

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

HOUSE BILL 2196

AN ACT

AMENDING SECTIONS 32-1601, 32-1603, 32-1605.01, 32-1606, 32-1608, 32-1609, 32-1642, 32-1643, 32-1645, 32-1646, 32-1647, 32-1648, 32-1649, 32-1650, 32-1650.01, 32-1650.02, 32-1650.05, 32-1663.01, 32-1666 AND 32-3021, ARIZONA REVISED STATUTES; RELATING TO NURSING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 32-1601, Arizona Revised Statutes, is amended to
3 read:
4 32-1601. Definitions
5 In this chapter, unless the context otherwise requires:
6 1. "Absolute discharge from the sentence" means completion of any
7 sentence, including imprisonment, probation, parole, community supervision or
8 any form of court supervision.
9 2. "Approval" means that a regulated training or educational program
10 to prepare persons for licensure, ~~or~~ certification OR REGISTRATION has met
11 standards established by the board.
12 3. "Board" means the Arizona state board of nursing.
13 4. "CERTIFIED 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.

- 1 (v) Making independent nursing decisions to solve complex client care
2 problems.
- 3 (vi) Using research skills and acquiring and applying critical new
4 knowledge and technologies to nursing practice.
- 5 (vii) Prescribing and dispensing durable medical equipment.
- 6 (viii) Consulting with or referring a client to other health care
7 providers based on assessment of the client's health status and needs.
- 8 (ix) Facilitating collaboration with other disciplines to attain the
9 desired client outcome across the continuum of care.
- 10 (x) Performing additional acts that require education and training as
11 prescribed by the board and that are recognized by the nursing profession as
12 proper to be performed by a clinical nurse specialist.
- 13 ~~7-~~ 8. "Conditional license" or "conditional approval" means a license
14 or approval that specifies the conditions under which the regulated party is
15 allowed to practice or to operate and that is prescribed by the board
16 pursuant to section 32-1644 or 32-1663.
- 17 ~~8-~~ 9. "Delegation" means transferring to a competent individual the
18 authority to perform a selected nursing task in a designated situation in
19 which the nurse making the delegation retains accountability for the
20 delegation.
- 21 ~~9-~~ 10. "Disciplinary action" means a regulatory sanction of a
22 license, certificate or approval pursuant to this chapter in any combination
23 of the following:
- 24 (a) A civil penalty for each violation of this chapter, not to exceed
25 one thousand dollars for each violation.
- 26 (b) Restitution made to an aggrieved party.
- 27 (c) A decree of censure.
- 28 (d) A conditional license or a conditional approval that fixed a
29 period and terms of probation.
- 30 (e) Limited licensure.
- 31 (f) Suspension of a license, a certificate or an approval.
- 32 (g) Voluntary surrender of a license, a certificate or an approval.
- 33 (h) Revocation of a license, a certificate or an approval.
- 34 ~~10-~~ 11. "Health care institution" has the same meaning prescribed in
35 section 36-401.
- 36 12. "LICENSED NURSING ASSISTANT" MEANS A PERSON WHO IS LICENSED
37 PURSUANT TO THIS CHAPTER TO PROVIDE OR ASSIST IN THE DELIVERY OF NURSING OR
38 NURSING-RELATED SERVICES UNDER THE SUPERVISION AND DIRECTION OF A LICENSED
39 NURSING STAFF MEMBER. LICENSED NURSING ASSISTANT DOES NOT INCLUDE A PERSON
40 WHO:
- 41 (a) IS A LICENSED HEALTH CARE PROFESSIONAL.
- 42 (b) VOLUNTEERS TO PROVIDE NURSING ASSISTANT SERVICES WITHOUT MONETARY
43 COMPENSATION.
- 44 (c) IS A CERTIFIED NURSING ASSISTANT.

