

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

CHAPTER 87
HOUSE BILL 2068

AN ACT

AMENDING SECTIONS 32-1601, 32-1606, 32-1631, 32-1635.01 AND 32-1636, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 15, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1651; AMENDING SECTIONS 32-1663, 32-1666 AND 32-1921, 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 32-1601, 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. "Appropriate health care professional" means a licensed health
10 care professional whose scope of practice, education, experience, training
11 and accreditation are appropriate for the situation or condition of the
12 patient who is the subject of a consultation or referral.

13 3. "Approval" means that a regulated training or educational
14 program to prepare persons for licensure, certification or registration
15 has met standards established by the board.

16 4. "Board" means the Arizona state board of nursing.

17 5. "Certified nurse midwife" means a registered nurse who:

18 (a) Is certified by the board.

19 (b) Has completed a nurse midwife education program approved or
20 recognized by the board and educational requirements prescribed by the
21 board by rule.

22 (c) Holds a national certification as a certified nurse midwife
23 from a national certifying body recognized by the board.

24 (d) Has an expanded scope of practice in the provision of health
25 care services for women from adolescence to beyond menopause, including
26 antepartum, intrapartum, postpartum, reproductive, gynecologic and primary
27 care, for normal newborns during the first twenty-eight days of life and
28 for men for the treatment of sexually transmitted diseases. The expanded
29 scope of practice under this subdivision includes:

30 (i) Assessing patients, synthesizing and analyzing data and
31 understanding and applying principles of health care at an advanced level.

32 (ii) Managing the physical and psychosocial health care of
33 patients.

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

37 (iv) Making independent decisions in solving complex patient care
38 problems.

39 (v) Diagnosing, performing diagnostic and therapeutic procedures
40 and prescribing, administering and dispensing therapeutic measures,
41 including legend drugs, medical devices and controlled substances, within
42 the scope of the certified nurse midwife practice after meeting
43 requirements established by the board.

1 (vi) Recognizing the limits of the nurse's knowledge and experience
2 by consulting with or referring patients to other appropriate health care
3 professionals if a situation or condition occurs that is beyond the
4 knowledge and experience of the nurse or if the referral will protect the
5 health and welfare of the patient.

6 (vii) Delegating to a medical assistant pursuant to section
7 32-1456.

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

11 6. "Certified nursing assistant" means a person who is registered
12 on the registry of nursing assistants pursuant to this chapter to provide
13 or assist in the delivery of nursing or nursing-related services under the
14 supervision and direction of a licensed nursing staff member. Certified
15 nursing assistant does not include a person who:

16 (a) Is a licensed health care professional.

17 (b) Volunteers to provide nursing assistant services without
18 monetary compensation.

19 (c) Is a licensed nursing assistant.

20 7. "Certified registered nurse" means a registered nurse who has
21 been certified by a national nursing credentialing agency recognized by
22 the board.

23 8. "Certified registered nurse anesthetist" means a registered
24 nurse who meets the requirements of section 32-1634.03 and who practices
25 pursuant to the requirements of section 32-1634.04.

26 9. "Clinical nurse specialist" means a registered nurse who:

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

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

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

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

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

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

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

41 (iv) Developing, planning and guiding programs of care for
42 populations of patients.

43 (v) Making independent nursing decisions to solve complex client
44 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 (xi) **PRESCRIBING, ORDERING AND DISPENSING PHARMACOLOGICAL AGENTS**
12 **SUBJECT TO THE REQUIREMENTS AND LIMITS SPECIFIED IN SECTION 32-1651.**

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

17 11. "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 12. "Disciplinary action" means a regulatory sanction of a license,
22 certificate or approval pursuant to this chapter in any combination of the
23 following:

24 (a) A civil penalty for each violation of this chapter, not to
25 exceed ~~one thousand dollars~~ \$1,000 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 13. "Health care institution" has the same meaning prescribed in
35 section 36-401.

