

COMMITTEE ON HEALTH AND HUMAN SERVICES

SENATE AMENDMENTS TO H.B. 2236

(Reference to House engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 32-1601, Arizona Revised Statutes, as amended by
3 Laws 2015, chapter 262, section 1, is amended to 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, 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 5. "Certified registered nurse" means a registered nurse who has been
23 certified by a national nursing credentialing agency recognized by the board.

1 6. "Certified registered nurse anesthetist" means a registered nurse
2 who meets the requirements of section 32-1634.03 and who practices pursuant
3 to the requirements of section 32-1634.04.

4 7. "Clinical nurse specialist" means a registered nurse who:

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

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

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

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

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

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

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

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

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

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

25 (vii) Prescribing and dispensing durable medical equipment.

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

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

30 (x) 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 clinical nurse specialist.

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

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

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

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

14 (b) Restitution made to an aggrieved party.

15 (c) A decree of censure.

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

18 (e) Limited licensure.

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

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

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

22 11. "Health care institution" has the same meaning prescribed in
23 section 36-401.

24 12. "Licensed nursing assistant" means a person who is licensed
25 pursuant to this chapter to provide or assist in the delivery of nursing or
26 nursing-related services under the supervision and direction of a licensed
27 nursing staff member. Licensed nursing assistant does not include a person
28 who:

29 (a) Is a licensed health care professional.

30 (b) Volunteers to provide nursing assistant services without monetary
31 compensation.

32 (c) Is a certified nursing assistant.

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

3 14. "Limited license" means a license that restricts the scope or
4 setting of a licensee's practice.

5 15. "Medication order" means a written or verbal communication given
6 by a certified registered nurse anesthetist to a health care professional to
7 administer a drug or medication.

8 16. "Practical nurse" means a person who holds a practical nurse
9 license issued pursuant to this chapter or pursuant to a multistate compact
10 privilege and who practices practical nursing as defined in this section.

11 17. "Practical nursing" includes the following activities that are
12 performed under the supervision of a physician or a registered nurse:

13 (a) Contributing to the assessment of the health status of individuals
14 and groups.

15 (b) Participating in the development and modification of the strategy
16 of care.

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

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

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

22 (f) Delegating nursing activities within the scope of practice of a
23 practical nurse.

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

27 18. "Presence" means within the same room or an adjoining room or
28 within the same surgical or obstetrical suite.

29 19. "Registered nurse" or "professional nurse" means a person who
30 practices registered nursing and who holds a registered nurse license issued
31 pursuant to this chapter or pursuant to a multistate compact privilege.

32 20. "Registered nurse practitioner" means a registered nurse who:

1 (a) Is certified by the board.

2 (b) Has completed a nurse practitioner education program approved or
3 recognized by the board and educational requirements prescribed by the board
4 by rule.

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

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

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

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

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

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

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

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

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

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

31 (ix) CONSULTING WITH OR REFERRING TO ONE OR MORE PERSONS WHO ARE
32 LICENSED PURSUANT TO CHAPTER 7, 11, 13 OR 17 OF THIS TITLE IF THE REFERRAL OR

1 CONSULTATION WILL PROTECT THE HEALTH AND WELFARE OF A PATIENT OR IF A
2 SITUATION OR CONDITION OCCURS IN A PATIENT THAT IS BEYOND THE KNOWLEDGE AND
3 EXPERIENCE OF THE REGISTERED NURSE PRACTITIONER.

4 21. "Registered nursing" includes the following:

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

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

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

11 (d) Establishing a nursing diagnosis.

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

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

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

15 so.

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

18 (i) Evaluating responses to interventions.

19 (j) Teaching nursing knowledge and skills.

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

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

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

26 22. "Registry of nursing assistants" means the nursing assistants
27 registry maintained by the board pursuant to the omnibus budget
28 reconciliation act of 1987 (P.L. 100-203; 101 Stat. 1330), as amended by the
29 medicare catastrophic coverage act of 1988 (P.L. 100-360; 102 Stat. 683).

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

1 24. "Unprofessional conduct" includes the following, whether occurring
2 in this state or elsewhere:

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

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

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

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

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

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

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

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

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

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

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

27 (i) Incompetent to practice.

28 (ii) Guilty of unprofessional conduct.

29 (iii) Mentally or physically unable to safely practice nursing or to
30 perform ~~nursing-related~~ NURSING-RELATED duties. A nurse who is providing
31 therapeutic counseling for a nurse who is in a drug rehabilitation program is

1 required to report that nurse only if the nurse providing therapeutic
2 counseling has personal knowledge that patient safety is being jeopardized.

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

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

7 Sec. 2. Section 32-1606, Arizona Revised Statutes, as amended by Laws
8 2015, chapter 262, section 4, is amended to read:

9 32-1606. Powers and duties of board

10 A. The board may:

11 1. Adopt and revise rules necessary to carry into effect this chapter.

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

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

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

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

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

28 7. Provide education regarding board functions.

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

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

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

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

8 B. The board shall:

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

11 2. By rule, establish approval and reapproval processes for nursing
12 and nursing assistant training programs that meet the requirements of this
13 chapter and board rules.

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

18 4. Examine qualified registered and practical nurse applicants.

19 5. License and renew the licenses of qualified registered and
20 practical nurse applicants and licensed nursing assistants who are not
21 qualified to be licensed by the executive director.

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

23 7. Keep a record of all proceedings.

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

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

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

1 11. Perform functions necessary to carry out the requirements of
2 nursing assistant and nurse aide training and competency evaluation program
3 as set forth in the omnibus budget reconciliation act of 1987 (P.L. 100-203;
4 101 Stat. 1330), as amended by the medicare catastrophic coverage act of 1988
5 (P.L. 100-360; 102 Stat. 683). These functions shall include:

6 (a) Testing and registration of certified nursing assistants.

7 (b) Testing and licensing of licensed nursing assistants.

8 (c) Maintaining a list of ~~board-approved~~ BOARD-APPROVED training
9 programs.

10 (d) Maintaining a registry of nursing assistants for all certified
11 nursing assistants and licensed nursing assistants.

12 (e) Assessing fees.

13 12. Adopt rules establishing those acts that may be performed by a
14 registered nurse practitioner ~~in collaboration with a licensed physician,~~
15 except that the board does not have authority to decide scope of practice
16 INCONSISTENT WITH TITLE 36, CHAPTER 20, ARTICLE 1 OR ANY OTHER STATUTE
17 relating to abortion as defined in section 36-2151.

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

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

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

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

1 17. Establish standards for approving and reapproving nurse
2 practitioner and clinical nurse specialist programs and provide for surveys
3 of nurse practitioner and clinical nurse specialist programs as it deems
4 necessary.

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

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

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

12 21. Adopt rules for the qualification and certification of clinical
13 nurse specialists.

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

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

17 24. Test and certify medication assistants.

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

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

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

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

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

1 Sec. 3. Effective date
2 Section 32-1601, Arizona Revised Statutes, as amended by Laws 2015,
3 chapter 262, section 1 and this act, and section 32-1606, Arizona Revised
4 Statutes, as amended by Laws 2015, chapter 262, section 4 and this act, are
5 effective from and after June 30, 2016."
6 Amend title to conform

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