1 ~~11.~~ 13. "Licensee" means a person who is licensed pursuant to this
2 chapter or in a party state as defined in section 32-1668.
3 ~~12.~~ 14. "Limited license" means a license that restricts the scope or
4 setting of a licensee's practice.
5 ~~13.~~ 15. "Medication order" means a written or verbal communication
6 given by a certified registered nurse anesthetist to a health care
7 professional to administer a drug or medication.
8 ~~14. "Nursing assistant" means a person who is certified pursuant to
9 this chapter to provide or assist in the delivery of nursing or
10 nursing-related services under the supervision and direction of a licensed
11 nursing staff member. Nursing assistant does not include a person who:
12 ~~(a) Is a licensed health care professional.
13 ~~(b) Volunteers to provide nursing assistant services without monetary
14 compensation.~~~~~~
15 ~~15.~~ 16. "Practical nurse" means a person who holds a practical nurse
16 license issued pursuant to this chapter or pursuant to a multistate compact
17 privilege and who practices practical nursing as defined in this section.
18 ~~16.~~ 17. "Practical nursing" includes the following activities that are
19 performed under the supervision of a physician or a registered nurse:
20 (a) Contributing to the assessment of the health status of individuals
21 and groups.
22 (b) Participating in the development and modification of the strategy
23 of care.
24 (c) Implementing aspects of the strategy of care within the nurse's
25 scope of practice.
26 (d) Maintaining safe and effective nursing care that is rendered
27 directly or indirectly.
28 (e) Participating in the evaluation of responses to interventions.
29 (f) Delegating nursing activities within the scope of practice of a
30 practical nurse.
31 (g) Performing additional acts that require education and training as
32 prescribed by the board and that are recognized by the nursing profession as
33 proper to be performed by a practical nurse.
34 ~~17.~~ 18. "Presence" means within the same room or an adjoining room or
35 within the same surgical or obstetrical suite.
36 ~~18.~~ 19. "Registered nurse" or "professional nurse" means a person who
37 practices registered nursing and who holds a registered nurse license issued
38 pursuant to this chapter or pursuant to a multistate compact privilege.
39 ~~19.~~ 20. "Registered nurse practitioner" means a registered nurse who:
40 (a) Is certified by the board.
41 (b) Has completed a nurse practitioner education program approved or
42 recognized by the board and educational requirements prescribed by the board
43 by rule.

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

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

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

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

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

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

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

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

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

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

27 ~~20-~~ 21. "Registered nursing" includes the following:

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

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

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

34 (d) Establishing a nursing diagnosis.

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

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

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

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

41 (i) Evaluating responses to interventions.

42 (j) Teaching nursing knowledge and skills.

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

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

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

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

8 ~~21-~~ 23. "Regulated party" means any person or entity that is licensed,
9 certified, REGISTERED, recognized or approved pursuant to this chapter.

10 ~~22-~~ 24. "Unprofessional conduct" includes the following, whether
11 occurring in this state or elsewhere:

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

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

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

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

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

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

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

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

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

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

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

36 (i) Incompetent to practice.

37 (ii) Guilty of unprofessional conduct.

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

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

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

3 Sec. 2. Section 32-1603, Arizona Revised Statutes, is amended to read:
4 32-1603. Qualifications of board members

5 A. Each registered nurse member of the board shall:
6 1. Be a resident of the state.
7 2. Be a graduate of an approved registered nursing program.
8 3. Be licensed as a registered nurse in this state.
9 4. Have had at least five years' experience in nursing following
10 graduation, including executive, supervisory or teaching experience in
11 nursing education or nursing service.
12 5. Have been actively engaged in the practice of nursing or nursing
13 activities for at least three years preceding the appointment.

14 B. Each licensed practical nurse member of the board shall:
15 1. Be a resident of this state.
16 2. Be a graduate of an approved practical nursing program.
17 3. Be licensed as a licensed practical nurse in this state.
18 4. Have had at least five years' experience in practical nursing
19 following graduation.
20 5. Have been actively engaged in the practice of nursing for at least
21 three years preceding the appointment.

22 C. Each public member of the board shall be a person who:
23 1. Is not licensed pursuant to chapter 7, 8, 11, 13, 14, 15.1, 16, 17,
24 18, 19, 19.1, 21, 25 or 29 of this title or this chapter as an individual
25 health care provider.
26 2. Is not an employee of any health care institution licensed pursuant
27 to title 36, chapter 4 or any authorized insurer providing disability
28 insurance coverage in this state.
29 3. Does not have a financial interest as a provider in the delivery of
30 health care services.

