

State of Arizona  
House of Representatives  
Fifty-second Legislature  
First Regular Session  
2015

# HOUSE BILL 2196

AN ACT

AMENDING SECTIONS 32-1601, 32-1603, 32-1605.01, 32-1606, 32-1608, 32-1609, 32-1642, 32-1643, 32-1645, 32-1646, 32-1647, 32-1648, 32-1649, 32-1650, 32-1650.01, 32-1650.02, 32-1650.05, 32-1663.01, 32-1666 AND 32-3021, ARIZONA REVISED STATUTES; RELATING TO 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 OR REGISTRATION has met  
11 standards 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 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 7. "Conditional license" or "conditional approval" means a license or  
5 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 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 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 11. "Licensee" means a person who is licensed pursuant to this chapter  
28 or in a party state as defined in section 32-1668.

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

39 (a) Is a licensed health care professional.

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

42 (c) IS A NURSING ASSISTANT.

43 15. "NURSING ASSISTANT" MEANS A PERSON WHO IS REGISTERED ON THE  
44 REGISTRY OF NURSING ASSISTANTS AS A CERTIFIED NURSING ASSISTANT.

1       ~~15.~~ 16. "Practical nurse" means a person who holds a practical nurse  
2 license issued pursuant to this chapter or pursuant to a multistate compact  
3 privilege and who practices practical nursing as defined in this section.  
4       ~~16.~~ 17. "Practical nursing" includes the following activities that are  
5 performed under the supervision of a physician or a registered nurse:  
6       (a) Contributing to the assessment of the health status of individuals  
7 and groups.  
8       (b) Participating in the development and modification of the strategy  
9 of care.  
10       (c) Implementing aspects of the strategy of care within the nurse's  
11 scope of practice.  
12       (d) Maintaining safe and effective nursing care that is rendered  
13 directly or indirectly.  
14       (e) Participating in the evaluation of responses to interventions.  
15       (f) Delegating nursing activities within the scope of practice of a  
16 practical nurse.  
17       (g) Performing additional acts that require education and training as  
18 prescribed by the board and that are recognized by the nursing profession as  
19 proper to be performed by a practical nurse.  
20       ~~17.~~ 18. "Presence" means within the same room or an adjoining room or  
21 within the same surgical or obstetrical suite.  
22       ~~18.~~ 19. "Registered nurse" or "professional nurse" means a person who  
23 practices registered nursing and who holds a registered nurse license issued  
24 pursuant to this chapter or pursuant to a multistate compact privilege.  
25       ~~19.~~ 20. "Registered nurse practitioner" means a registered nurse who:  
26       (a) Is certified by the board.  
27       (b) Has completed a nurse practitioner education program approved or  
28 recognized by the board and educational requirements prescribed by the board  
29 by rule.  
30       (c) If applying for certification after July 1, 2004, holds national  
31 certification as a nurse practitioner from a national certifying body  
32 recognized by the board.  
33       (d) Has an expanded scope of practice within a specialty area that  
34 includes:  
35       (i) Assessing clients, synthesizing and analyzing data and  
36 understanding and applying principles of health care at an advanced level.  
37       (ii) Managing the physical and psychosocial health status of clients.  
38       (iii) Analyzing multiple sources of data, identifying alternative  
39 possibilities as to the nature of a health care problem and selecting,  
40 implementing and evaluating appropriate treatment.  
41       (iv) Making independent decisions in solving complex client care  
42 problems.  
43       (v) Diagnosing, performing diagnostic and therapeutic procedures, and  
44 prescribing, administering and dispensing therapeutic measures, including  
45 legend drugs, medical devices and controlled substances within the scope of

1 registered nurse practitioner practice on meeting the requirements  
2 established by the board.

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

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

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

11 ~~20-~~ 21. "Registered nursing" includes the following:

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

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

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

18 (d) Establishing a nursing diagnosis.

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

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

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

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

25 (i) Evaluating responses to interventions.

26 (j) Teaching nursing knowledge and skills.

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

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

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

33 22. "REGISTRY OF NURSING ASSISTANTS" MEANS THE NURSING ASSISTANTS  
34 REGISTRY MAINTAINED BY THE BOARD PURSUANT TO THE OMNIBUS BUDGET  
35 RECONCILIATION ACT OF 1987 (P.L. 100-203; 101 STAT. 1330), AS AMENDED BY THE  
36 MEDICARE CATASTROPHIC COVERAGE ACT OF 1988 (P.L. 100-360; 102 STAT. 683).

