

REFERENCE TITLE: nurse anesthetists; prescribing authority; limitation

State of Arizona  
Senate  
Fifty-third Legislature  
First Regular Session  
2017

## **SB 1336**

Introduced by  
Senator Barto

AN ACT

AMENDING SECTIONS 32-1601 AND 32-1634.04, ARIZONA REVISED STATUTES;  
RELATING TO CERTIFIED REGISTERED NURSE ANESTHETISTS.

(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  
8 or any form of court supervision.

9 2. "Approval" means that a regulated training or educational  
10 program to prepare persons for licensure, certification or registration  
11 has met 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  
14 on the registry of nursing assistants pursuant to this chapter to provide  
15 or 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  
20 monetary compensation.

21 (c) Is a licensed nursing assistant.

22 5. "Certified registered nurse" means a registered nurse who has  
23 been certified by a national nursing credentialing agency recognized by  
24 the board.

25 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 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  
35 in a 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  
44 populations of patients.

45 (v) Making independent nursing decisions to solve complex client  
46 care problems.

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

3 (vii) Prescribing and dispensing durable medical equipment.

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

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

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

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

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

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

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

24 (b) Restitution made to an aggrieved party.

25 (c) A decree of censure.

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

28 (e) Limited licensure.

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

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

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

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

34 12. "Licensed nursing assistant" means a person who is licensed  
35 pursuant to this chapter to provide or assist in the delivery of nursing  
36 or nursing-related services under the supervision and direction of a  
37 licensed nursing staff member. Licensed nursing assistant does not  
38 include a person who:

39 (a) Is a licensed health care professional.

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

42 (c) Is a certified nursing assistant.

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

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

1           15. "Medication order" means a written or verbal communication  
2 given by a certified registered nurse anesthetist to a health care  
3 professional to administer a drug or medication, **INCLUDING CONTROLLED**  
4 **SUBSTANCES**.

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

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

11           (a) Contributing to the assessment of the health status of  
12 individuals and groups.

13           (b) Participating in the development and modification of the  
14 strategy of care.

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

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

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

20           (f) Delegating nursing activities within the scope of practice of a  
21 practical nurse.

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

25           18. "Presence" means within the same ~~room or an adjoining room or~~  
26 ~~within the same surgical or obstetrical suite~~ **HEALTH CARE INSTITUTION OR**  
27 **OFFICE AS SPECIFIED IN SECTION 32-1634.04, SUBSECTION A.**

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

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

33           (a) Is certified by the board.

34           (b) Has completed a nurse practitioner education program approved  
35 or recognized by the board and educational requirements prescribed by the  
36 board by rule.

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

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

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

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

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

4 (iv) Making independent decisions in solving complex client care  
5 problems.

6 (v) Diagnosing, performing diagnostic and therapeutic procedures,  
7 and prescribing, administering and dispensing therapeutic measures,  
8 including legend drugs, medical devices and controlled substances within  
9 the scope of registered nurse practitioner practice on meeting the  
10 requirements established by the board.

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

15 (vii) Delegating to a medical assistant pursuant to section  
16 32-1456.

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

20 21. "Registered nursing" includes the following:

21 (a) Diagnosing and treating human responses to actual or potential  
22 health problems.

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

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

27 (d) Establishing a nursing diagnosis.

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

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

31 (g) Delegating nursing interventions to others who are qualified to  
32 do so.

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

35 (i) Evaluating responses to interventions.

36 (j) Teaching nursing knowledge and skills.

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

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

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

43 22. "Registry of nursing assistants" means the nursing assistants  
44 registry maintained by the board pursuant to the omnibus budget  
45 reconciliation act of 1987 (P.L. 100-203; 101 Stat. 1330), as amended by

1 the medicare catastrophic coverage act of 1988 (P.L. 100-360; 102  
2 Stat. 683).

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (i) Incompetent to practice.

34 (ii) Guilty of unprofessional conduct.

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

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

43 (m) Cheating or assisting another to cheat on a licensure or  
44 certification examination.

1 Sec. 2. Section 32-1634.04, Arizona Revised Statutes, is amended to  
2 read:

3 32-1634.04. Certified registered nurse anesthetist; scope of  
4 practice; definition

5 A. A certified registered nurse anesthetist may administer  
6 anesthetics under the direction of and in the presence of a physician or  
7 surgeon in connection with the preoperative, intraoperative or  
8 postoperative care of a patient or as part of a procedure performed by a  
9 physician or surgeon in the following settings:

10 1. A health care institution.

11 2. An office of a health care professional who is licensed pursuant  
12 to chapter 7, 11, 13 or 17 of this title.

13 3. An ambulance.

14 B. In connection with the preoperative, intraoperative or  
15 postoperative care of a patient or as part of the procedure in the  
16 settings prescribed in subsection A of this section, a certified  
17 registered nurse anesthetist as part of the care or procedure may:

18 1. Issue a medication order for drugs or medications, **INCLUDING**  
19 **CONTROLLED SUBSTANCES**, to be administered by a licensed, certified or  
20 registered health care provider.

21 2. Assess the health status of an individual as that status relates  
22 to the relative risks associated with anesthetic management of an  
23 individual.

24 3. Obtain informed consent.

25 4. Order and evaluate laboratory and diagnostic test results and  
26 perform ~~point of care~~ **POINT-OF-CARE** testing that the certified registered  
27 nurse anesthetist is qualified to perform.

28 5. Order and evaluate radiographic imaging studies that the  
29 certified registered nurse anesthetist is qualified to order and  
30 interpret.

31 6. Identify, develop, implement and evaluate an anesthetic plan of  
32 care for a patient to promote, maintain and restore health.

33 7. Take action necessary in response to an emergency situation.

34 8. Perform therapeutic procedures that the certified registered  
35 nurse anesthetist is qualified to perform.

36 C. A certified registered nurse anesthetist's **PRESCRIBING** authority  
37 to administer anesthetics or to issue a medication order as prescribed by  
38 this section does not ~~constitute prescribing authority~~ **INCLUDE THE ABILITY**  
39 **TO WRITE OR ISSUE A PRESCRIPTION FOR MEDICATIONS TO BE FILLED OR DISPENSED**  
40 **FOR A PATIENT FOR USE OUTSIDE OF THE SETTINGS PRESCRIBED IN SUBSECTION A**  
41 **OF THIS SECTION.**

42 D. **FOR THE PURPOSES OF THIS SECTION, "DIRECTION" MEANS THE**  
43 **COORDINATION AND COMMUNICATION BETWEEN THE PHYSICIAN OR SURGEON AND THE**  
44 **CERTIFIED REGISTERED NURSE ANESTHETIST FOR THE PREOPERATIVE,**  
45 **INTRAOPERATIVE AND POSTOPERATIVE CARE OF THE PATIENT.**