31 D. Each LICENSED NURSING ASSISTANT OR CERTIFIED nursing assistant
32 member of the board shall either:
33 1. Be ~~certified as~~ a LICENSED NURSING ASSISTANT OR A CERTIFIED nursing
34 assistant pursuant to this chapter and currently practice or have practiced
35 within three years ~~of~~ BEFORE initial appointment to the board.
36 2. Within one year ~~of~~ BEFORE appointment to the board, have been
37 employed as an instructor or coordinator in an approved LICENSED NURSING
38 ASSISTANT OR CERTIFIED nursing assistant training program.

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

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

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

6 32-1605.01. Executive director; compensation; powers; duties

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

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

12 1. Perform the administrative duties of the board.

13 2. Subject to title 41, chapter 4, article 4, employ personnel needed
14 to carry out the functions of the board.

15 3. Issue and renew temporary and permanent licenses, certificates and
16 prescribing or dispensing authority.

17 4. Issue single state and multistate licenses pursuant to this chapter
18 ~~and nursing assistant certificates~~ to applicants who are not under
19 investigation and who meet the qualifications for licensure ~~or nursing~~
20 ~~assistant certification~~ prescribed in this chapter.

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

22 6. REGISTER CERTIFIED NURSING ASSISTANTS AND MAINTAIN A REGISTRY OF
23 LICENSED NURSING ASSISTANTS AND CERTIFIED NURSING ASSISTANTS.

24 ~~6-~~ 7. On behalf of the board, enter into stipulated agreements with a
25 licensee for the confidential treatment, rehabilitation and monitoring of
26 chemical dependency. A licensee who materially fails to comply with a
27 program requirement shall be reported to the board and terminated from the
28 confidential program. Any records of a licensee who is terminated from a
29 confidential program are no longer confidential or exempt from the public
30 records law. Notwithstanding any law to the contrary, stipulated agreements
31 are not public records if the following conditions are met:

32 (a) The licensee voluntarily agrees to participate in the confidential
33 program.

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

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

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

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

1 ~~7.~~ 8. Approve nursing assistant training programs that meet the
2 requirements of this chapter.

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

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

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

15 3. Close complaints resolved through settlement.

16 4. Issue letters of concern.

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

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

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

26 32-1606. Powers and duties of board

27 A. The board may:

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

30 2. Publish advisory opinions regarding registered and practical
31 nursing practice and nursing education.

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

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

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

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

- 1 7. Provide education regarding board functions.
- 2 8. Collect or assist in the collection of workforce data.
- 3 9. Adopt rules for conducting pilot programs consistent with public
4 safety for innovative applications in nursing practice, education and
5 regulation.
- 6 10. Grant retirement status on request to retired nurses who are or
7 were licensed under this chapter, who have no open complaint or investigation
8 pending against them and who are not subject to discipline.
- 9 11. Accept and spend federal monies and private grants, gifts,
10 contributions and devises to assist in carrying out the purposes of this
11 chapter. These monies do not revert to the state general fund at the end of
12 the fiscal year.
- 13 B. The board shall:
 - 14 1. Approve regulated training and educational programs that meet the
15 requirements of this chapter and rules adopted by the board.
 - 16 2. By rule, establish approval and reapproval processes for nursing
17 and nursing assistant training programs that meet the requirements of this
18 chapter and board rules.
 - 19 3. Prepare and maintain a list of approved nursing programs for the
20 preparation of registered and practical nurses whose graduates are eligible
21 for licensing under this chapter as registered nurses or as practical nurses
22 if they satisfy the other requirements of this chapter and board rules.
 - 23 4. Examine qualified registered and practical nurse applicants.
 - 24 5. License and renew the licenses of qualified registered and
25 practical nurse applicants **AND LICENSED NURSING ASSISTANTS** who are not
26 qualified to be licensed by the executive director.
 - 27 6. Adopt a seal, which the executive director shall keep.
 - 28 7. Keep a record of all proceedings.
 - 29 8. For proper cause, deny or rescind approval of a regulated training
30 or educational program for failure to comply with this chapter or the rules
31 of the board.
 - 32 9. Adopt rules for the approval of credential evaluation services that
33 evaluate the qualifications of applicants who graduated from an international
34 nursing program.
 - 35 10. Determine and administer appropriate disciplinary action against
36 all regulated parties who are found guilty of violating this chapter or rules
37 adopted by the board.
 - 38 11. Perform functions necessary to carry out the requirements of ~~the~~
39 nursing assistant **AND NURSE AIDE** training and competency evaluation program
40 as set forth in the omnibus budget reconciliation act of 1987 (P.L. 100-203;
41 101 Stat. 1330), as amended by the medicare catastrophic coverage act of 1988
42 (P.L. 100-360; 102 Stat. 683). These functions shall include:
 - 43 (a) Testing and ~~certification~~ **REGISTRATION** of **CERTIFIED** nursing
44 assistants.
 - 45 (b) **TESTING AND LICENSING OF LICENSED NURSING ASSISTANTS.**