37 ~~21-~~ 23. "Regulated party" means any person or entity that is licensed,  
38 certified, REGISTERED, recognized or approved pursuant to this chapter.

39 ~~22-~~ 24. "Unprofessional conduct" includes the following, whether  
40 occurring in this state or elsewhere:

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

43 (b) Committing a felony, whether or not involving moral turpitude, or  
44 a misdemeanor involving moral turpitude. In either case, conviction by a

1 court of competent jurisdiction or a plea of no contest is conclusive  
2 evidence of the commission.

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

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

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

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

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

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

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

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

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

21 (i) Incompetent to practice.

22 (ii) Guilty of unprofessional conduct.

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

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

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

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

33 32-1603. Qualifications of board members

34 A. Each registered nurse member of the board shall:

35 1. Be a resident of the state.

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

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

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

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

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

44 1. Be a resident of this state.

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

- 1           3. Be licensed as a licensed practical nurse in this state.  
2           4. Have had at least five years' experience in practical nursing  
3 following graduation.  
4           5. Have been actively engaged in the practice of nursing for at least  
5 three years preceding the appointment.  
6           C. Each public member of the board shall be a person who:  
7           1. Is not licensed pursuant to chapter 7, 8, 11, 13, 14, 15.1, 16, 17,  
8 18, 19, 19.1, 21, 25 or 29 of this title or this chapter as an individual  
9 health care provider.  
10          2. Is not an employee of any health care institution licensed pursuant  
11 to title 36, chapter 4 or any authorized insurer providing disability  
12 insurance coverage in this state.  
13          3. Does not have a financial interest as a provider in the delivery of  
14 health care services.  
15          D. Each **NURSE AIDE OR** nursing assistant member of the board shall  
16 either:  
17          1. Be ~~certified~~ **LICENSED AS A NURSE AIDE OR REGISTERED** as a nursing  
18 assistant pursuant to this chapter and currently practice or have practiced  
19 within three years ~~of~~ **BEFORE** initial appointment to the board.  
20          2. Within one year ~~of~~ **BEFORE** appointment to the board, have been  
21 employed as an instructor or coordinator in an approved **NURSE AIDE OR** nursing  
22 assistant training program.  
23          E. For at least three years preceding appointment to the board, each  
24 registered nurse practitioner or clinical nurse specialist member shall be  
25 certified pursuant to this chapter and actively practicing as a registered  
26 nurse practitioner, actively engaged in a clinical nurse specialist practice  
27 or teaching.  
28          F. Each member of the board shall take and subscribe to the oath  
29 prescribed by law for state officers, which shall be filed with the secretary  
30 of state.  
31          Sec. 3. Section 32-1605.01, Arizona Revised Statutes, is amended to  
32 read:  
33          32-1605.01. Executive director; compensation; powers; duties  
34          A. Subject to title 41, chapter 4, article 4, the board shall appoint  
35 an executive director who is not a member of the board. The executive  
36 director is eligible to receive compensation set by the board within the  
37 range determined under section 38-611.  
38          B. The executive director or the executive director's designee shall:  
39          1. Perform the administrative duties of the board.  
40          2. Subject to title 41, chapter 4, article 4, employ personnel needed  
41 to carry out the functions of the board.  
42          3. Issue and renew temporary and permanent licenses, certificates and  
43 prescribing or dispensing authority.  
44          4. Issue single state and multistate licenses pursuant to this chapter  
45 ~~and nursing assistant certificates~~ to applicants who are not under

1 investigation and who meet the qualifications for licensure ~~or nursing~~  
2 ~~assistant certification~~ prescribed in this chapter.

3 5. Perform other duties as directed by the board.

4 6. REGISTER NURSING ASSISTANTS AND MAINTAIN A REGISTRY OF NURSING  
5 ASSISTANTS.

6 ~~6-~~ 7. On behalf of the board, enter into stipulated agreements with a  
7 licensee for the confidential treatment, rehabilitation and monitoring of  
8 chemical dependency. A licensee who materially fails to comply with a  
9 program requirement shall be reported to the board and terminated from the  
10 confidential program. Any records of a licensee who is terminated from a  
11 confidential program are no longer confidential or exempt from the public  
12 records law. Notwithstanding any law to the contrary, stipulated agreements  
13 are not public records if the following conditions are met:

14 (a) The licensee voluntarily agrees to participate in the confidential  
15 program.