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

41 (a) Is a licensed health care professional.

42 (b) Volunteers to provide nursing assistant services without
43 monetary compensation.

44 (c) Is a certified nursing assistant.

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

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

5 17. "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, including controlled
8 substances.

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

13 19. "Practical nursing" includes the following activities that are
14 performed under the supervision of a physician or a registered nurse:

15 (a) Contributing to the assessment of the health status of
16 individuals and groups.

17 (b) Participating in the development and modification of the
18 strategy of care.

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

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

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

24 (f) Delegating nursing activities within the scope of practice of a
25 practical nurse.

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

29 20. "Presence" means within the same health care institution or
30 office as specified in section 32-1634.04, subsection A, and available as
31 necessary.

32 21. "Registered nurse" or "professional nurse" means a person who
33 practices registered nursing and who holds a registered nurse license
34 issued pursuant to this chapter or pursuant to a multistate compact
35 privilege.

36 22. "Registered nurse practitioner" means a registered nurse who:

37 (a) Is certified by the board.

38 (b) Has completed a nurse practitioner education program approved
39 or recognized by the board and educational requirements prescribed by the
40 board by rule.

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

- 1 (d) Has an expanded scope of practice within a specialty area that
2 includes:
- 3 (i) Assessing clients, synthesizing and analyzing data and
4 understanding and applying principles of health care at an advanced level.
- 5 (ii) Managing the physical and psychosocial health status of
6 patients.
- 7 (iii) Analyzing multiple sources of data, identifying alternative
8 possibilities as to the nature of a health care problem and selecting,
9 implementing and evaluating appropriate treatment.
- 10 (iv) Making independent decisions in solving complex patient care
11 problems.
- 12 (v) Diagnosing, performing diagnostic and therapeutic procedures,
13 and prescribing, administering and dispensing therapeutic measures,
14 including legend drugs, medical devices and controlled substances within
15 the scope of registered nurse practitioner practice on meeting the
16 requirements established by the board.
- 17 (vi) Recognizing the limits of the nurse's knowledge and experience
18 by consulting with or referring patients to other appropriate health care
19 professionals if a situation or condition occurs that is beyond the
20 knowledge and experience of the nurse or if the referral will protect the
21 health and welfare of the patient.
- 22 (vii) Delegating to a medical assistant pursuant to section
23 32-1456.
- 24 (viii) Performing additional acts that require education and
25 training as prescribed by the board and that are recognized by the nursing
26 profession as proper to be performed by a nurse practitioner.
- 27 23. "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
37 care.
- 38 (g) Delegating nursing interventions to others who are qualified to
39 do so.
- 40 (h) Providing for the maintenance of safe and effective nursing
41 care that is rendered directly or indirectly.
- 42 (i) Evaluating responses to interventions.
- 43 (j) Teaching nursing knowledge and skills.
- 44 (k) Managing and supervising the practice of nursing.

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

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

6 24. "Registry of nursing assistants" means the nursing assistants
7 registry maintained by the board pursuant to the omnibus budget
8 reconciliation act of 1987 (P.L. 100-203; 101 Stat. 1330), as amended by
9 the medicare catastrophic coverage act of 1988 (P.L. 100-360; 102 Stat.
10 683).

11 25. "Regulated party" means any person or entity that is licensed,
12 certified, registered, recognized or approved pursuant to this chapter.

13 26. "Unprofessional conduct" includes the following, whether
14 occurring in this state or elsewhere:

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

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

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

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

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

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

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

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

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

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

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

41 (i) Incompetent to practice.

42 (ii) Guilty of unprofessional conduct.

43 (iii) Mentally or physically unable to safely practice nursing or
44 to perform nursing-related duties. A nurse who is providing therapeutic
45 counseling for a nurse who is in a drug rehabilitation program is required

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

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

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

7 Sec. 2. Section 32-1606, Arizona Revised Statutes, is amended to
8 read:

9 32-1606. Powers and duties of board

10 A. The board may:

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

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

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

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

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

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

30 7. Provide education regarding board functions.