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

2 ~~(c) Recertifying nursing assistants.~~

3 (d) Maintaining a registry of NURSING ASSISTANTS FOR all certified
4 nursing assistants AND LICENSED NURSING ASSISTANTS.

5 (e) Assessing fees.

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

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

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

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

19 ~~16. Require each applicant for initial nursing assistant certification
20 to submit a full set of fingerprints to the board for the purpose of
21 obtaining a state and federal criminal records check pursuant to section
22 41-1750 and Public Law 92-544. The department of public safety may exchange
23 this fingerprint data with the federal bureau of investigation.~~

24 ~~17.~~ 16. Revoke a license of a person, revoke the multistate licensure
25 privilege of a person pursuant to section 32-1669 or not issue a license or
26 renewal to an applicant who has one or more felony convictions and who has
27 not received an absolute discharge from the sentences for all felony
28 convictions five or more years before the date of filing an application
29 pursuant to this chapter.

30 ~~18.~~ 17. Establish standards for approving and reapproving nurse
31 practitioner and clinical nurse specialist programs and provide for surveys
32 of nurse practitioner and clinical nurse specialist programs as it deems
33 necessary.

34 ~~19.~~ 18. Provide the licensing authorities of health care institutions,
35 facilities and homes any information the board receives regarding practices
36 that place a patient's health at risk.

37 ~~20.~~ 19. Limit the multistate licensure privilege of any person who
38 holds or applies for a license in this state pursuant to section 32-1668.

39 ~~21.~~ 20. Adopt rules to establish competency standards for obtaining
40 and maintaining a license.

41 ~~22.~~ 21. Adopt rules for the qualification and certification of
42 clinical nurse specialists.

43 ~~23.~~ 22. Adopt rules for approval and reapproval of refresher courses
44 for nurses who are not currently practicing.

1 ~~24.~~ 23. Maintain a list of approved medication assistant training
2 programs.

3 ~~25.~~ 24. Test and certify medication assistants.

4 ~~26.~~ 25. Maintain a registry and disciplinary record of medication
5 assistants who are certified pursuant to this chapter.

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

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

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

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

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

19 32-1608. Examinations; notice

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

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

25 32-1609. Register of licenses and registrations; change of
26 address

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

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

33 B. The register shall be open during office hours to public
34 inspection.

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

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

40 32-1642. Renewal of license or registration; failure to renew

41 A. Except as provided in section 32-4301, a registered and practical
42 nurse licensee shall renew the license every four years on or before April 1.
43 If a licensee does not renew the license on or before May 1, the licensee
44 shall pay an additional fee for late renewal as prescribed in section
45 32-1643. If a licensee does not renew the license on or before August 1, the

1 license expires. It is a violation of this chapter for a person to practice
2 nursing with an expired license.

