

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

**CHAPTER 262**  
**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 NURSING ASSISTANT" MEANS A PERSON WHO IS REGISTERED ON  
14 THE REGISTRY OF NURSING ASSISTANTS PURSUANT TO THIS CHAPTER TO PROVIDE OR  
15 ASSIST IN THE DELIVERY OF NURSING OR NURSING-RELATED SERVICES UNDER THE  
16 SUPERVISION AND DIRECTION OF A LICENSED NURSING STAFF MEMBER. CERTIFIED  
17 NURSING ASSISTANT DOES NOT INCLUDE A PERSON WHO:  
18 (a) IS A LICENSED HEALTH CARE PROFESSIONAL.  
19 (b) VOLUNTEERS TO PROVIDE NURSING ASSISTANT SERVICES WITHOUT MONETARY  
20 COMPENSATION.  
21 (c) IS A LICENSED NURSING ASSISTANT.  
22 ~~4.~~ 5. "Certified registered nurse" means a registered nurse who has  
23 been certified by a national nursing credentialing agency recognized by the  
24 board.  
25 ~~5.~~ 6. "Certified registered nurse anesthetist" means a registered  
26 nurse who meets the requirements of section 32-1634.03 and who practices  
27 pursuant to the requirements of section 32-1634.04.  
28 ~~6.~~ 7. "Clinical nurse specialist" means a registered nurse who:  
29 (a) Is certified by the board as a clinical nurse specialist.  
30 (b) Holds a graduate degree with a major in nursing and completes  
31 educational requirements as prescribed by the board by rule.  
32 (c) Is nationally certified as a clinical nurse specialist or, if  
33 certification is not available, provides proof of competence to the board.  
34 (d) Has an expanded scope of practice based on advanced education in a  
35 clinical nursing specialty that includes:  
36 (i) Assessing clients, synthesizing and analyzing data and  
37 understanding and applying nursing principles at an advanced level.  
38 (ii) Managing directly and indirectly a client's physical and  
39 psychosocial health status.  
40 (iii) Analyzing multiple sources of data, identifying alternative  
41 possibilities as to the nature of a health care problem and selecting  
42 appropriate nursing interventions.  
43 (iv) Developing, planning and guiding programs of care for populations  
44 of patients.  
45 (v) Making independent nursing decisions to solve complex client care  
46 problems.

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

3 (vii) Prescribing and dispensing durable medical equipment.

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

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

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

11 ~~7.~~ 8. "Conditional license" or "conditional approval" means a license  
12 or approval that specifies the conditions under which the regulated party is  
13 allowed to practice or to operate and that is prescribed by the board  
14 pursuant to section 32-1644 or 32-1663.

15 ~~8.~~ 9. "Delegation" means transferring to a competent individual the  
16 authority to perform a selected nursing task in a designated situation in  
17 which the nurse making the delegation retains accountability for the  
18 delegation.

19 ~~9.~~ 10. "Disciplinary action" means a regulatory sanction of a  
20 license, certificate or approval pursuant to this chapter in any combination  
21 of the following:

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

24 (b) Restitution made to an aggrieved party.

25 (c) A decree of censure.

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

28 (e) Limited licensure.

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

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

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

32 ~~10.~~ 11. "Health care institution" has the same meaning prescribed in  
33 section 36-401.

34 12. "LICENSED NURSING ASSISTANT" MEANS A PERSON WHO IS LICENSED  
35 PURSUANT TO THIS CHAPTER TO PROVIDE OR ASSIST IN THE DELIVERY OF NURSING OR  
36 NURSING-RELATED SERVICES UNDER THE SUPERVISION AND DIRECTION OF A LICENSED  
37 NURSING STAFF MEMBER. LICENSED NURSING ASSISTANT DOES NOT INCLUDE A PERSON  
38 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 CERTIFIED NURSING ASSISTANT.

43 ~~11.~~ 13. "Licensee" means a person who is licensed pursuant to this  
44 chapter or in a party state as defined in section 32-1668.

45 ~~12.~~ 14. "Limited license" means a license that restricts the scope or  
46 setting of a licensee's practice.