16 (b) The licensee complies with all treatment requirements or  
17 recommendations, including participation in alcoholics anonymous or an  
18 equivalent twelve step program and nurse support group.

19 (c) The licensee refrains from the practice of nursing until the  
20 return to nursing has been approved by the treatment program and the  
21 executive director or the executive director's designee.

22 (d) The licensee complies with all monitoring requirements of the  
23 stipulated agreement, including random bodily fluid testing.

24 (e) The licensee's nursing employer is notified of the licensee's  
25 chemical dependency and participation in the confidential program and is  
26 provided a copy of the stipulated agreement.

27 ~~7-~~ 8. Approve NURSE AIDE AND nursing assistant training programs that  
28 meet the requirements of this chapter.

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

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

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

41 3. Close complaints resolved through settlement.

42 4. Issue letters of concern.

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

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

6 Sec. 4. Section 32-1606, Arizona Revised Statutes, is amended to read:  
7 32-1606. Powers and duties of board

8 A. The board may:

9 1. Adopt and revise rules necessary to carry into effect ~~the~~  
10 ~~provisions of~~ this chapter.

11 2. Publish advisory opinions regarding registered and practical  
12 nursing practice and nursing education.

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

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

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

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

27 7. Provide education regarding board functions.

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

29 9. Adopt rules for conducting pilot programs consistent with public  
30 safety for innovative applications in nursing practice, education and  
31 regulation.

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

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

39 B. The board shall:

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

42 2. By rule, establish approval and reapproval processes for nursing,  
43 ~~and~~ nursing assistant **AND NURSE AIDE** training programs that meet the  
44 requirements of this chapter and board rules.

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

1       ~~16. Require each applicant for initial nursing assistant certification~~  
2 ~~to submit a full set of fingerprints to the board for the purpose of~~  
3 ~~obtaining a state and federal criminal records check pursuant to section~~  
4 ~~41-1750 and Public Law 92-544. The department of public safety may exchange~~  
5 ~~this fingerprint data with the federal bureau of investigation.~~

6       ~~17.~~ 16. Revoke a license of a person, revoke the multistate licensure  
7 privilege of a person pursuant to section 32-1669 or not issue a license or  
8 renewal to an applicant who has one or more felony convictions and who has  
9 not received an absolute discharge from the sentences for all felony  
10 convictions five or more years before the date of filing an application  
11 pursuant to this chapter.

12       ~~18.~~ 17. Establish standards for approving and reapproving nurse  
13 practitioner and clinical nurse specialist programs and provide for surveys  
14 of nurse practitioner and clinical nurse specialist programs as it deems  
15 necessary.

16       ~~19.~~ 18. Provide the licensing authorities of health care institutions,  
17 facilities and homes any information the board receives regarding practices  
18 that place a patient's health at risk.

19       ~~20.~~ 19. Limit the multistate licensure privilege of any person who  
20 holds or applies for a license in this state pursuant to section 32-1668.

21       ~~21.~~ 20. Adopt rules to establish competency standards for obtaining  
22 and maintaining a license.

23       ~~22.~~ 21. Adopt rules for the qualification and certification of  
24 clinical nurse specialists.

25       ~~23.~~ 22. Adopt rules for approval and reapproval of refresher courses  
26 for nurses who are not currently practicing.

27       ~~24.~~ 23. Maintain a list of approved medication assistant training  
28 programs.

29       ~~25.~~ 24. Test and certify medication assistants.

30       ~~26.~~ 25. Maintain a registry and disciplinary record of medication  
31 assistants who are certified pursuant to this chapter.

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

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

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

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



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

9 E. EXCEPT AS PROVIDED IN SECTION 32-4301, A NURSING ASSISTANT SHALL  
10 FILE AN APPLICATION TO RENEW THE CERTIFIED NURSING ASSISTANT REGISTRATION  
11 EVERY TWO YEARS ON THE LAST DAY OF THE BIRTH MONTH OF THE NURSING ASSISTANT.  
12 AN APPLICANT FOR RENEWAL SHALL SUBMIT A VERIFIED STATEMENT THAT INDICATES  
13 WHETHER THE APPLICANT HAS PERFORMED NURSING OR NURSING-RELATED SERVICES  
14 WITHIN THE PREVIOUS TWENTY-FOUR CONSECUTIVE MONTHS AND WHETHER THE  
15 INDIVIDUAL'S REGISTRY ENTRY INCLUDES DOCUMENTED FINDINGS OF ABUSE, NEGLECT OR  
16 MISAPPROPRIATION OF PROPERTY. ON RECEIPT OF THE APPLICATION, THE BOARD SHALL  
17 ISSUE A RENEWAL REGISTRATION TO EACH QUALIFIED RENEWAL APPLICANT.