31 8. Collect or assist in ~~the collection of~~ COLLECTING workforce
32 data.

33 9. Adopt rules ~~for conducting~~ TO CONDUCT pilot programs consistent
34 with public safety for innovative applications in nursing practice,
35 education and regulation.

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

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

43 B. The board shall:

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

- 1 2. By rule, establish approval and reapproval processes for nursing
2 and nursing assistant training programs that meet the requirements of this
3 chapter and board rules.
- 4 3. Prepare and maintain a list of approved nursing programs ~~for the~~
5 ~~preparation of~~ TO PREPARE registered and practical nurses whose graduates
6 are eligible for licensing under this chapter as registered nurses or as
7 practical nurses if they satisfy the other requirements of this chapter
8 and board rules.
- 9 4. Examine qualified registered and practical nurse applicants.
- 10 5. License and renew the licenses of qualified registered and
11 practical nurse applicants and licensed nursing assistants who are not
12 qualified to be licensed by the executive director.
- 13 6. Adopt a seal, which the executive director shall keep.
- 14 7. Keep a record of all proceedings.
- 15 8. For proper cause, deny or rescind approval of a regulated
16 training or educational program for failure to comply with this chapter or
17 the rules of the board.
- 18 9. Adopt rules ~~for the approval of~~ TO APPROVE credential evaluation
19 services that evaluate the qualifications of applicants who graduated from
20 an international nursing program.
- 21 10. Determine and administer appropriate disciplinary action
22 against all regulated parties who are found guilty of violating this
23 chapter or rules adopted by the board.
- 24 11. Perform functions necessary to carry out the requirements of
25 nursing assistant and nurse aide training and competency evaluation
26 program as set forth in the omnibus budget reconciliation act of 1987
27 (P.L. 100-203; 101 Stat. 1330), as amended by the medicare catastrophic
28 coverage act of 1988 (P.L. 100-360; 102 Stat. 683). These functions shall
29 include:
 - 30 (a) Testing and ~~registration of~~ REGISTERING certified nursing
31 assistants.
 - 32 (b) Testing and licensing ~~of~~ licensed nursing assistants.
 - 33 (c) Maintaining a list of board-approved training programs.
 - 34 (d) Maintaining a registry of nursing assistants for all certified
35 nursing assistants and licensed nursing assistants.
 - 36 (e) Assessing fees.
- 37 12. Adopt rules establishing those acts that may be performed by a
38 registered nurse practitioner or certified nurse midwife, except that the
39 board does not have authority to decide scope of practice relating to
40 abortion as defined in section 36-2151.
- 41 13. Adopt rules that prohibit registered nurse practitioners,
42 CLINICAL NURSE SPECIALISTS or certified nurse midwives from dispensing a
43 schedule II controlled substance that is an opioid, except for an
44 implantable device or an opioid that is for medication-assisted treatment
45 for substance use disorders.