1       ~~13.~~ 15. "Medication order" means a written or verbal communication  
2 given by a certified registered nurse anesthetist to a health care  
3 professional to administer a drug or medication.

4       ~~14. "Nursing assistant" means a person who is certified pursuant to  
5 this chapter to provide or assist in the delivery of nursing or  
6 nursing related services under the supervision and direction of a licensed  
7 nursing staff member. Nursing assistant does not include a person who:~~

8       ~~(a) Is a licensed health care professional.~~

9       ~~(b) Volunteers to provide nursing assistant services without monetary  
10 compensation.~~

11       ~~15.~~ 16. "Practical nurse" means a person who holds a practical nurse  
12 license issued pursuant to this chapter or pursuant to a multistate compact  
13 privilege and who practices practical nursing as defined in this section.

14       ~~16.~~ 17. "Practical nursing" includes the following activities that are  
15 performed under the supervision of a physician or a registered nurse:

16       (a) Contributing to the assessment of the health status of individuals  
17 and groups.

18       (b) Participating in the development and modification of the strategy  
19 of care.

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

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

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

25       (f) Delegating nursing activities within the scope of practice of a  
26 practical nurse.

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

30       ~~17.~~ 18. "Presence" means within the same room or an adjoining room or  
31 within the same surgical or obstetrical suite.

32       ~~18.~~ 19. "Registered nurse" or "professional nurse" means a person who  
33 practices registered nursing and who holds a registered nurse license issued  
34 pursuant to this chapter or pursuant to a multistate compact privilege.

35       ~~19.~~ 20. "Registered nurse practitioner" means a registered nurse who:

36       (a) Is certified by the board.

37       (b) Has completed a nurse practitioner education program approved or  
38 recognized by the board and educational requirements prescribed by the board  
39 by rule.

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

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

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

- 1 (ii) Managing the physical and psychosocial health status of clients.
- 2 (iii) Analyzing multiple sources of data, identifying alternative
- 3 possibilities as to the nature of a health care problem and selecting,
- 4 implementing and evaluating appropriate treatment.
- 5 (iv) Making independent decisions in solving complex client care
- 6 problems.
- 7 (v) Diagnosing, performing diagnostic and therapeutic procedures, and
- 8 prescribing, administering and dispensing therapeutic measures, including
- 9 legend drugs, medical devices and controlled substances within the scope of
- 10 registered nurse practitioner practice on meeting the requirements
- 11 established by the board.
- 12 (vi) Recognizing the limits of the nurse's knowledge and experience
- 13 and planning for situations beyond the nurse's knowledge, educational
- 14 preparation and expertise by consulting with or referring clients to other
- 15 health care providers when appropriate.
- 16 (vii) Delegating to a medical assistant pursuant to section 32-1456.
- 17 (viii) Performing additional acts that require education and training
- 18 as prescribed by the board and that are recognized by the nursing profession
- 19 as proper to be performed by a nurse practitioner.
- 20 ~~20.~~ 21. "Registered nursing" includes the following:
- 21 (a) Diagnosing and treating human responses to actual or potential
- 22 health problems.
- 23 (b) Assisting individuals and groups to maintain or attain optimal
- 24 health by implementing a strategy of care to accomplish defined goals and
- 25 evaluating responses to care and treatment.
- 26 (c) Assessing the health status of individuals and groups.
- 27 (d) Establishing a nursing diagnosis.
- 28 (e) Establishing goals to meet identified health care needs.
- 29 (f) Prescribing nursing interventions to implement a strategy of care.
- 30 (g) Delegating nursing interventions to others who are qualified to do
- 31 so.
- 32 (h) Providing for the maintenance of safe and effective nursing care
- 33 that is rendered directly or indirectly.
- 34 (i) Evaluating responses to interventions.
- 35 (j) Teaching nursing knowledge and skills.
- 36 (k) Managing and supervising the practice of nursing.
- 37 (l) Consulting and coordinating with other health care professionals
- 38 in the management of health care.
- 39 (m) Performing additional acts that require education and training as
- 40 prescribed by the board and that are recognized by the nursing profession as
- 41 proper to be performed by a registered nurse.
- 42 22. "REGISTRY OF NURSING ASSISTANTS" MEANS THE NURSING ASSISTANTS
- 43 REGISTRY MAINTAINED BY THE BOARD PURSUANT TO THE OMNIBUS BUDGET
- 44 RECONCILIATION ACT OF 1987 (P.L. 100-203; 101 STAT. 1330), AS AMENDED BY THE
- 45 MEDICARE CATASTROPHIC COVERAGE ACT OF 1988 (P.L. 100-360; 102 STAT. 683).