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

29 Sec. 8. Section 32-1643, Arizona Revised Statutes, is amended to read:  
30 32-1643. Fees; penalties

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

33 1. Initial application for certification for certified registered  
34 nurse anesthetist, registered nurse practitioner and clinical nurse  
35 specialist in specialty areas, one hundred fifty dollars.

36 2. Initial application for school nurse certification, seventy-five  
37 dollars.

38 3. Initial application for license as a registered nurse, one hundred  
39 fifty dollars.

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

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

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

- 1           7. Application for renewal of license after expiration, one hundred  
2 sixty dollars, plus a late fee of fifty dollars for each month a license is  
3 lapsed, but not to exceed a total of two hundred dollars.
- 4           8. Application for renewal of a school nurse certificate, fifty  
5 dollars.
- 6           9. Application for temporary ~~license or temporary~~ REGISTERED NURSE,  
7 PRACTICAL NURSE OR ~~nursing assistant~~ NURSE AIDE ~~certificate~~ LICENSE, fifty  
8 dollars.
- 9           10. Retaking the registered nurse or practical nurse examination, one  
10 hundred dollars.
- 11          11. Issuing a ~~certification card~~ LICENSE to an applicant for ~~nursing~~  
12 ~~assistant~~ NURSE AIDE ~~certification~~ LICENSURE, fifty dollars.
- 13          12. Issuing a ~~certification card~~ LICENSE to a ~~certified~~ LICENSED  
14 ~~nursing assistant~~ NURSE AIDE applicant for renewal, fifty dollars.
- 15          13. Application for renewal of a ~~nursing assistant~~ NURSE AIDE  
16 ~~certificate~~ LICENSE after its expiration, twenty-five dollars for each year  
17 it is expired, not to exceed a total of one hundred dollars.
- 18          14. Issuing a duplicate license or certificate, twenty-five dollars.
- 19          15. Copying a nursing program transcript, twenty-five dollars.
- 20          16. Verification to another state or country of licensure for  
21 endorsement, certification for advanced practice or ~~nursing assistant~~ NURSE  
22 AIDE ~~certification~~ LICENSURE, fifty dollars.
- 23          17. Providing verification to an applicant for licensure or for ~~nursing~~  
24 ~~assistant~~ NURSE AIDE ~~certification~~ LICENSURE by endorsement, fifty dollars.
- 25          18. Application to prescribe and dispense medication and application to  
26 prescribe medication, one hundred fifty dollars.
- 27          19. Application for renewal of prescribing and dispensing medication  
28 privileges before expiration and application for renewal of prescribing  
29 medication privileges before expiration, twenty dollars.
- 30          20. Application for renewal of prescribing and dispensing medication  
31 privileges after expiration and application for renewal of prescribing  
32 medication privileges after expiration, thirty-five dollars.
- 33          21. Issuing an inactive license, fifty dollars.
- 34          22. Writing the national council licensing examination for the first  
35 time, one hundred fifty dollars.
- 36          23. Sale of publications prepared by the board, fifty dollars.
- 37          24. Providing notary services, two dollars, or as allowed under section  
38 41-316.
- 39          25. Copying records, documents, letters, minutes, applications and  
40 files, fifty cents a page.
- 41          26. Processing fingerprint cards, fifty dollars.
- 42          27. Registration for board seminars, one hundred dollars.
- 43          28. Failing to notify the board of a change of address pursuant to  
44 section 32-1609, twenty-five dollars.

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

3 Sec. 9. Section 32-1645, Arizona Revised Statutes, is amended to read:  
4 32-1645. Nurse aides; nursing assistants; qualifications

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

13 1. Satisfactorily completed the basic curriculum of a program approved  
14 by the board.

15 2. Received a valid certificate from a training program approved by  
16 the board.

17 3. Satisfactorily completed a competency examination pursuant to  
18 section 32-1647.

