

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

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

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

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

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

7 32-1663. Disciplinary action

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

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

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

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

21 E. If the board finds after giving the person an opportunity to  
22 request an administrative hearing pursuant to title 41, chapter 6, article  
23 10 that a nurse who practices in this state and is licensed by another  
24 jurisdiction pursuant to section 32-1668 committed an act of  
25 unprofessional conduct, the board may limit, suspend or revoke the  
26 privilege of that nurse to practice in this state.

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

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

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

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

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

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

3           32-1666. Unlawful acts

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

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

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

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

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

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

23           32-1921. Exempted acts; exemption from registration fees;  
24 definition

25           A. This chapter does not prevent:

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

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

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

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

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

43           (a) A doctor of medicine licensed pursuant to chapter 13 of this  
44 title.

1 (b) An osteopathic physician licensed pursuant to chapter 17 of  
2 this title.

3 (c) A homeopathic physician licensed pursuant to chapter 29 of this  
4 title.

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

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

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

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

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

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

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

24 9. The use of any mechanical device or vending machine in  
25 connection with the sale of any nonprescription drug, including  
26 proprietary and patent medicine. The board may adopt rules to prescribe  
27 conditions under which nonprescription drugs may be dispensed pursuant to  
28 this paragraph.

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

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

42 D. A public health facility operated by this state or a county and  
43 a qualifying community health center may dispense medication or devices to  
44 patients at no cost without providing a written prescription if the public  
45 health facility or the qualifying community health center meets all



1 storage, labeling, safety and record keeping rules adopted by the board of  
2 pharmacy.

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

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