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

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

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

26 E. EXCEPT AS PROVIDED IN SECTION 32-4301, A CERTIFIED NURSING
27 ASSISTANT SHALL FILE AN APPLICATION TO RENEW THE CERTIFIED NURSING ASSISTANT
28 REGISTRATION EVERY TWO YEARS ON THE LAST DAY OF THE CERTIFIED NURSING
29 ASSISTANT'S BIRTH MONTH. AN APPLICANT FOR RENEWAL SHALL SUBMIT A VERIFIED
30 STATEMENT THAT INDICATES WHETHER THE APPLICANT HAS PERFORMED NURSING OR
31 NURSING-RELATED SERVICES WITHIN THE PREVIOUS TWENTY-FOUR CONSECUTIVE MONTHS
32 AND WHETHER THE INDIVIDUAL'S REGISTRY ENTRY INCLUDES DOCUMENTED FINDINGS OF
33 ABUSE, NEGLECT OR MISAPPROPRIATION OF PROPERTY. ON RECEIPT OF THE
34 APPLICATION, THE BOARD SHALL ISSUE A RENEWAL REGISTRATION TO EACH QUALIFIED
35 RENEWAL APPLICANT.

36 ~~E-~~ F. On written request to the board, the name and license of a
37 licensee in good standing may be transferred to an inactive list. The
38 licensee shall not practice during the time the license is inactive, and
39 renewal fees do not accrue. If an inactive licensee wishes to resume the
40 practice of nursing, the board shall renew the license on satisfactory
41 showing that the licensee is then qualified and competent to practice and on
42 payment of the current renewal fee. The licensee shall also file with the
43 board a verified statement that indicates whether the applicant has been
44 convicted of a felony and, if convicted of one or more felonies, that

- 1 indicates the date of absolute discharge from the sentences for all felony
2 convictions.
- 3 Sec. 8. Section 32-1643, Arizona Revised Statutes, is amended to read:
4 32-1643. Fees; penalties
- 5 A. The board by formal vote at its annual meeting shall establish fees
6 not to exceed the following amounts:
- 7 1. Initial application for certification for certified registered
8 nurse anesthetist, registered nurse practitioner and clinical nurse
9 specialist in specialty areas, one hundred fifty dollars.
 - 10 2. Initial application for school nurse certification, seventy-five
11 dollars.
 - 12 3. Initial application for license as a registered nurse, one hundred
13 fifty dollars.
 - 14 4. Initial application for license as a practical nurse, one hundred
15 fifty dollars.
 - 16 5. Application for reissuance of a registered or practical nursing
17 license, one hundred fifty dollars.
 - 18 6. Application for renewal of a registered nurse or a practical nurse
19 license before expiration, one hundred sixty dollars.
 - 20 7. Application for renewal of license after expiration, one hundred
21 sixty dollars, plus a late fee of fifty dollars for each month a license is
22 lapsed, but not to exceed a total of two hundred dollars.
 - 23 8. Application for renewal of a school nurse certificate, fifty
24 dollars.
 - 25 9. Application for temporary ~~license or temporary~~ REGISTERED NURSE,
26 PRACTICAL NURSE OR ~~nursing assistant certificate~~ LICENSED NURSING ASSISTANT
27 LICENSE, fifty dollars.
 - 28 10. Retaking the registered nurse or practical nurse examination, one
29 hundred dollars.
 - 30 11. Issuing a ~~certification card~~ LICENSE to an applicant ~~for nursing~~
31 ~~assistant certification~~ TO BECOME A LICENSED NURSING ASSISTANT, fifty
32 dollars.
 - 33 12. Issuing a ~~certification card~~ LICENSE to a ~~certified~~ LICENSED
34 nursing assistant applicant for renewal, fifty dollars.
 - 35 13. Application for renewal of a LICENSED nursing assistant ~~certificate~~
36 LICENSE after its expiration, twenty-five dollars for each year it is
37 expired, not to exceed a total of one hundred dollars.
 - 38 14. Issuing a duplicate license or certificate, twenty-five dollars.
 - 39 15. Copying a nursing program transcript, twenty-five dollars.
 - 40 16. Verification to another state or country of licensure for
41 endorsement, certification for advanced practice or LICENSED nursing
42 assistant ~~certification~~ LICENSURE, fifty dollars.