19 B. A PERSON WHO WISHES TO PRACTICE AS A NURSING ASSISTANT SHALL FILE A  
20 VERIFIED FORM PRESCRIBED BY THE BOARD AND AUTHORIZED BY THE OMNIBUS BUDGET  
21 RECONCILIATION ACT OF 1987 (P.L. 100-123; 101 STAT. 1330), AS AMENDED BY THE  
22 MEDICARE CATASTROPHIC COVERAGE ACT OF 1988 (P.L. 100-360; 102 STAT. 683).  
23 THE APPLICANT SHALL ALSO SUBMIT PROOF SATISFACTORY TO THE BOARD THAT THE  
24 APPLICANT HAS:

25 1. SATISFACTORILY COMPLETED THE BASIC CURRICULUM OF A PROGRAM APPROVED  
26 BY THE BOARD.

27 2. RECEIVED A VALID CERTIFICATE FROM A TRAINING PROGRAM APPROVED BY  
28 THE BOARD.

29 3. SATISFACTORILY COMPLETED THE NURSING ASSISTANT COMPETENCY  
30 EXAMINATIONS PURSUANT TO SECTION 32-1647.

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

33 32-1646. Nursing assistants; nurse aides; board powers

34 A. In the regulation of ~~nursing assistants~~ NURSE AIDES the board may:

35 1. ~~INVESTIGATE ALLEGATIONS OF VIOLATION OF THIS ARTICLE AND~~ refer  
36 criminal violations of this article to the appropriate law enforcement  
37 agency.

38 2. File a letter of concern if the board believes there is  
39 insufficient evidence to support direct action against the ~~nursing~~  
40 ~~assistant's~~ NURSE AIDE'S ~~certificate~~ LICENSE but sufficient evidence for the  
41 board to notify the nursing assistant of its concern.

42 ~~3. Pursuant to the omnibus budget reconciliation act of 1987 (P.L.~~  
43 ~~100-203; 101 Stat. 1330), as amended by the medicare catastrophic coverage~~  
44 ~~act of 1988 (P.L. 100-360; 102 Stat. 683), indicate on the certificate the~~  
45 ~~existence of any substantiated complaints against the certificate holder.~~

1           ~~4.~~ 3. Deny ~~certification or recertification~~ A LICENSE OR REFUSE TO  
2 RENEW A LICENSE or take disciplinary action if a ~~nursing assistant~~ NURSE AIDE  
3 commits an act of unprofessional conduct. ~~Disciplinary action against~~  
4 ~~nursing assistant certificates is limited to revocation, suspension, a decree~~  
5 ~~of censure, imposing a civil penalty and ordering restitution.~~

6           ~~5.~~ 4. Issue a temporary ~~nursing assistant~~ NURSE AIDE ~~certificate~~  
7 LICENSE to an applicant who meets the qualifications for ~~certification~~  
8 LICENSURE specified in section 32-1645. The ~~certificate~~ LICENSE expires six  
9 months after the date of issuance and may be renewed at the discretion of the  
10 board.

11           ~~6.~~ 5. In addition to any other disciplinary action it may take,  
12 impose a civil penalty of not more than one thousand dollars for each  
13 violation of this chapter.

14           B. The board shall revoke a ~~certificate~~ LICENSE of a person or not  
15 issue ~~a certificate or recertification~~ OR RENEW A LICENSE to an applicant who  
16 has one or more felony convictions and who has not received an absolute  
17 discharge from the sentences for all felony convictions five or more years  
18 prior to the date of filing an application pursuant to this chapter.

19           C. IN THE REGULATION OF NURSING ASSISTANTS THE BOARD MAY:

20           1. INVESTIGATE ALLEGATIONS OF ABUSE, NEGLECT OR MISAPPROPRIATION OF  
21 PROPERTY AND REFER CRIMINAL VIOLATIONS TO THE APPROPRIATE LAW ENFORCEMENT  
22 AGENCY.

23           2. FILE A LETTER OF CONCERN IF THE BOARD BELIEVES THERE IS  
24 INSUFFICIENT EVIDENCE TO SUPPORT DIRECT ACTION AGAINST THE NURSING  
25 ASSISTANT'S REGISTRATION BUT SUFFICIENT EVIDENCE FOR THE BOARD TO NOTIFY THE  
26 NURSING ASSISTANT OF ITS CONCERN.

