

REFERENCE TITLE: **nursing board; rules; abortion**

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

HB 2412

Introduced by
Representatives Mendez, Cardenas, Larkin, Velasquez: Alston, Clark,
Fernandez, Friese, Gonzales, Mach, Otondo, Plumlee, Wheeler

AN ACT

AMENDING SECTION 32-1606, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2011, CHAPTER 145, SECTION 1; AMENDING SECTION 32-1606, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2015, CHAPTER 262, SECTION 4; RELATING TO THE ARIZONA STATE BOARD OF NURSING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 32-1606, Arizona Revised Statutes, as amended by
3 Laws 2011, chapter 145, section 1, is amended to read:
4 32-1606. Powers and duties of board
5 A. The board may:
6 1. Adopt and revise rules necessary to carry into effect the
7 provisions of this chapter.
8 2. Publish advisory opinions regarding registered and practical
9 nursing practice and nursing education.
10 3. Issue limited licenses or certificates if it determines that an
11 applicant or licensee cannot function safely in a specific setting or within
12 the full scope of practice.
13 4. Refer criminal violations of this chapter to the appropriate law
14 enforcement agency.
15 5. Establish a confidential program for the monitoring of licensees
16 who are chemically dependent and who enroll in rehabilitation programs that
17 meet the criteria established by the board. The board may take further
18 action if the licensee refuses to enter into a stipulated agreement or fails
19 to comply with its terms. In order to protect the public health and safety,
20 the confidentiality requirements of this paragraph do not apply if the
21 licensee does not comply with the stipulated agreement.
22 6. On the applicant's or regulated party's request, establish a
23 payment schedule with the applicant or regulated party.
24 7. Provide education regarding board functions.
25 8. Collect or assist in the collection of workforce data.
26 9. Adopt rules for conducting pilot programs consistent with public
27 safety for innovative applications in nursing practice, education and
28 regulation.
29 10. Grant retirement status on request to retired nurses who are or
30 were licensed under this chapter, who have no open complaint or investigation
31 pending against them and who are not subject to discipline.
32 11. Accept and spend federal monies and private grants, gifts,
33 contributions and devises to assist in carrying out the purposes of this
34 chapter. These monies do not revert to the state general fund at the end of
35 the fiscal year.
36 B. The board shall:
37 1. Approve regulated training and educational programs that meet the
38 requirements of this chapter and rules adopted by the board.
39 2. By rule, establish approval and reapproval processes for nursing
40 and nursing assistant training programs that meet the requirements of this
41 chapter and board rules.
42 3. Prepare and maintain a list of approved nursing programs for the
43 preparation of registered and practical nurses whose graduates are eligible
44 for licensing under this chapter as registered nurses or as practical nurses
45 if they satisfy the other requirements of this chapter and board rules.

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

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

7 18. Establish standards for approving and reapproving nurse
8 practitioner and clinical nurse specialist programs and provide for surveys
9 of nurse practitioner and clinical nurse specialist programs as it deems
10 necessary.

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

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

16 21. Adopt rules to establish competency standards for obtaining and
17 maintaining a license.

18 22. Adopt rules for the qualification and certification of clinical
19 nurse specialists.

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

22 24. Maintain a list of approved medication assistant training programs.

23 25. Test and certify medication assistants.

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

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

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

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

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

38 Sec. 2. Section 32-1606, Arizona Revised Statutes, as amended by Laws
39 2015, chapter 262, section 4, is amended to read:

40 32-1606. Powers and duties of board

41 A. The board may:

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

43 2. Publish advisory opinions regarding registered and practical
44 nursing practice and nursing education.

