

REFERENCE TITLE: clinical nurse specialists; prescribing authority

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

HB 2068

Introduced by
Representative Barto

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 C. The board may conduct an investigation on receipt of information
39 that indicates that a person or regulated party may have violated this
40 chapter or a rule adopted pursuant to this chapter. Following the
41 investigation, the board may take disciplinary action pursuant to this
42 chapter.

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

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

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

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

8 32-1631. Acts and persons not affected by chapter

9 This chapter does not prohibit:

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

17 2. Nursing assistance in cases of emergency.

18 3. Nursing by duly enrolled prelicensure students under competent
19 supervision in approved nursing programs.

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

25 5. Nursing by any legally qualified nurse of another state who is
26 employed by the government of the United States or any bureau, division or
27 agency of the United States government in the discharge of that person's
28 official duties.

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

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

38 8. Nursing education provided to students in this state that is
39 provided electronically or in person by a person who resides in another
40 state and who is licensed to practice registered nursing in that state if
41 the provision of education does not exceed six consecutive months in any
42 calendar year and does not include supervising or providing clinical care.

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

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

32-1635.01. Temporary certifications; expiration

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

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

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

32-1636. Use of titles or abbreviations

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

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

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

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

~~D.~~ E. Only a person who holds a valid and current certificate issued pursuant to this chapter to practice as a clinical nurse specialist may use the title "clinical nurse specialist" or use any words or letters to indicate the person is a clinical nurse specialist. A person who is

certified as a clinical nurse specialist shall indicate by title or initials the specialty area of certification.

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

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

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

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

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

2. CERTIFICATION AS A CLINICAL NURSE SPECIALIST BY A NATIONALLY RECOGNIZED CERTIFICATION ENTITY.

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

1. IN A LICENSED HOSPITAL OR HOSPITAL-AFFILIATED OUTPATIENT TREATMENT CENTER, A BEHAVIORAL HEALTH INPATIENT FACILITY, A NURSING CARE INSTITUTION, A RECOVERY CARE CENTER, A BEHAVIORAL HEALTH RESIDENTIAL FACILITY OR A HOSPICE, THE CLINICAL NURSE SPECIALIST MAY PRESCRIBE OR DISPENSE ONLY PURSUANT TO THE PROTOCOLS OR STANDARDS APPLICABLE TO CLINICAL NURSE SPECIALISTS OF THE HEALTH CARE INSTITUTION AND MAY NOT PRESCRIBE A SCHEDULE II CONTROLLED SUBSTANCE THAT IS AN OPIOID EXCEPT PURSUANT TO PROTOCOLS OR STANDING ORDERS OF THE HEALTH CARE INSTITUTION.

2. IN A LICENSED OUTPATIENT TREATMENT CENTER THAT PROVIDES BEHAVIORAL HEALTH SERVICES OR QUALIFIES PURSUANT TO FEDERAL LAW AS A COMMUNITY HEALTH CENTER, THE CLINICAL NURSE SPECIALIST MAY PRESCRIBE OR DISPENSE ONLY PURSUANT TO THE PROTOCOLS OR STANDARDS APPLICABLE TO CLINICAL NURSE SPECIALISTS OF THE HEALTH CARE INSTITUTION. THE CLINICAL NURSE SPECIALIST MAY NOT PRESCRIBE A SCHEDULE II CONTROLLED SUBSTANCE THAT IS AN OPIOID EXCEPT FOR AN OPIOID THAT IS FOR MEDICATION-ASSISTED TREATMENT FOR SUBSTANCE USE DISORDERS.