27           3. PURSUANT TO THE OMNIBUS BUDGET RECONCILIATION ACT OF 1987 (P.L.  
28 100-203; 101 STAT. 1330), AS AMENDED BY THE MEDICARE CATASTROPHIC COVERAGE  
29 ACT OF 1988 (P.L. 100-360; 102 STAT. 683), INDICATE ON THE REGISTRATION THE  
30 EXISTENCE OF ANY SUBSTANTIATED COMPLAINTS AGAINST THE NURSING ASSISTANT IN  
31 COMPLIANCE WITH TITLE 41, CHAPTER 6, ARTICLE 10.

32           Sec. 11. Section 32-1647, Arizona Revised Statutes, is amended to  
33 read:

34           32-1647. Examination of nursing assistants and nurse aides

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

41           B. The board ~~shall~~ MAY issue a ~~certificate~~ NURSE AIDE LICENSE to a  
42 person who successfully passes both examinations and meets all other  
43 requirements as prescribed in this article.

44           C. If ~~an~~ A NURSING ASSISTANT applicant fails to pass either the  
45 written or the manual skills COMPETENCY examination within two years after

1 completing an educational program, the applicant shall complete to the  
2 board's satisfaction an approved nursing assistant training program before  
3 the applicant may take that examination again.

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

6 32-1648. Nursing assistants; nurse aides; acceptance of out of  
7 state licenses

8 A. The board may issue a ~~certificate~~ LICENSE to a ~~nursing assistant~~  
9 NURSE AIDE who has a current certificate or an equivalent document issued by  
10 another state if the board receives an application pursuant to section  
11 32-1645 and determines that the applicant meets the qualifications of this  
12 article.

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

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

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

25 32-1649. Use of title or abbreviations by a nursing assistant  
26 and nurse aide

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

30 B. ONLY A PERSON WHO IS REGISTERED BY THE BOARD TO PRACTICE AS A  
31 NURSING ASSISTANT SHALL USE THE TITLE "CERTIFIED NURSING ASSISTANT" AND THE  
32 ABBREVIATION "CNA".

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

35 32-1650. Certified medication assistants; medication  
36 administration; delegation

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

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

43 2. Delegated medications are limited to:

44 (a) Regularly scheduled medications, including controlled substances,  
45 by oral, topical, nasal, otic, optic and rectal routes.

1 (b) Following the nurse's assessment of the resident's need for the  
2 medication and at the direction of the nurse, as-needed medications for bowel  
3 care or over-the-counter analgesics. The nurse shall evaluate the effect of  
4 the medication and document findings in the resident's record.

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

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

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

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

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

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

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

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

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

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

28 9. The administration of inhalant medications.

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

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

33 12. The administration of sublingual medications.

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

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

38 32-1650.01. Medication assistant training programs;  
39 requirements

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

- 1           1. A postsecondary education institution in this state that is  
2 accredited by an accrediting agency recognized by the United States  
3 department of education.
- 4           2. A postsecondary school that is licensed by the state board ~~of~~ FOR  
5 private postsecondary education.
- 6           3. A long-term care facility that is licensed by the department of  
7 health services.
- 8           B. An applicant for a medication assistant training program must:
  - 9           1. Submit an application on a form and in a manner prescribed by the  
10 board that shows compliance with this chapter and board rules and that is  
11 accompanied by a fee prescribed by the board by rule.
  - 12           2. Implement a minimum one hundred hour curriculum that is consistent  
13 with the curriculum requirements of a board pilot program that allows  
14 ~~certified nursing assistants~~ NURSE AIDES to administer medication or that is  
15 specified by the board by rule.
  - 16           3. Schedule classroom instruction so that there are not more than four  
17 hours of classroom instruction in any one day.
  - 18           4. Implement admission criteria that are consistent with the  
19 requirements of section 32-1650.02.
  - 20           5. Screen potential students for mathematics and reading comprehension  
21 skills that are necessary to understand written material and to safely  
22 administer medications.
  - 23           6. Administer at least three separate unit examinations and a  
24 comprehensive final examination that students must pass to progress in the  
25 program.
  - 26           7. Provide course policies regarding attendance, clinical supervision,  
27 course completion requirements, passing examination scores and makeup  
28 examinations.
  - 29           8. Ensure that ~~a~~ EACH course instructor has an unrestricted  
30 registered nursing license or multistate privilege and at least forty hours  
31 of experience administering medications in a licensed long-term care  
32 facility.
  - 33           9. Meet other requirements as specified by the board by rule.
- 34           C. The board or its authorized agent shall review the application and  
35 provide a written analysis of the applicant's compliance with the  
36 requirements in this section and board rules. The board shall notify the  
37 applicant of any deficiencies in the application. If the board determines  
38 that the program meets the requirements prescribed in this chapter and board  
39 rules and that approval is in the best interest of the public, the board  
40 shall approve the program for a period of not more than four years.
- 41           D. The board's authorized employees or representatives periodically  
42 may review and conduct a site visit of all approved medication assistant  
43 training programs in this state and file written reports of these reviews or  
44 site visits with the board. If the board determines that an approved  
45 medication assistant training program is not maintaining the required