- 1 14. Adopt rules establishing educational requirements ~~for the~~
2 ~~certification of~~ TO CERTIFY school nurses.
- 3 15. Publish copies of board rules and distribute these copies on
4 request.
- 5 16. Require each applicant for initial licensure or certification
6 to submit a full set of fingerprints to the board for the purpose of
7 obtaining a state and federal criminal records check pursuant to section
8 41-1750 and Public Law 92-544. The department of public safety may
9 exchange this fingerprint data with the federal bureau of investigation.
- 10 17. Except for a licensee who has been convicted of a felony that
11 has been designated a misdemeanor pursuant to section 13-604, revoke a
12 license of a person, revoke the multistate licensure privilege of a person
13 pursuant to section 32-1669 or not issue a license or renewal to an
14 applicant who has one or more felony convictions and who has not received
15 an absolute discharge from the sentences for all felony convictions three
16 or more years before the date of filing an application pursuant to this
17 chapter.
- 18 18. Establish standards ~~for approving~~ TO APPROVE and ~~reapproving~~
19 REAPPROVE nurse practitioner and clinical nurse specialist programs and
20 provide for surveys of nurse practitioner and clinical nurse specialist
21 programs as it deems necessary.
- 22 19. Provide the licensing authorities of health care institutions,
23 facilities and homes WITH any information the board receives regarding
24 practices that place a patient's health at risk.
- 25 20. Limit the multistate licensure privilege of any person who
26 holds or applies for a license in this state pursuant to section 32-1668.
- 27 21. Adopt rules to establish competency standards for obtaining and
28 maintaining a license.
- 29 22. Adopt rules ~~for the qualification~~ TO QUALIFY and ~~certification~~
30 ~~of~~ CERTIFY clinical nurse specialists.
- 31 23. Adopt rules ~~for approval~~ TO APPROVE and ~~reapproval of~~ REAPPROVE
32 refresher courses for nurses who are not currently practicing.
- 33 24. Maintain a list of approved medication assistant training
34 programs.
- 35 25. Test and certify medication assistants.
- 36 26. Maintain a registry and disciplinary record of medication
37 assistants who are certified pursuant to this chapter.
- 38 27. ADOPT RULES TO ESTABLISH THE REQUIREMENTS FOR A CLINICAL NURSE
39 SPECIALIST TO PRESCRIBE AND DISPENSE DRUGS AND DEVICES CONSISTENT WITH
40 SECTION 32-1651 AND WITHIN THE CLINICAL NURSE SPECIALIST'S POPULATION OR
41 DISEASE FOCUS.
- 42 C. The board may conduct an investigation on receipt of information
43 that indicates that a person or regulated party may have violated this
44 chapter or a rule adopted pursuant to this chapter. Following the

1 investigation, the board may take disciplinary action pursuant to this
2 chapter.

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

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

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

10 Sec. 3. Section 32-1631, Arizona Revised Statutes, is amended to
11 read:

12 32-1631. Acts and persons not affected by chapter

13 This chapter does not prohibit:

14 1. Auxiliary or supportive services by maids, porters, messengers,
15 ~~bus boys~~ **BUSBOYS**, nurses aides or attendants working under competent
16 supervision in a licensed hospital, or gratuitous care by friends or
17 **FAMILY** members ~~of the family~~ of a sick or infirm person or incidental care
18 of the sick by a domestic servant or person employed primarily as a
19 housekeeper, as long as these persons do not practice registered nursing
20 or claim to be licensed practical nurses.

21 2. Nursing assistance in cases of emergency.

22 3. Nursing by duly enrolled prelicensure students under competent
23 supervision in approved nursing programs.

24 4. The practice of nursing in this state by any legally qualified
25 nurse of another state whose engagement requires the nurse to accompany
26 and care for a patient temporarily residing in this state during one such
27 engagement not to exceed six months, if the nurse does not claim to be a
28 nurse licensed to practice in this state.

29 5. Nursing by any legally qualified nurse of another state who is
30 employed by the government of the United States or any bureau, division or
31 agency of the United States government in the discharge of that person's
32 official duties.

33 6. Caring for the sick in connection with the practice of religion
34 or treatment by prayer.

35 7. Registered nurse practitioner, **CERTIFIED NURSE MIDWIFE** or
36 clinical nurse specialist practice by duly enrolled students under
37 competent supervision as part of a registered nurse practitioner,
38 **CERTIFIED NURSE MIDWIFE** or clinical nurse specialist program if the
39 program is approved by a United States nursing regulatory agency in the
40 state of the parent institution and the student is authorized to practice
41 registered nursing in this state.

42 8. Nursing education provided to students in this state that is
43 provided electronically or in person by a person who resides in another
44 state and who is licensed to practice registered nursing in that state if

1 the provision of education does not exceed six consecutive months in any
2 calendar year and does not include supervising or providing clinical care.