- 1 17. Providing verification to an applicant for licensure or for
2 **LICENSED** nursing assistant ~~certification~~ **LICENSURE** by endorsement, fifty
3 dollars.
- 4 18. Application to prescribe and dispense medication and application to
5 prescribe medication, one hundred fifty dollars.
- 6 19. Application for renewal of prescribing and dispensing medication
7 privileges before expiration and application for renewal of prescribing
8 medication privileges before expiration, twenty dollars.
- 9 20. Application for renewal of prescribing and dispensing medication
10 privileges after expiration and application for renewal of prescribing
11 medication privileges after expiration, thirty-five dollars.
- 12 21. Issuing an inactive license, fifty dollars.
- 13 22. Writing the national council licensing examination for the first
14 time, one hundred fifty dollars.
- 15 23. Sale of publications prepared by the board, fifty dollars.
- 16 24. Providing notary services, two dollars, or as allowed under section
17 41-316.
- 18 25. Copying records, documents, letters, minutes, applications and
19 files, fifty cents a page.
- 20 26. Processing fingerprint cards, fifty dollars.
- 21 27. Registration for board seminars, one hundred dollars.
- 22 28. Failing to notify the board of a change of address pursuant to
23 section 32-1609, twenty-five dollars.
- 24 B. The board may collect from the drawer of a dishonored check, draft
25 order or note an amount allowed pursuant to section 44-6852.
- 26 Sec. 9. Section 32-1645, Arizona Revised Statutes, is amended to read:
27 **32-1645. Licensed nursing assistants; certified nursing**
28 **assistants; qualifications**
- 29 A. A person who wishes to practice as a **LICENSED** nursing assistant
30 shall file a verified application on a form prescribed by the board and
31 accompanied by the fee required pursuant to section 32-1643. The applicant
32 shall also submit a verified statement that indicates whether the applicant
33 has been convicted of a felony and, if convicted of one or more felonies,
34 indicates the date of absolute discharge from the sentences for all felony
35 convictions. The applicant shall also submit proof satisfactory to the board
36 that the applicant has:
- 37 1. Satisfactorily completed the basic curriculum of a program approved
38 by the board.
- 39 2. Received a valid certificate from a training program approved by
40 the board.
- 41 3. Satisfactorily completed a competency examination pursuant to
42 section 32-1647.
- 43 **B. A PERSON WHO WISHES TO PRACTICE AS A CERTIFIED NURSING ASSISTANT**
44 **SHALL FILE A VERIFIED FORM PRESCRIBED BY THE BOARD AND AUTHORIZED BY THE**
45 **OMNIBUS BUDGET RECONCILIATION ACT OF 1987 (P.L. 100-123; 101 STAT. 1330), AS**

1 AMENDED BY THE MEDICARE CATASTROPHIC COVERAGE ACT OF 1988 (P.L. 100-360; 102
2 STAT. 683). THE APPLICANT SHALL ALSO SUBMIT PROOF SATISFACTORY TO THE BOARD
3 THAT THE APPLICANT HAS:

4 1. SATISFACTORILY COMPLETED THE BASIC CURRICULUM OF A PROGRAM APPROVED
5 BY THE BOARD.

6 2. RECEIVED A VALID CERTIFICATE FROM A TRAINING PROGRAM APPROVED BY
7 THE BOARD.

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

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

12 32-1646. Licensed nursing assistants; certified nursing
13 assistants; board powers

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

15 1. INVESTIGATE ALLEGATIONS OF VIOLATION OF THIS ARTICLE AND refer
16 criminal violations of this article to the appropriate law enforcement
17 agency.

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

22 ~~3. Pursuant to the omnibus budget reconciliation act of 1987 (P.L.~~
23 ~~100-203; 101 Stat. 1330), as amended by the medicare catastrophic coverage~~
24 ~~act of 1988 (P.L. 100-360; 102 Stat. 683), indicate on the certificate the~~
25 ~~existence of any substantiated complaints against the certificate holder.~~

26 ~~4. 3. Deny certification or recertification A LICENSE OR REFUSE TO~~
27 ~~RENEW A LICENSE or take disciplinary action if a LICENSED nursing assistant~~
28 ~~commits an act of unprofessional conduct. Disciplinary action against~~
29 ~~nursing assistant certificates is limited to revocation, suspension, a decree~~
30 ~~of censure, imposing a civil penalty and ordering restitution.~~