1           ~~21.~~ 23. "Regulated party" means any person or entity that is licensed,  
2 certified, REGISTERED, recognized or approved pursuant to this chapter.

3           ~~22.~~ 24. "Unprofessional conduct" includes the following, whether  
4 occurring in this state or elsewhere:

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

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

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

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

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

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

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

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

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

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

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

29           (i) Incompetent to practice.

30           (ii) Guilty of unprofessional conduct.

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

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

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

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

41           32-1603. Qualifications of board members

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

43           1. Be a resident of the state.

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

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

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

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

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

7           1. Be a resident of this state.

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

9           3. Be licensed as a licensed practical nurse in this state.

10          4. Have had at least five years' experience in practical nursing  
11 following graduation.

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

14          C. Each public member of the board shall be a person who:

15          1. Is not licensed pursuant to chapter 7, 8, 11, 13, 14, 15.1, 16, 17,  
16 18, 19, 19.1, 21, 25 or 29 of this title or this chapter as an individual  
17 health care provider.

18          2. Is not an employee of any health care institution licensed pursuant  
19 to title 36, chapter 4 or any authorized insurer providing disability  
20 insurance coverage in this state.

21          3. Does not have a financial interest as a provider in the delivery of  
22 health care services.

23          D. Each **LICENSED NURSING ASSISTANT OR CERTIFIED** nursing assistant  
24 member of the board shall either:

25          1. Be ~~certified as~~ a **LICENSED NURSING ASSISTANT OR A CERTIFIED** nursing  
26 assistant pursuant to this chapter and currently practice or have practiced  
27 within three years ~~of~~ **BEFORE** initial appointment to the board.

28          2. Within one year ~~of~~ **BEFORE** appointment to the board, have been  
29 employed as an instructor or coordinator in an approved **LICENSED NURSING**  
30 **ASSISTANT OR CERTIFIED** nursing assistant training program.