3 9. Consulting services that are provided to persons in this state
4 electronically or in person by a person who resides in another state and
5 who is licensed to practice registered nursing in that state if the
6 provision of services does not exceed six consecutive months in any
7 calendar year and does not include direct patient care.

8 Sec. 4. Section 32-1635.01, Arizona Revised Statutes, is amended to
9 read:

10 32-1635.01. Temporary certifications: expiration

11 A. The board may issue a temporary nurse practitioner, **CERTIFIED**
12 **NURSE MIDWIFE OR CLINICAL NURSE SPECIALIST** certificate, including
13 prescribing and dispensing authority, or a temporary clinical nurse
14 specialist certificate to a registered nurse who holds an unencumbered
15 temporary or permanent license and who meets the requirements for
16 certification and prescribing and dispensing authority as prescribed by
17 **THIS CHAPTER AND** board rules.

18 B. A temporary certificate expires on the date specified in the
19 certificate and may be renewed at the discretion of the executive
20 director.

21 Sec. 5. Section 32-1636, Arizona Revised Statutes, is amended to
22 read:

23 32-1636. Use of titles or abbreviations

24 A. Only a person who holds a valid and current license to practice
25 registered nursing in this state or in a party state pursuant to section
26 32-1668 may use the title "nurse", "registered nurse", "graduate nurse" or
27 "professional nurse" or the abbreviation "R.N.".

28 B. Only a person who holds a valid and current license to practice
29 practical nursing in this state or in a party state as defined in section
30 32-1668 may use the title "nurse", "licensed practical nurse" or
31 "practical nurse" or the abbreviation "L.P.N.".

32 C. Only a person who holds a valid and current certificate issued
33 pursuant to this chapter to practice as a registered nurse practitioner in
34 this state may use the title "nurse practitioner", "registered nurse
35 practitioner" or "nurse midwife", if applicable, or use any words or
36 letters to indicate the person is a registered nurse practitioner. A
37 person who is certified as a registered practitioner shall indicate
38 by title or initials the specialty area of certification.

39 **D. EXCEPT AS PROVIDED IN SUBSECTION C OF THIS SECTION, ONLY A**
40 **PERSON WHO HOLDS A VALID AND CURRENT CERTIFICATE ISSUED PURSUANT TO THIS**
41 **CHAPTER TO PRACTICE AS A CERTIFIED NURSE MIDWIFE IN THIS STATE MAY USE THE**
42 **TITLE "CERTIFIED NURSE MIDWIFE" OR "NURSE MIDWIFE" OR USE ANY WORDS OR**
43 **LETTERS TO INDICATE THE PERSON IS A CERTIFIED NURSE MIDWIFE.**

1 ~~D.~~ E. Only a person who holds a valid and current certificate
2 issued pursuant to this chapter to practice as a clinical nurse specialist
3 may use the title "clinical nurse specialist" or use any words or letters
4 to indicate the person is a clinical nurse specialist. A person who is
5 certified as a clinical nurse specialist shall indicate by title or
6 initials the specialty area of certification.

7 ~~E.~~ F. A nurse who is granted retirement status shall not practice
8 nursing but may use the title "registered nurse-retired" or "RN-retired"
9 or "licensed practical nurse-retired" or "LPN-retired", as applicable.

10 Sec. 6. Title 32, chapter 15, article 2, Arizona Revised Statutes,
11 is amended by adding section 32-1651, to read:

12 32-1651. Clinical nurse specialists; prescribing and
13 dispensing authority

14 A. THE BOARD SHALL GRANT TO A CLINICAL NURSE SPECIALIST THE
15 PRIVILEGES TO PRESCRIBE AND DISPENSE PHARMACOLOGICAL AGENTS IF THE
16 CLINICAL NURSE SPECIALIST HAS BOTH OF THE FOLLOWING:

17 1. THE EDUCATION AND TRAINING EQUIVALENT TO THE REQUIREMENTS TO
18 PRESCRIBE AND DISPENSE PHARMACOLOGICAL AGENTS OF A REGISTERED NURSE
19 PRACTITIONER, INCLUDING SUCCESSFUL COMPLETION OF A NATIONALLY ACCREDITED
20 ADVANCED PRACTICE NURSING PROGRAM.