1 standards, it shall immediately give written notice to the program specifying  
2 the defects. If the defects are not corrected within a reasonable time as  
3 determined by the board, the board may take either of the following actions:

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

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

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

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

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

15 32-1650.02. Certified medication assistants; qualifications

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

17 1. File an application on a form prescribed by the board accompanied  
18 by a fee prescribed by the board by rule.

19 2. Submit a statement that indicates whether the applicant has been  
20 convicted of a felony and, if convicted of one or more felonies, that  
21 indicates the date of absolute discharge from the sentences for all felony  
22 convictions.

23 3. Have been ~~certified~~ LICENSED and worked as a ~~nursing assistant~~  
24 NURSE AIDE for at least six months before the start of the medication  
25 assistant training program and have no outstanding complaints or restrictions  
26 on the ~~nursing assistant~~ NURSE AIDE ~~certification~~ LICENSE.

27 4. Hold one of the following:

28 (a) A diploma issued by a high school that is located in the United  
29 States.

30 (b) A general equivalency diploma issued in the United States.

31 (c) A transcript from a nationally or regionally accredited  
32 postsecondary school located in the United States or from the United States  
33 military that documents successful completion of college-level coursework.

34 (d) Evidence of completing at least twelve years of education in a  
35 foreign country and, if the language of that country was other than English,  
36 a passing score on an English language proficiency examination as determined  
37 by the board.

38 5. Be at least eighteen years of age.

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

43 7. Have passed a competency examination pursuant to section  
44 32-1650.03.

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

3           B. The board ~~shall~~ MAY certify a person as a medication assistant who  
4 meets the qualifications of this section for a period of not more than two  
5 years. The person's medication assistant certification expires at the same  
6 time the person's ~~nursing assistant~~ NURSE AIDE ~~certification~~ LICENSE expires.

7           Sec. 17. Section 32-1650.05, Arizona Revised Statutes, is amended to  
8 read:

9           32-1650.05. Certified medication assistants; recertification;  
10           unprofessional conduct

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

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

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

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

24           4. Submits a current application to renew the person's ~~nursing~~  
25 ~~assistant~~ NURSE AIDE ~~certificate~~ LICENSE or holds a current ~~nursing assistant~~  
26 ~~NURSE AIDE certificate~~ LICENSE.

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

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

34           32-1663.01. Administrative violations; administrative penalty

35           A. The board may sanction any of the following as an administrative  
36 violation rather than as unprofessional conduct and may impose an  
37 administrative penalty of not more than one thousand dollars for any of the  
38 following:

39           1. Failing to timely renew a nursing license or nurse AIDE ~~assistant~~  
40 ~~certificate~~ LICENSE while continuing to practice nursing or engage in  
41 activities or duties ~~related to nursing~~ REGULATED BY THIS CHAPTER.

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

44           3. Failing to renew nursing, ~~or~~ nursing assistant OR NURSE AIDE  
45 program approval and continuing to operate the program.