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

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

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

41          **32-1605.01. Executive director; compensation; powers; duties**

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

46          B. The executive director or the executive director's designee shall:

- 1           1. Perform the administrative duties of the board.
- 2           2. Subject to title 41, chapter 4, article 4, employ personnel needed
- 3 to carry out the functions of the board.
- 4           3. Issue and renew temporary and permanent licenses, certificates and
- 5 prescribing or dispensing authority.
- 6           4. Issue single state and multistate licenses pursuant to this chapter
- 7 ~~and nursing assistant certificates~~ to applicants who are not under
- 8 investigation and who meet the qualifications for licensure ~~or nursing~~
- 9 ~~assistant certification~~ prescribed in this chapter.
- 10          5. Perform other duties as directed by the board.
- 11          6. REGISTER CERTIFIED NURSING ASSISTANTS AND MAINTAIN A REGISTRY OF
- 12 LICENSED NURSING ASSISTANTS AND CERTIFIED NURSING ASSISTANTS.
- 13          ~~6-~~ 7. On behalf of the board, enter into stipulated agreements with a
- 14 licensee for the confidential treatment, rehabilitation and monitoring of
- 15 chemical dependency. A licensee who materially fails to comply with a
- 16 program requirement shall be reported to the board and terminated from the
- 17 confidential program. Any records of a licensee who is terminated from a
- 18 confidential program are no longer confidential or exempt from the public
- 19 records law. Notwithstanding any law to the contrary, stipulated agreements
- 20 are not public records if the following conditions are met:
- 21           (a) The licensee voluntarily agrees to participate in the confidential
- 22 program.
- 23           (b) The licensee complies with all treatment requirements or
- 24 recommendations, including participation in alcoholics anonymous or an
- 25 equivalent twelve step program and nurse support group.
- 26           (c) The licensee refrains from the practice of nursing until the
- 27 return to nursing has been approved by the treatment program and the
- 28 executive director or the executive director's designee.
- 29           (d) The licensee complies with all monitoring requirements of the
- 30 stipulated agreement, including random bodily fluid testing.
- 31           (e) The licensee's nursing employer is notified of the licensee's
- 32 chemical dependency and participation in the confidential program and is
- 33 provided a copy of the stipulated agreement.
- 34          ~~7-~~ 8. Approve nursing assistant training programs that meet the
- 35 requirements of this chapter.
- 36          C. If the board adopts a substantive policy statement pursuant to
- 37 section 41-1091 and the executive director or designee reports all actions
- 38 taken pursuant to this subsection to the board at the next regular board
- 39 meeting, the executive director or designee may:
- 40           1. Dismiss a complaint pursuant to section 32-1664 if the complainant
- 41 does not wish to address the board and either there is no evidence
- 42 substantiating the complaint or, after conducting an investigation, there is
- 43 insufficient evidence that the regulated party violated this chapter or a
- 44 rule adopted pursuant to this chapter.

- 1           2. Enter into a stipulated agreement with the licensee or certificate  
2 holder for the treatment, rehabilitation and monitoring of the licensee's or  
3 certificate holder's abuse or misuse of a chemical substance.
- 4           3. Close complaints resolved through settlement.
- 5           4. Issue letters of concern.
- 6           5. In lieu of a summary suspension hearing, enter into a consent  
7 agreement if there is sufficient evidence that the public health, safety or  
8 welfare imperatively requires emergency action.
- 9           D. The executive director may accept the voluntary surrender of a  
10 license, certificate or approval to resolve a pending complaint that is  
11 subject to disciplinary action. The voluntary surrender or revocation of a  
12 license, certificate or approval is a disciplinary action, and the board  
13 shall report this action if required by federal law.
- 14           Sec. 4. Section 32-1606, Arizona Revised Statutes, is amended to read:  
15           32-1606. Powers and duties of board
- 16           A. The board may:
  - 17           1. Adopt and revise rules necessary to carry into effect ~~the~~  
18 ~~provisions of~~ this chapter.
  - 19           2. Publish advisory opinions regarding registered and practical  
20 nursing practice and nursing education.
  - 21           3. Issue limited licenses or certificates if it determines that an  
22 applicant or licensee cannot function safely in a specific setting or within  
23 the full scope of practice.
  - 24           4. Refer criminal violations of this chapter to the appropriate law  
25 enforcement agency.
  - 26           5. Establish a confidential program for the monitoring of licensees  
27 who are chemically dependent and who enroll in rehabilitation programs that  
28 meet the criteria established by the board. The board may take further  
29 action if the licensee refuses to enter into a stipulated agreement or fails  
30 to comply with its terms. In order to protect the public health and safety,  
31 the confidentiality requirements of this paragraph do not apply if the  
32 licensee does not comply with the stipulated agreement.
  - 33           6. On the applicant's or regulated party's request, establish a  
34 payment schedule with the applicant or regulated party.
  - 35           7. Provide education regarding board functions.
  - 36           8. Collect or assist in the collection of workforce data.
  - 37           9. Adopt rules for conducting pilot programs consistent with public  
38 safety for innovative applications in nursing practice, education and  
39 regulation.
  - 40           10. Grant retirement status on request to retired nurses who are or  
41 were licensed under this chapter, who have no open complaint or investigation  
42 pending against them and who are not subject to discipline.
  - 43           11. Accept and spend federal monies and private grants, gifts,  
44 contributions and devises to assist in carrying out the purposes of this  
45 chapter. These monies do not revert to the state general fund at the end of  
46 the fiscal year.