- 1 3. Issue limited licenses or certificates if it determines that an
2 applicant or licensee cannot function safely in a specific setting or within
3 the full scope of practice.
- 4 4. Refer criminal violations of this chapter to the appropriate law
5 enforcement agency.
- 6 5. Establish a confidential program for the monitoring of licensees
7 who are chemically dependent and who enroll in rehabilitation programs that
8 meet the criteria established by the board. The board may take further
9 action if the licensee refuses to enter into a stipulated agreement or fails
10 to comply with its terms. In order to protect the public health and safety,
11 the confidentiality requirements of this paragraph do not apply if the
12 licensee does not comply with the stipulated agreement.
- 13 6. On the applicant's or regulated party's request, establish a
14 payment schedule with the applicant or regulated party.
- 15 7. Provide education regarding board functions.
- 16 8. Collect or assist in the collection of workforce data.
- 17 9. Adopt rules for conducting pilot programs consistent with public
18 safety for innovative applications in nursing practice, education and
19 regulation.
- 20 10. Grant retirement status on request to retired nurses who are or
21 were licensed under this chapter, who have no open complaint or investigation
22 pending against them and who are not subject to discipline.
- 23 11. Accept and spend federal monies and private grants, gifts,
24 contributions and devises to assist in carrying out the purposes of this
25 chapter. These monies do not revert to the state general fund at the end of
26 the fiscal year.
- 27 B. The board shall:
 - 28 1. Approve regulated training and educational programs that meet the
29 requirements of this chapter and rules adopted by the board.
 - 30 2. By rule, establish approval and reapproval processes for nursing
31 and nursing assistant training programs that meet the requirements of this
32 chapter and board rules.
 - 33 3. Prepare and maintain a list of approved nursing programs for the
34 preparation of registered and practical nurses whose graduates are eligible
35 for licensing under this chapter as registered nurses or as practical nurses
36 if they satisfy the other requirements of this chapter and board rules.
 - 37 4. Examine qualified registered and practical nurse applicants.
 - 38 5. License and renew the licenses of qualified registered and
39 practical nurse applicants and licensed nursing assistants who are not
40 qualified to be licensed by the executive director.
 - 41 6. Adopt a seal, which the executive director shall keep.
 - 42 7. Keep a record of all proceedings.
 - 43 8. For proper cause, deny or rescind approval of a regulated training
44 or educational program for failure to comply with this chapter or the rules
45 of the board.

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

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

7 11. Perform functions necessary to carry out the requirements of
8 nursing assistant and nurse aide training and competency evaluation program
9 as set forth in the omnibus budget reconciliation act of 1987 (P.L. 100-203;
10 101 Stat. 1330), as amended by the medicare catastrophic coverage act of 1988
11 (P.L. 100-360; 102 Stat. 683). These functions shall include:

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

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

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

15 (d) Maintaining a registry of nursing assistants for all certified
16 nursing assistants and licensed nursing assistants.

17 (e) Assessing fees.

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

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

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

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

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

37 17. Establish standards for approving and reapproving nurse
38 practitioner and clinical nurse specialist programs and provide for surveys
39 of nurse practitioner and clinical nurse specialist programs as it deems
40 necessary.

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

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

- 1 20. Adopt rules to establish competency standards for obtaining and
2 maintaining a license.
- 3 21. Adopt rules for the qualification and certification of clinical
4 nurse specialists.
- 5 22. Adopt rules for approval and reapproval of refresher courses for
6 nurses who are not currently practicing.
- 7 23. Maintain a list of approved medication assistant training programs.
- 8 24. Test and certify medication assistants.
- 9 25. Maintain a registry and disciplinary record of medication
10 assistants who are certified pursuant to this chapter.
- 11 C. The board may conduct an investigation on receipt of information
12 that indicates that a person or regulated party may have violated this
13 chapter or a rule adopted pursuant to this chapter. Following the
14 investigation, the board may take disciplinary action pursuant to this
15 chapter.
- 16 D. The board may limit, revoke or suspend the privilege of a nurse to
17 practice in this state granted pursuant to section 32-1668.
- 18 E. Failure to comply with any final order of the board, including an
19 order of censure or probation, is cause for suspension or revocation of a
20 license or a certificate.
- 21 F. The president or a member of the board designated by the president
22 may administer oaths in transacting the business of the board.
- 23 Sec. 3. Effective date
- 24 Section 32-1606, Arizona Revised Statutes, as amended by Laws 2015,
25 chapter 262, section 4 and this act, is effective from and after June 30,
26 2016.