21 2. CERTIFICATION AS A CLINICAL NURSE SPECIALIST BY A NATIONALLY
22 RECOGNIZED CERTIFICATION ENTITY APPROVED BY THE STATE BOARD OF NURSING.

23 B. A CLINICAL NURSE SPECIALIST MAY PRESCRIBE ONLY FOR PATIENTS OF A
24 LICENSED HEALTH CARE INSTITUTION THAT USES THE SERVICES OF THE CLINICAL
25 NURSE SPECIALIST AS FOLLOWS:

26 1. IN A LICENSED HOSPITAL OR HOSPITAL-AFFILIATED OUTPATIENT
27 TREATMENT CENTER, A BEHAVIORAL HEALTH INPATIENT FACILITY, A NURSING CARE
28 INSTITUTION, A RECOVERY CARE CENTER, A BEHAVIORAL HEALTH RESIDENTIAL
29 FACILITY OR A HOSPICE, THE CLINICAL NURSE SPECIALIST MAY PRESCRIBE OR
30 DISPENSE ONLY PURSUANT TO THE PROTOCOLS OR STANDARDS APPLICABLE TO
31 CLINICAL NURSE SPECIALISTS OF THE HEALTH CARE INSTITUTION AND MAY NOT
32 PRESCRIBE A SCHEDULE II CONTROLLED SUBSTANCE THAT IS AN OPIOID EXCEPT
33 PURSUANT TO PROTOCOLS OR STANDING ORDERS OF THE HEALTH CARE INSTITUTION.
34 THE PRESCRIBING AND DISPENSING OF OPIOID OR BENZODIAZEPINE PRESCRIPTIONS
35 BY A CLINICAL NURSE SPECIALIST SHALL BE LIMITED TO THE TREATMENT OF
36 PATIENTS WHILE AT THE LICENSED HEALTH CARE INSTITUTION AND SHALL NOT BE
37 FOR PATIENTS TO USE OR FILL OUTSIDE OF THE LICENSED HEALTH CARE
38 INSTITUTION EXCEPT PURSUANT TO DISCHARGE PROTOCOLS OF THE INSTITUTION.

39 2. IN A LICENSED OUTPATIENT TREATMENT CENTER THAT PROVIDES
40 BEHAVIORAL HEALTH SERVICES OR QUALIFIES PURSUANT TO FEDERAL LAW AS A
41 COMMUNITY HEALTH CENTER, THE CLINICAL NURSE SPECIALIST MAY PRESCRIBE OR
42 DISPENSE ONLY PURSUANT TO THE PROTOCOLS OR STANDARDS APPLICABLE TO
43 CLINICAL NURSE SPECIALISTS OF THE HEALTH CARE INSTITUTION. THE CLINICAL
44 NURSE SPECIALIST MAY NOT PRESCRIBE A SCHEDULE II CONTROLLED SUBSTANCE THAT

1 IS AN OPIOID EXCEPT FOR AN OPIOID THAT IS FOR MEDICATION-ASSISTED
2 TREATMENT FOR SUBSTANCE USE DISORDERS.

3 C. A CLINICAL NURSE SPECIALIST SHALL REPORT ANY REQUIRED
4 INFORMATION RELATING TO DISPENSING OR PRESCRIBING MEDICATION PURSUANT TO
5 THE HEALTH CARE INSTITUTION'S PROTOCOLS.