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

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

6           ~~16. Require each applicant for initial nursing assistant certification~~  
7 ~~to submit a full set of fingerprints to the board for the purpose of~~  
8 ~~obtaining a state and federal criminal records check pursuant to section~~  
9 ~~41-1750 and Public Law 92-544. The department of public safety may exchange~~  
10 ~~this fingerprint data with the federal bureau of investigation.~~

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

17           ~~18.~~ 17. Establish standards for approving and reapproving nurse  
18 practitioner and clinical nurse specialist programs and provide for surveys  
19 of nurse practitioner and clinical nurse specialist programs as it deems  
20 necessary.

21           ~~19.~~ 18. Provide the licensing authorities of health care institutions,  
22 facilities and homes any information the board receives regarding practices  
23 that place a patient's health at risk.

24           ~~20.~~ 19. Limit the multistate licensure privilege of any person who  
25 holds or applies for a license in this state pursuant to section 32-1668.

26           ~~21.~~ 20. Adopt rules to establish competency standards for obtaining  
27 and maintaining a license.

28           ~~22.~~ 21. Adopt rules for the qualification and certification of  
29 clinical nurse specialists.

30           ~~23.~~ 22. Adopt rules for approval and reapproval of refresher courses  
31 for nurses who are not currently practicing.

32           ~~24.~~ 23. Maintain a list of approved medication assistant training  
33 programs.

34           ~~25.~~ 24. Test and certify medication assistants.

35           ~~26.~~ 25. Maintain a registry and disciplinary record of medication  
36 assistants who are certified pursuant to this chapter.

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

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

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

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

3 Sec. 5. Section 32-1608, Arizona Revised Statutes, is amended to read:  
4 32-1608. Examinations; notice

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

9 Sec. 6. Section 32-1609, Arizona Revised Statutes, is amended to read:  
10 32-1609. Register of licenses and registrations; change of  
11 address

12 A. The executive director shall keep a register of licenses and  
13 ~~certificates~~ REGISTRATIONS for each person who holds an Arizona nursing  
14 license or WHO IS A ~~nursing assistant~~ LICENSED NURSING ASSISTANT ~~certificate~~  
15 OR A CERTIFIED NURSING ASSISTANT that includes the following:

16 1. Each ~~licensee's and certificate holder's~~ PERSON'S current address.  
17 2. Licenses, ~~and~~ certificates AND REGISTRATIONS granted or revoked.

18 B. The register shall be open during office hours to public  
19 inspection.

20 C. Each REGULATED person ~~who holds an Arizona nursing license or~~  
21 ~~nursing assistant certificate~~ shall notify the board in writing within thirty  
22 days ~~of~~ AFTER each change in the ~~licensee's or certificate holder's~~ PERSON'S  
23 address.

24 Sec. 7. Section 32-1642, Arizona Revised Statutes, is amended to read:  
25 32-1642. Renewal of license or registration; failure to renew

26 A. Except as provided in section 32-4301, a registered and practical  
27 nurse licensee shall renew the license every four years on or before April 1.  
28 If a licensee does not renew the license on or before May 1, the licensee  
29 shall pay an additional fee for late renewal as prescribed in section  
30 32-1643. If a licensee does not renew the license on or before August 1, the  
31 license expires. It is a violation of this chapter for a person to practice  
32 nursing with an expired license.

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

38 C. On receipt of the application and fee, the board shall verify the  
39 accuracy of the application and issue to the applicant an active renewal  
40 license, which shall be effective for the following four calendar years. The  
41 renewal license shall render the holder a legal practitioner of nursing, as  
42 specified in the license, during the period stated on the certificate of  
43 renewal. A licensee who fails to secure a renewal license within the time  
44 specified may secure a renewal license by making verified application as the  
45 board prescribes by furnishing proof of being qualified and competent to act

1 as a registered or practical nurse, and additional information and material  
2 as required by the board, and by payment of the prescribed fee.