C. A CLINICAL NURSE SPECIALIST SHALL NOTIFY THE MEDICAL DIRECTOR OF THE HEALTH CARE INSTITUTION IN WHICH THE CLINICAL NURSE SPECIALIST IS WORKING OR THE HEALTH PROFESSIONAL WHO IS RESPONSIBLE FOR MANAGING THE PATIENT WITHIN ONE BUSINESS DAY AFTER WRITING A PRESCRIPTION ORDER FOR THE PATIENT THAT IS NEW OR THAT CHANGES AN EXISTING DOSAGE UNLESS THE CLINICAL NURSE SPECIALIST IS ACTING PURSUANT TO A WRITTEN PROTOCOL OF THE HEALTH CARE INSTITUTION THAT PROVIDES FOR THE TYPES AND AMOUNTS OF PHARMACOLOGICAL AGENTS TO BE PRESCRIBED.

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

3 32-1663. Disciplinary action

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

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

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

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

17 E. If the board finds after giving the person an opportunity to
18 request an administrative hearing pursuant to title 41, chapter 6, article
19 10 that a nurse who practices in this state and is licensed by another
20 jurisdiction pursuant to section 32-1668 committed an act of
21 unprofessional conduct, the board may limit, suspend or revoke the
22 privilege of that nurse to practice in this state.

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

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

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

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

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

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

43 32-1666. Unlawful acts

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

1 1. Practice or offer to practice as a registered or practical
2 nurse, registered nurse practitioner, **CERTIFIED NURSE MIDWIFE** or clinical
3 nurse specialist in this state.

4 2. Represent or use any title, abbreviation, letters, figures,
5 sign, card or device to indicate that the person or any other person is a
6 registered nurse, graduate nurse, professional nurse, nurse practitioner,
7 **CERTIFIED NURSE MIDWIFE, NURSE MIDWIFE**, clinical nurse specialist,
8 practical nurse, licensed nursing assistant or certified nursing
9 assistant.

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

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

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

18 **32-1921. Exempted acts; exemption from registration fees;**
19 **definition**

20 A. This chapter does not prevent:

21 1. The prescription and dispensing of drugs or prescription
22 medications by a registered nurse practitioner **OR CLINICAL NURSE**
23 **SPECIALIST** pursuant to rules adopted by the **ARIZONA STATE** board of nursing
24 in consultation with the Arizona medical board, the **ARIZONA** board of
25 osteopathic examiners in medicine and surgery and the **ARIZONA STATE** board
26 of pharmacy.

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

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

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

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

38 (a) A doctor of medicine licensed pursuant to chapter 13 of this
39 title.

40 (b) An osteopathic physician licensed pursuant to chapter 17 of
41 this title.

42 (c) A homeopathic physician licensed pursuant to chapter 29 of this
43 title.

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

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

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

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

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

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

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

18 9. The use of any mechanical device or vending machine in
19 connection with the sale of any nonprescription drug, including
20 proprietary and patent medicine. The board may adopt rules to prescribe
21 conditions under which nonprescription drugs may be dispensed pursuant to
22 this paragraph.

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

27 C. Pursuant to a prescription order written by a physician for the
28 physician's patients and dispensed by a licensed pharmacist, a physical
29 therapist licensed pursuant to chapter 19 of this title, an occupational
30 therapist licensed pursuant to chapter 34 of this title or an athletic
31 trainer licensed pursuant to chapter 41 of this title may procure, store
32 and administer nonscheduled legend and topical anti-inflammatories and
33 topical anesthetics for use in phonophoresis and iontophoresis procedures
34 and within the scope of practice of physical or occupational therapy or
35 athletic training.

36 D. A public health facility operated by this state or a county and
37 a qualifying community health center may dispense medication or devices to
38 patients at no cost without providing a written prescription if the public
39 health facility or the qualifying community health center meets all
40 storage, labeling, safety and record keeping rules adopted by the board of
41 pharmacy.

42 E. A person who is licensed pursuant to chapter 7, 11, 13, 14, 17
43 or 29 of this title, who is practicing at a public health facility or a
44 qualifying community health center and who is involved in the dispensing
45 of medication or devices only at a facility or center, whether for a

1 charge or at no cost, shall register to dispense with the appropriate
2 licensing board but is exempt from paying registration fees.

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