31 ~~5. 4. Issue a temporary LICENSED nursing assistant certificate~~
32 ~~LICENSE to an applicant who meets the qualifications for certification~~
33 ~~LICENSURE specified in section 32-1645. The certificate LICENSE expires six~~
34 ~~months after the date of issuance and may be renewed at the discretion of the~~
35 ~~board.~~

36 ~~6. 5. In addition to any other disciplinary action it may take,~~
37 ~~impose a civil penalty of not more than one thousand dollars for each~~
38 ~~violation of this chapter.~~

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

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

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

4 2. FILE A LETTER OF CONCERN IF THE BOARD BELIEVES THERE IS
5 INSUFFICIENT EVIDENCE TO SUPPORT DIRECT ACTION AGAINST THE CERTIFIED NURSING
6 ASSISTANT'S REGISTRATION BUT SUFFICIENT EVIDENCE FOR THE BOARD TO NOTIFY THE
7 NURSING ASSISTANT OF ITS CONCERN.

8 3. PURSUANT TO THE OMNIBUS BUDGET RECONCILIATION ACT OF 1987 (P.L.
9 100-203; 101 STAT. 1330), AS AMENDED BY THE MEDICARE CATASTROPHIC COVERAGE
10 ACT OF 1988 (P.L. 100-360; 102 STAT. 683), INDICATE ON THE REGISTRATION THE
11 EXISTENCE OF ANY SUBSTANTIATED COMPLAINTS AGAINST THE CERTIFIED NURSING
12 ASSISTANT IN COMPLIANCE WITH TITLE 41, CHAPTER 6, ARTICLE 10.

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

15 32-1647. Examination of licensed nursing assistants and
16 certified nursing assistants

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

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

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

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

33 32-1648. Licensed nursing assistants; certified nursing
34 assistants; acceptance of out of state licenses

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

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

43 C. THE BOARD MAY REGISTER A PERSON AS A CERTIFIED NURSING ASSISTANT
44 WHO HAS BEEN LISTED ON THE NURSING ASSISTANT REGISTRY MAINTAINED IN ANOTHER
45 STATE IF THE NURSING ASSISTANT PROVIDES TO THE BOARD CURRENT PROOF OF

1 REGISTRATION OR AN EQUIVALENT DOCUMENT ISSUED BY ANOTHER STATE AND THE BOARD
2 RECEIVES AN APPLICATION PURSUANT TO SECTION 32-1645 AND DETERMINES THAT THE
3 APPLICANT MEETS THE QUALIFICATIONS OF THIS ARTICLE.

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

6 32-1649. Use of title or abbreviations by a licensed nursing
7 assistant and certified nursing assistant

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

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

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

16 32-1650. Certified medication assistants; medication
17 administration; delegation

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

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

24 2. Delegated medications are limited to:

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

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

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

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

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

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

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

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

- 1 5. The counting of controlled substances at the beginning and end of a
2 shift and any act associated with obtaining multiple doses of controlled
3 substances.
- 4 6. Any medication delivered by a needle or by intradermal,
5 subcutaneous, intramuscular, intravenous, intrathecal and intraosseous
6 routes.
- 7 7. The administration of any medication that must be inserted into a
8 nasogastric tube or gastric tube.
- 9 8. Changing oxygen settings or turning oxygen on or off.
- 10 9. The administration of inhalant medications.
- 11 10. The regulation of intravenous fluids or the programming of insulin
12 pumps.
- 13 11. The administration of topical patches or topical medications that
14 require a sterile dressing or assessment of skin condition.
- 15 12. The administration of sublingual medications.
- 16 13. The administration of any medication that requires a mathematical
17 conversion between units of measurement to determine the correct dose.
- 18 Sec. 15. Section 32-1650.01, Arizona Revised Statutes, is amended to
19 read:
- 20 32-1650.01. Medication assistant training programs;
21 requirements
- 22 A. The board shall approve medication assistant training programs
23 pursuant to this section and rules adopted by the board. An entity that
24 applies for approval of a medication assistant training program must be
25 either:
 - 26 1. A postsecondary education institution in this state that is
27 accredited by an accrediting agency recognized by the United States
28 department of education.
 - 29 2. A postsecondary school that is licensed by the state board ~~of~~ FOR
30 private postsecondary education.
 - 31 3. A long-term care facility that is licensed by the department of
32 health services.
- 33 B. An applicant for a medication assistant training program must:
 - 34 1. Submit an application on a form and in a manner prescribed by the
35 board that shows compliance with this chapter and board rules and that is
36 accompanied by a fee prescribed by the board by rule.
 - 37 2. Implement a minimum one hundred hour curriculum that is consistent
38 with the curriculum requirements of a board pilot program that allows
39 ~~certified~~ LICENSED nursing assistants to administer medication or that is
40 specified by the board by rule.
 - 41 3. Schedule classroom instruction so that there are not more than four
42 hours of classroom instruction in any one day.
 - 43 4. Implement admission criteria that are consistent with the
44 requirements of section 32-1650.02.