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

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

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

32 Sec. 8. Section 32-1643, Arizona Revised Statutes, is amended to read:  
33 32-1643. Fees; penalties

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

36 1. Initial application for certification for certified registered  
37 nurse anesthetist, registered nurse practitioner and clinical nurse  
38 specialist in specialty areas, one hundred fifty dollars.

39 2. Initial application for school nurse certification, seventy-five  
40 dollars.

41 3. Initial application for license as a registered nurse, one hundred  
42 fifty dollars.

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

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

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

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

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

5 Sec. 9. Section 32-1645, Arizona Revised Statutes, is amended to read:  
6 32-1645. Licensed nursing assistants; certified nursing  
7 assistants; qualifications

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

16 1. Satisfactorily completed the basic curriculum of a program approved  
17 by the board.

18 2. Received a valid certificate from a training program approved by  
19 the board.

20 3. Satisfactorily completed a competency examination pursuant to  
21 section 32-1647.

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

28 1. SATISFACTORILY COMPLETED THE BASIC CURRICULUM OF A PROGRAM APPROVED  
29 BY THE BOARD.

30 2. RECEIVED A VALID CERTIFICATE FROM A TRAINING PROGRAM APPROVED BY  
31 THE BOARD.

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

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

36 32-1646. Licensed nursing assistants; certified nursing  
37 assistants; board powers

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

39 1. INVESTIGATE ALLEGATIONS OF VIOLATION OF THIS ARTICLE AND refer  
40 criminal violations of this article to the appropriate law enforcement  
41 agency.

42 2. File a letter of concern if the board believes there is  
43 insufficient evidence to support direct action against the LICENSED nursing  
44 assistant's ~~certificate~~ LICENSE but sufficient evidence for the board to  
45 notify the LICENSED nursing assistant of its concern.

1           ~~3. Pursuant to the omnibus budget reconciliation act of 1987 (P.L.~~  
2 ~~100-203; 101 Stat. 1330), as amended by the medicare catastrophic coverage~~  
3 ~~act of 1988 (P.L. 100-360; 102 Stat. 683), indicate on the certificate the~~  
4 ~~existence of any substantiated complaints against the certificate holder.~~

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

10           ~~5. 4. Issue a temporary LICENSED nursing assistant certificate~~  
11 LICENSE to an applicant who meets the qualifications for ~~certification~~  
12 LICENSURE specified in section 32-1645. The ~~certificate~~ LICENSE expires six  
13 months after the date of issuance and may be renewed at the discretion of the  
14 board.

15           ~~6. 5. In addition to any other disciplinary action it may take,~~  
16 impose a civil penalty of not more than one thousand dollars for each  
17 violation of this chapter.

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

23           C. IN THE REGULATION OF CERTIFIED NURSING ASSISTANTS THE BOARD MAY:

24           1. INVESTIGATE ALLEGATIONS OF ABUSE, NEGLIGENCE OR MISAPPROPRIATION OF  
25 PROPERTY AND REFER CRIMINAL VIOLATIONS TO THE APPROPRIATE LAW ENFORCEMENT  
26 AGENCY.

27           2. FILE A LETTER OF CONCERN IF THE BOARD BELIEVES THERE IS  
28 INSUFFICIENT EVIDENCE TO SUPPORT DIRECT ACTION AGAINST THE CERTIFIED NURSING  
29 ASSISTANT'S REGISTRATION BUT SUFFICIENT EVIDENCE FOR THE BOARD TO NOTIFY THE  
30 NURSING ASSISTANT OF ITS CONCERN.

31           3. PURSUANT TO THE OMNIBUS BUDGET RECONCILIATION ACT OF 1987 (P.L.  
32 100-203; 101 STAT. 1330), AS AMENDED BY THE MEDICARE CATASTROPHIC COVERAGE  
33 ACT OF 1988 (P.L. 100-360; 102 STAT. 683), INDICATE ON THE REGISTRATION THE  
34 EXISTENCE OF ANY SUBSTANTIATED COMPLAINTS AGAINST THE CERTIFIED NURSING  
35 ASSISTANT IN COMPLIANCE WITH TITLE 41, CHAPTER 6, ARTICLE 10.