6 D. FOR THE PURPOSES OF THIS SECTION, A HEALTH CARE INSTITUTION'S
7 PROTOCOLS RELATING TO THE DISPENSING AND PRESCRIBING AUTHORITY OF A
8 CLINICAL NURSE SPECIALIST SHALL BE DEVELOPED WITH THE INPUT OF THE
9 INSTITUTION'S MEDICAL DIRECTOR.

10 Sec. 7. Section 32-1663, Arizona Revised Statutes, is amended to
11 read:

12 32-1663. Disciplinary action

13 A. If an applicant for licensure or certification commits an act of
14 unprofessional conduct, the board, after an investigation, may deny the
15 application or take other disciplinary action.

16 B. In its denial order, the board shall immediately invalidate any
17 temporary license or certificate issued to the applicant.

18 C. Any person aggrieved by an order of the board issued under the
19 authority granted by subsection A of this section may request an
20 administrative hearing pursuant to title 41, chapter 6, article 10.

21 D. If the board finds, after affording an opportunity to request an
22 administrative hearing pursuant to title 41, chapter 6, article 10, that a
23 person who holds a license or certificate issued pursuant to this chapter
24 has committed an act of unprofessional conduct, it may take disciplinary
25 action.

26 E. If the board finds after giving the person an opportunity to
27 request an administrative hearing pursuant to title 41, chapter 6, article
28 10 that a nurse who practices in this state and is licensed by another
29 jurisdiction pursuant to section 32-1668 committed an act of
30 unprofessional conduct, the board may limit, suspend or revoke the
31 privilege of that nurse to practice in this state.

32 F. If the board determines pursuant to an investigation that
33 reasonable grounds exist to discipline a person pursuant to subsection D
34 or E of this section, the board may serve on the licensee or certificate
35 holder a written notice that states:

36 1. That the board has sufficient evidence that, if not rebutted or
37 explained, will justify the board in taking disciplinary actions allowed
38 by this chapter.

39 2. The nature of the allegations asserted and that cites the
40 specific statutes or rules violated.

41 3. That unless the licensee or certificate holder submits a written
42 request for a hearing within thirty days after service of the notice by
43 certified mail, the board may consider the allegations admitted and may
44 take any disciplinary action allowed pursuant to this chapter without
45 conducting a hearing.

1 G. If the ARIZONA state board of nursing acts to modify any
2 registered nurse practitioner's OR CLINICAL NURSE SPECIALIST'S
3 prescription writing privileges, it shall immediately notify the ARIZONA
4 state board of pharmacy of the modification.

5 Sec. 8. Section 32-1666, Arizona Revised Statutes, is amended to
6 read:

7 32-1666. Unlawful acts

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

10 1. Practice or offer to practice as a registered or practical
11 nurse, registered nurse practitioner, CERTIFIED NURSE MIDWIFE or clinical
12 nurse specialist in this state.

13 2. Represent or use any title, abbreviation, letters, figures,
14 sign, card or device to indicate that the person or any other person is a
15 registered nurse, graduate nurse, professional nurse, nurse practitioner,
16 CERTIFIED NURSE MIDWIFE, NURSE MIDWIFE, clinical nurse specialist,
17 practical nurse, licensed nursing assistant or certified nursing
18 assistant.

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

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

25 Sec. 9. Section 32-1921, Arizona Revised Statutes, is amended to
26 read:

27 32-1921. Exempted acts; exemption from registration fees;
28 definition

29 A. This chapter does not prevent:

30 1. The prescription and dispensing of drugs or prescription
31 medications by a registered nurse practitioner OR CLINICAL NURSE
32 SPECIALIST pursuant to rules adopted by the ARIZONA STATE board of nursing
33 in consultation with the Arizona medical board, the ARIZONA board of
34 osteopathic examiners in medicine and surgery and the ARIZONA STATE board
35 of pharmacy.

36 2. The sale of nonprescription drugs that are sold at retail in
37 original packages by a person holding a permit issued by the board under
38 this chapter.