- 1           4. Maintain a qualified faculty.
- 2           5. Maintain facilities, equipment and materials that are appropriate
- 3 for the stated program. All facilities shall meet applicable state and local
- 4 health and safety laws.
- 5           6. Maintain appropriate records as the board prescribes that are
- 6 properly safeguarded and preserved.
- 7           7. Use only advertisements that are consistent with the information
- 8 made available as provided in paragraph 2 of this subsection.
- 9           8. Provide courses of instruction that meet stated objectives.
- 10          9. Provide a grievance procedure for students.
- 11          10. Comply with all federal and state laws relating to the operation of
- 12 a private postsecondary educational institution.
- 13          11. Other requirements the board deems necessary.
- 14          C. An applicant for a private vocational program license shall submit
- 15 evidence of meeting the requirements prescribed in subsection B of this
- 16 section to the board. The board shall verify the evidence submitted.
- 17 Verification shall include on-site verification.
- 18          D. The filing of an application grants the board the authority to
- 19 obtain information from any of the following:
- 20           1. A licensing board or agency in any state, district, territory or
- 21 county of the United States or any foreign country.
- 22           2. The Arizona criminal justice information system as defined in
- 23 section 41-1750.
- 24           3. The federal bureau of investigation.
- 25          E. The board, on application, may issue a private vocational program
- 26 license to a new educational institution as provided in this section, except
- 27 that the board shall establish separate minimum standards for licensure
- 28 requirements of new educational institutions. These minimum standards may
- 29 include the modification of licensure requirements as provided in subsection
- 30 B, paragraphs 3, 5, 6, 7 and 8 of this section to meet the circumstances of
- 31 new educational institutions. The board shall monitor the new educational
- 32 institution to ensure compliance with the licensure requirements. The board
- 33 shall issue a private vocational program license as provided in this
- 34 subsection one time only to new educational institutions.
- 35          F. This section does not apply to any of the following:
- 36           1. A school licensed pursuant to chapter 3 or 5 of this title.
- 37           2. An instructional program or course sponsored by a bona fide trade
- 38 association solely for its members.
- 39           3. Privately owned academic schools engaged in the process of general
- 40 education that is designed to produce a level of development equivalent to
- 41 that necessary to meet the requirements for entrance into a public community
- 42 college or public university in this state and that may incidentally offer
- 43 technical and vocational courses as part of the curriculum.
- 44           4. Schools or private instruction conducted by any person engaged in
- 45 training, tutoring or teaching individuals or groups, if the instruction is

- 1 related to hobbies, avocations, academic improvement or recreation and may  
2 only incidentally lead to gainful employment and if the instruction is for a  
3 period of under forty hours and costs less than one thousand dollars.
- 4 5. Schools conducted by any person solely for training the person's  
5 own employees.
- 6 6. An instructional program or course offered solely for employees and  
7 for the purpose of improving the employees in their employment if both of the  
8 following apply:
- 9 (a) The employee is not charged a fee.
- 10 (b) The employer provides or funds the program or course pursuant to a  
11 valid written contract between the employer and a program or course provider.
- 12 7. Training conducted pursuant to 14 Code of Federal Regulations  
13 part 141.
- 14 8. A school that solely provides an instructional program for  
15 ~~certified~~ nursing assistants AND NURSE AIDES and is licensed by the nursing  
16 board pursuant to section 32-1606, subsection B, paragraph 11.
- 17 9. A professional driving training school licensed by the department  
18 of transportation pursuant to chapter 23, articles 1, 2 and 3 of this title.
- 19 10. A training program approved by the board of examiners of nursing  
20 care institution administrators and assisted living facility managers that  
21 solely provides training for managers and caregivers of assisted living  
22 facilities.
- 23 Sec. 21. Current CNA certificate holders
- 24 A. A certification of a certified nursing assistant that was issued  
25 before July 1, 2016 shall remain in effect until the first renewal date of  
26 that certification that occurs on or after July 1, 2016.
- 27 B. A person who holds a certified nursing assistant certificate that  
28 was issued before July 1, 2016, on a renewal date of the certification that  
29 occurs on or after July 1, 2016 may either:
- 30 1. File a nurse aide renewal application and pay the renewal fee  
31 specified in section 32-1643, Arizona Revised Statutes, and be issued a nurse  
32 aide license.
- 33 2. File a renewal application to be registered on the registry of  
34 nursing assistants and become a nursing assistant.
- 35 C. A person who holds a certified nursing assistant certificate that  
36 was issued before July 1, 2016, who is certified as a medication assistant  
37 before July 1, 2016 and who elects to become a registered nursing assistant  
38 as provided by this section may continue to register as a medication  
39 assistant pursuant to title 32, chapter 15, Arizona Revised Statutes, if the  
40 person submits a timely medication assistant renewal application and  
41 continues to meet all other recertification requirements prescribed by  
42 section 32-1650.05, Arizona Revised Statutes.

1           Sec. 22. Rulemaking: exemption

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

5           Sec. 23. Effective date

6 Sections 32-1601, 32-1603, 32-1605.01, 32-1606, 32-1608, 32-1609, 32-1642,  
7 32-1643, 32-1645, 32-1646, 32-1647, 32-1648, 32-1649, 32-1650, 32-1650.01,  
8 32-1650.02, 32-1650.05, 32-1663.01, 32-1666 and 32-3021, Arizona Revised  
9 Statutes, as amended by this act, are effective from and after June 30, 2016.