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

38           32-1647. Examination of licensed nursing assistants and  
39 certified nursing assistants

40           A. An applicant for ~~certification~~ LICENSURE as a LICENSED nursing  
41 assistant OR AN APPLICANT FOR REGISTRATION AS A CERTIFIED NURSING ASSISTANT  
42 WHO WISHES TO BE PLACED ON THE REGISTRY OF NURSING ASSISTANTS shall pass ~~a~~  
43 BOTH THE written and manual skills ~~examination~~ COMPETENCY EXAMINATIONS on  
44 subjects contained in ~~a~~ THE LICENSED nursing assistant OR CERTIFIED NURSING  
45 ASSISTANT training program approved by the board.

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

4 C. If ~~an~~ A CERTIFIED NURSING ASSISTANT applicant fails to pass either  
5 the written or the manual skills COMPETENCY examination within two years  
6 after completing an educational program, the applicant shall complete to the  
7 board's satisfaction an approved nursing assistant training program before  
8 the applicant may take that examination again.

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

11 32-1648. Licensed nursing assistants; certified nursing  
12 assistants; acceptance of out of state licenses

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

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

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

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

29 32-1649. Use of title or abbreviations by a licensed nursing  
30 assistant and certified nursing assistant

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

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

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

39 32-1650. Certified medication assistants; medication  
40 administration; delegation

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

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

- 1           2. Delegated medications are limited to:  
2           (a) Regularly scheduled medications, including controlled substances,  
3 by oral, topical, nasal, otic, optic and rectal routes.  
4           (b) Following the nurse's assessment of the resident's need for the  
5 medication and at the direction of the nurse, as-needed medications for bowel  
6 care or over-the-counter analgesics. The nurse shall evaluate the effect of  
7 the medication and document findings in the resident's record.  
8           3. The delegating nurse maintains accountability for the delegation  
9 and management of the resident's medications.  
10          B. A nurse may not delegate to a medication assistant:  
11          1. If, in the professional judgment of the nurse after evaluating the  
12 condition of and the level of services required for the resident and the  
13 conduct and skills of the certified medication assistant or medication  
14 assistant student, the delegation would pose an unacceptable risk of harm or  
15 jeopardize the health or welfare of the resident or if safe delegation cannot  
16 be accomplished.  
17          2. The first dose of a new medication or of a previously prescribed  
18 medication if the dosage is changed.  
19          3. Any new medication that arrives from the pharmacy without ensuring  
20 that it reflects the original prescription.  
21          4. As-needed medications except as provided in this section.  
22          5. The counting of controlled substances at the beginning and end of a  
23 shift and any act associated with obtaining multiple doses of controlled  
24 substances.  
25          6. Any medication delivered by a needle or by intradermal,  
26 subcutaneous, intramuscular, intravenous, intrathecal and intraosseous  
27 routes.  
28          7. The administration of any medication that must be inserted into a  
29 nasogastric tube or gastric tube.  
30          8. Changing oxygen settings or turning oxygen on or off.  
31          9. The administration of inhalant medications.  
32          10. The regulation of intravenous fluids or the programming of insulin  
33 pumps.  
34          11. The administration of topical patches or topical medications that  
35 require a sterile dressing or assessment of skin condition.  
36          12. The administration of sublingual medications.  
37          13. The administration of any medication that requires a mathematical  
38 conversion between units of measurement to determine the correct dose.  
39          Sec. 15. Section 32-1650.01, Arizona Revised Statutes, is amended to  
40 read:  
41          32-1650.01. Medication assistant training programs;  
42                 requirements  
43          A. The board shall approve medication assistant training programs  
44 pursuant to this section and rules adopted by the board. An entity that  
45 applies for approval of a medication assistant training program must be  
46 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~~ LICENSED nursing assistants 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  
46 standards, it shall immediately give written notice to the program specifying

1 the defects. If the defects are not corrected within a reasonable time as  
2 determined by the board, the board may take either of the following actions:

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

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

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

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

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

14 32-1650.02. Certified medication assistants; qualifications

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

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

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

22 3. Have ~~been certified and~~ worked as a LICENSED nursing assistant OR  
23 CERTIFIED NURSING ASSISTANT for at least six months before the start of the  
24 medication assistant training program, BE A LICENSED NURSING ASSISTANT and  
25 have no outstanding complaints or restrictions on the ~~nursing assistant~~  
26 ~~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.