39 3. The sale of drugs at wholesale by a wholesaler or manufacturer
40 that holds the required permit issued by the board to a person who holds
41 the required permit issued under this chapter.

42 4. The manufacturing of drugs by a person who is not a pharmacist
43 and who holds the required permit issued by the board under this chapter.

1 5. The following health professionals from dispensing or personally
2 administering drugs or devices to a patient for a condition being treated
3 by the health professional:

4 (a) A doctor of medicine licensed pursuant to chapter 13 of this
5 title.

6 (b) An osteopathic physician licensed pursuant to chapter 17 of
7 this title.

8 (c) A homeopathic physician licensed pursuant to chapter 29 of this
9 title.

10 (d) A podiatrist licensed pursuant to chapter 7 of this title.

11 (e) A dentist licensed pursuant to chapter 11 of this title.

12 (f) A doctor of naturopathic medicine who is authorized to
13 prescribe natural substances, drugs or devices and who is licensed
14 pursuant to chapter 14 of this title.

15 (g) An optometrist who is licensed pursuant to chapter 16 of this
16 title and who is certified for topical or oral pharmaceutical agents.

17 6. A veterinarian licensed pursuant to chapter 21 of this title
18 from dispensing or administering drugs to an animal or from dispensing or
19 administering devices to an animal being treated by the veterinarian.

20 7. The use of any pesticide chemical, soil or plant nutrient or
21 other agricultural chemical that is a color additive solely because of its
22 effect in aiding, retarding or otherwise affecting directly or indirectly
23 the growth or other natural physiological process of produce of the soil
24 and thereby affecting its color whether before or after harvest.

25 8. A licensed practical or registered nurse employed by a person
26 licensed pursuant to chapter 7, 11, 13, 14, 17 or 29 of this title from
27 assisting in the delivery of drugs and devices to patients, in accordance
28 with chapter 7, 11, 13, 14, 17 or 29 of this title.

29 9. The use of any mechanical device or vending machine in
30 connection with the sale of any nonprescription drug, including
31 proprietary and patent medicine. The board may adopt rules to prescribe
32 conditions under which nonprescription drugs may be dispensed pursuant to
33 this paragraph.

34 B. A person who is licensed pursuant to chapter 7, 11, 13, 14, 17
35 or 29 of this title and who employs a licensed practical or registered
36 nurse who in the course of employment assists in the delivery of drugs and
37 devices is responsible for the dispensing process.

38 C. Pursuant to a prescription order written by a physician for the
39 physician's patients and dispensed by a licensed pharmacist, a physical
40 therapist licensed pursuant to chapter 19 of this title, an occupational
41 therapist licensed pursuant to chapter 34 of this title or an athletic
42 trainer licensed pursuant to chapter 41 of this title may procure, store
43 and administer nonscheduled legend and topical anti-inflammatories and
44 topical anesthetics for use in phonophoresis and iontophoresis procedures

1 and within the scope of practice of physical or occupational therapy or
2 athletic training.

3 D. A public health facility operated by this state or a county and
4 a qualifying community health center may dispense medication or devices to
5 patients at no cost without providing a written prescription if the public
6 health facility or the qualifying community health center meets all
7 storage, labeling, safety and record keeping rules adopted by the board of
8 pharmacy.

9 E. A person who is licensed pursuant to chapter 7, 11, 13, 14, 17
10 or 29 of this title, who is practicing at a public health facility or a
11 qualifying community health center and who is involved in the dispensing
12 of medication or devices only at a facility or center, whether for a
13 charge or at no cost, shall register to dispense with the appropriate
14 licensing board but is exempt from paying registration fees.

15 F. For the purposes of this section, "qualifying community health
16 center" means a primary care clinic that is recognized as nonprofit under
17 section 501(c)(3) of the United States internal revenue code and whose
18 board of directors includes patients of the center and residents of the
19 center's service area.

APPROVED BY THE GOVERNOR APRIL 16, 2019.

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