

REFERENCE TITLE: nursing board; rules; abortion

State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

SB 1363

Introduced by
Senators Mendez: Dalessandro, Hobbs, Quezada; Representative Salman

AN ACT

AMENDING SECTION 32-1606, ARIZONA REVISED STATUTES; 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, is amended to
3 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 this
7 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
12 within 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
17 that meet the criteria established by the board. The board may take
18 further action if the licensee refuses to enter into a stipulated
19 agreement or fails to comply with its terms. In order to protect the
20 public health and safety, the confidentiality requirements of this
21 paragraph do not apply if the licensee does not comply with the stipulated
22 agreement.

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

25 7. Provide education regarding board functions.

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

27 9. Adopt rules for conducting pilot programs consistent with public
28 safety for innovative applications in nursing practice, education and
29 regulation.

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

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

37 B. The board shall:

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

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

43 3. Prepare and maintain a list of approved nursing programs for the
44 preparation of registered and practical nurses whose graduates are
45 eligible for licensing under this chapter as registered nurses or as

1 practical nurses if they satisfy the other requirements of this chapter
2 and board rules.

3 4. Examine qualified registered and practical nurse applicants.

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

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

8 7. Keep a record of all proceedings.

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

12 9. Adopt rules for the approval of credential evaluation services
13 that evaluate the qualifications of applicants who graduated from an
14 international nursing program.

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

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

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

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

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

27 (d) Maintaining a registry of nursing assistants for all certified
28 nursing assistants and licensed nursing assistants.

29 (e) Assessing fees.

30 12. Adopt rules establishing those acts that may be performed by a
31 registered nurse practitioner or certified nurse midwife, ~~except that the
32 board does not have authority to decide scope of practice relating to
33 abortion as defined in section 36-2151.~~

34 13. Adopt rules establishing educational requirements for the
35 certification of school nurses.

36 14. Publish copies of board rules and distribute these copies on
37 request.

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

43 16. Except for a licensee who has been convicted of a felony that
44 has been designated a misdemeanor pursuant to section 13-604, revoke a
45 license of a person, revoke the multistate licensure privilege of a person

1 pursuant to section 32-1669 or not issue a license or renewal to an
2 applicant who has one or more felony convictions and who has not received
3 an absolute discharge from the sentences for all felony convictions three
4 or more years before the date of filing an application pursuant to this
5 chapter.

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

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

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

15 20. Adopt rules to establish competency standards for obtaining and
16 maintaining a license.

17 21. Adopt rules for the qualification and certification of clinical
18 nurse specialists.

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

21 23. Maintain a list of approved medication assistant training
22 programs.

23 24. Test and certify medication assistants.

24 25. 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
32 to practice in this state granted pursuant to section 32-1668.

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

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