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

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

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

7 32-1650.05. Certified medication assistants; recertification;  
8 unprofessional conduct

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

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

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

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

22 4. Submits a current application to renew the person's LICENSED  
23 nursing assistant ~~certificate~~ LICENSE or holds a current LICENSED nursing  
24 assistant ~~certificate~~ LICENSE OR IS REGISTERED AS A CERTIFIED NURSING  
25 ASSISTANT AND WAS CERTIFIED AS A MEDICATION ASSISTANT BEFORE JULY 1, 2016.

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

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

33 32-1663.01. Administrative violations; administrative penalty

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

38 1. Failing to timely renew a nursing license or ~~nurse assistant~~  
39 ~~certificate~~ LICENSED NURSING ASSISTANT LICENSE while continuing to practice  
40 nursing or engage in activities or duties ~~related to nursing~~ REGULATED BY  
41 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~~ LICENSED nursing assistant OR  
45 CERTIFIED NURSING ASSISTANT program approval and continuing to operate the  
46 program.

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

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

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

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

12 32-1666. Unlawful acts

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

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

17 2. Represent or use any title, abbreviation, letters, figures, sign,  
18 card or device to indicate that the person or any other person is a  
19 registered nurse, graduate nurse, professional nurse, nurse practitioner,  
20 clinical nurse specialist, ~~or~~ practical nurse, **LICENSED NURSING ASSISTANT OR**  
21 **CERTIFIED NURSING ASSISTANT.**

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

25 B. It is unlawful for a person to operate a training or educational  
26 program to prepare students for licensure or certification under this chapter  
27 unless it has been approved under this chapter.

28 Sec. 20. Section 32-3021, Arizona Revised Statutes, is amended to  
29 read:

30 32-3021. Private vocational program license; qualifications;  
31 provision of information; exemptions

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

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

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

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

46 3. Be financially responsible and have management capability.

- 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
- 46 related to hobbies, avocations, academic improvement or recreation and may

1 only incidentally lead to gainful employment and if the instruction is for a  
2 period of under forty hours and costs less than one thousand dollars.

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

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

8 (a) The employee is not charged a fee.

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

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

13 8. A school that solely provides an instructional program for  
14 certified nursing assistants **AND LICENSED NURSING ASSISTANTS** and is licensed  
15 by the nursing board pursuant to section 32-1606, subsection B, paragraph 11.

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

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

22 Sec. 21. Current CNA certificate holders; medication assistant  
23 certificates

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

33 2. File a renewal application to be registered on the registry of  
34 nursing assistants and become a certified nursing assistant.

35 C. A medication assistant certificate that was issued before July 1,  
36 2016 to a certified nursing assistant remains in effect until the first  
37 renewal date of that certification that occurs on or after July 1, 2016. A  
38 person who holds a medication assistant certificate that was issued before  
39 July 1, 2016 and who elects to file a renewal application to be registered on  
40 the registry of nursing assistants and become a certified nursing assistant  
41 pursuant to subsection B of this section may renew the medication assistant  
42 registration pursuant to section 32-1650.05, Arizona Revised Statutes.

43 Sec. 22. Rulemaking; exemption

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

1           Sec. 23. Effective date  
2           Sections 32-1601, 32-1603, 32-1605.01, 32-1606, 32-1608, 32-1609,  
3 32-1642, 32-1643, 32-1645, 32-1646, 32-1647, 32-1648, 32-1649, 32-1650,  
4 32-1650.01, 32-1650.02, 32-1650.05, 32-1663.01, 32-1666 and 32-3021, Arizona  
5 Revised Statutes, as amended by this act, are effective from and after June  
6 30, 2016.

APPROVED BY THE GOVERNOR APRIL 10, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 13, 2015.