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

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

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

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

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

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

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

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

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

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

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

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

41 32-1650.02. Certified medication assistants; qualifications

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

43 1. File an application on a form prescribed by the board accompanied
44 by a fee prescribed by the board by rule.

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

5 3. Have ~~been certified and~~ worked as a LICENSED nursing assistant OR
6 CERTIFIED NURSING ASSISTANT for at least six months before the start of the
7 medication assistant training program, BE A LICENSED NURSING ASSISTANT and
8 have no outstanding complaints or restrictions on the ~~nursing assistant~~
9 ~~certification~~ LICENSE.

10 4. Hold one of the following:

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

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

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

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

21 5. Be at least eighteen years of age.

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

26 7. Have passed a competency examination pursuant to section
27 32-1650.03.

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

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

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

36 32-1650.05. Certified medication assistants; recertification;
37 unprofessional conduct

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

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

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

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

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

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

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

19 32-1663.01. Administrative violations; administrative penalty

20 A. The board may sanction any of the following as an administrative
21 violation rather than as unprofessional conduct and may impose an
22 administrative penalty of not more than one thousand dollars for any of the
23 following:

24 1. Failing to timely renew a nursing license or ~~nurse-assistant~~
25 ~~certificate~~ LICENSED NURSING ASSISTANT LICENSE while continuing to practice
26 nursing or engage in activities or duties ~~related to nursing~~ REGULATED BY
27 THIS CHAPTER.

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

30 3. Failing to renew nursing, ~~or~~ LICENSED nursing assistant OR
31 CERTIFIED NURSING ASSISTANT program approval and continuing to operate the
32 program.

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

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

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

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

3 32-1666. Unlawful acts

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

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

8 2. Represent or use any title, abbreviation, letters, figures, sign,
9 card or device to indicate that the person or any other person is a
10 registered nurse, graduate nurse, professional nurse, nurse practitioner,
11 clinical nurse specialist, ~~or~~ practical nurse, LICENSED NURSING ASSISTANT OR
12 CERTIFIED NURSING ASSISTANT.

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

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

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

21 32-3021. Private vocational program license; qualifications;
22 provision of information; exemptions

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

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

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

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

37 3. Be financially responsible and have management capability.

38 4. Maintain a qualified faculty.

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

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

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

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

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

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

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

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

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

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

15 Sec. 21. Current CNA certificate holders; medication assistant
16 certificates

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

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

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

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

28 C. A medication assistant certificate that was issued before July 1,
29 2016 to a certified nursing assistant remains in effect until the first
30 renewal date of that certification that occurs on or after July 1, 2016. A
31 person who holds a medication assistant certificate that was issued before
32 July 1, 2016 and who elects to file a renewal application to be registered on
33 the registry of nursing assistants and become a certified nursing assistant
34 pursuant to subsection B of this section may renew the medication assistant
35 registration pursuant to section 32-1650.05, Arizona Revised Statutes.

36 Sec. 22. Rulemaking; exemption

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

40 Sec. 23. Effective date

41 Sections 32-1601, 32-1603, 32-1605.01, 32-1606, 32-1608, 32-1609,
42 32-1642, 32-1643, 32-1645, 32-1646, 32-1647, 32-1648, 32-1649, 32-1650,
43 32-1650.01, 32-1650.02, 32-1650.05, 32-1663.01, 32-1666 and 32-3021, Arizona
44 Revised Statutes, as amended by this act, are effective from and after June
45 30, 2016.