as provided in paragraph 2 of this subsection.

8. Provide courses of instruction that meet stated objectives.

9. Provide a grievance procedure for students.

10. Comply with all federal and state laws relating to the operation of a private postsecondary educational institution.

11. Other requirements the board deems necessary.
C. An applicant for a private vocational program license shall submit evidence of meeting the requirements prescribed in subsection B of this section to the board. The board shall verify the evidence submitted. Verification shall include on-site verification.

D. The filing of an application grants the board the authority to obtain information from any of the following:
   1. A licensing board or agency in any state, district, territory or county of the United States or any foreign country.
   2. The Arizona criminal justice information system as defined in section 41-1750.
   3. The federal bureau of investigation.

E. The board, on application, may issue a private vocational program license to a new educational institution as provided in this section, except that the board shall establish separate minimum standards for licensure requirements of new educational institutions. These minimum standards may include the modification of licensure requirements as provided in subsection B, paragraphs 3, 5, 6, 7 and 8 of this section to meet the circumstances of new educational institutions. The board shall monitor the new educational institution to ensure compliance with the licensure requirements. The board shall issue a private vocational program license as provided in this subsection one time only to new educational institutions.

F. This section does not apply to any of the following:
   1. A school licensed pursuant to chapter 3 or 5 of this title.
   2. An instructional program or course sponsored by a bona fide trade association solely for its members.
   3. Privately owned academic schools engaged in the process of general education that is designed to produce a level of development equivalent to that necessary to meet the requirements for entrance into a public community college or public university in this state and that may incidentally offer technical and vocational courses as part of the curriculum.
   4. Schools or private instruction conducted by any person engaged in training, tutoring or teaching individuals or groups, if the instruction is related to hobbies, avocations, academic improvement or recreation and may
only incidentally lead to gainful employment and if the instruction is for a
period of under forty hours and costs less than one thousand dollars.

5. Schools conducted by any person solely for training the person's
own employees.

6. An instructional program or course offered solely for employees and
for the purpose of improving the employees in their employment if both of the
following apply:

   (a) The employee is not charged a fee.

   (b) The employer provides or funds the program or course pursuant to a
valid written contract between the employer and a program or course provider.

7. Training conducted pursuant to 14 Code of Federal Regulations
part 141.

8. A school that solely provides an instructional program for
certified nursing assistants AND NURSE AIDES and is licensed by the nursing
board pursuant to section 32-1606, subsection B, paragraph 11.

9. A professional driving training school licensed by the department
of transportation pursuant to chapter 23, articles 1, 2 and 3 of this title.

10. A training program approved by the board of examiners of nursing
care institution administrators and assisted living facility managers that
solely provides training for managers and caregivers of assisted living
facilities.

Sec. 21. Current CNA certificate holders

A. A certification of a certified nursing assistant that was issued
before July 1, 2016 shall remain in effect until the first renewal date of
that certification that occurs on or after July 1, 2016.

B. A person who holds a certified nursing assistant certificate that
was issued before July 1, 2016, on a renewal date of the certification that
occurs on or after July 1, 2016 may either:

1. File a nursing assistant renewal application and pay the renewal
fee specified in section 32-1643, Arizona Revised Statutes, and be issued a
nursing assistant license.

2. File a renewal application to be registered on the registry of
nurse aides and become a nurse aide.
Sec. 22. **Rulemaking; exemption**

For the purposes of this act, the Arizona state board of nursing is exempt from the rulemaking requirements of title 41, chapter 6, Arizona Revised Statutes, until December 31, 2016.

Sec. 23. **Effective date**

Sections 32-1601, 32-1603, 32-1605.01, 32-1606, 32-1608, 32-1609, 32-1612, 32-1613, 32-1645, 32-1646, 32-1647, 32-1648, 32-1649, 32-1650, 32-1650.01, 32-1650.02, 32-1650.05, 32-1650.01, 32-1653.01, 32-1650 and 32-3021, Arizona Revised Statutes, as amended by this act, are effective from and after June 30, 2016.

Amend title to conform

PAUL BOYER

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