

REFERENCE TITLE: nurse anesthetists; clinical rotations; appropriation

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1269

Introduced by
Senators Shamp: Kavanagh

AN ACT

AMENDING SECTIONS 32-1601 AND 32-1634.04, ARIZONA REVISED STATUTES;
AMENDING TITLE 36, CHAPTER 16, ARIZONA REVISED STATUTES, BY ADDING ARTICLE
2; AMENDING LAWS 2022, CHAPTER 330, SECTION 3; APPROPRIATING MONIES;
RELATING TO WORKFORCE DEVELOPMENT.

(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 providing health care
25 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 delivering 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 \$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 health aide" means a person who:

37 (a) Is licensed pursuant to this chapter to provide or to assist in
38 providing nursing-related services authorized pursuant to section 36-2939.

39 (b) Is the parent, guardian or family member of the Arizona
40 long-term care system member receiving services who may provide licensed
41 health aide services only to that member and only consistent with that
42 member's plan of care.

1 (c) Has a scope of practice that is the same as a licensed nursing
2 assistant and may also provide medication administration, tracheostomy
3 care and enteral care and therapy and any other tasks approved by the
4 board in rule.

5 15. "Licensed nursing assistant" means a person who is licensed
6 pursuant to this chapter to provide or assist in delivering nursing or
7 nursing-related services under the supervision and direction of a licensed
8 nursing staff member. Licensed nursing assistant does not include a
9 person who:

10 (a) Is a licensed health care professional.

11 (b) Volunteers to provide nursing assistant services without
12 monetary compensation.

13 (c) Is a certified nursing assistant.

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

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

18 18. "Medication order" means a written or verbal communication
19 given by a certified registered nurse anesthetist to a health care
20 professional to administer a drug or medication, including controlled
21 substances.

22 19. "Practical nurse" means a person who holds a practical nurse
23 license issued pursuant to this chapter or pursuant to a multistate
24 compact privilege and who practices practical nursing as defined in this
25 section.

26 20. "Practical nursing" includes the following activities that are
27 performed under the supervision of a physician or a registered nurse:

28 (a) Contributing to the assessment of the health status of
29 individuals and groups.

30 (b) Participating in the development and modification of the
31 strategy of care.

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

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

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

37 (f) Delegating nursing activities within the scope of practice of a
38 practical nurse.

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

42 ~~21. "Presence" means within the same health care institution or~~
43 ~~office as specified in section 32-1634.04, subsection A, and available as~~
44 ~~necessary.~~

1 ~~22.~~ 21. "Registered nurse" or "professional nurse" means a person
2 who practices registered nursing and who holds a registered nurse license
3 issued pursuant to this chapter or pursuant to a multistate compact
4 privilege.

5 ~~23.~~ 22. "Registered nurse practitioner" means a registered nurse
6 who:

7 (a) Is certified by the board.

8 (b) Has completed a nurse practitioner education program approved
9 or recognized by the board and educational requirements prescribed by the
10 board by rule.

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

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

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

18 (ii) Managing the physical and psychosocial health status of
19 patients.

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

23 (iv) Making independent decisions in solving complex patient care
24 problems.

25 (v) Diagnosing, performing diagnostic and therapeutic procedures,
26 and prescribing, administering and dispensing therapeutic measures,
27 including legend drugs, medical devices and controlled substances within
28 the scope of registered nurse practitioner practice on meeting the
29 requirements established by the board.

30 (vi) Recognizing the limits of the nurse's knowledge and experience
31 by consulting with or referring patients to other appropriate health care
32 professionals if a situation or condition occurs that is beyond the
33 knowledge and experience of the nurse or if the referral will protect the
34 health and welfare of the patient.

35 (vii) Delegating to a medical assistant pursuant to section
36 32-1456.

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

40 ~~24.~~ 23. "Registered nursing" includes the following:

41 (a) Diagnosing and treating human responses to actual or potential
42 health problems.

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

- 1 (c) Assessing the health status of individuals and groups.
- 2 (d) Establishing a nursing diagnosis.
- 3 (e) Establishing goals to meet identified health care needs.
- 4 (f) Prescribing nursing interventions to implement a strategy of
- 5 care.
- 6 (g) Delegating nursing interventions to others who are qualified to
- 7 do so.
- 8 (h) Providing for the maintenance of safe and effective nursing
- 9 care that is rendered directly or indirectly.
- 10 (i) Evaluating responses to interventions.
- 11 (j) Teaching nursing knowledge and skills.
- 12 (k) Managing and supervising the practice of nursing.
- 13 (l) Consulting and coordinating with other health care
- 14 professionals in the management of health care.
- 15 (m) Performing additional acts that require education and training
- 16 as prescribed by the board and that are recognized by the nursing
- 17 profession as proper to be performed by a registered nurse.
- 18 ~~25.~~ 24. "Registry of nursing assistants" means the nursing
- 19 assistants registry maintained by the board pursuant to the omnibus budget
- 20 reconciliation act of 1987 (P.L. 100-203; 101 Stat. 1330), as amended by
- 21 the medicare catastrophic coverage act of 1988 (P.L. 100-360; 102 Stat.
- 22 683).
- 23 ~~26.~~ 25. "Regulated party" means any person or entity that is
- 24 licensed, certified, registered, recognized or approved pursuant to this
- 25 chapter.
- 26 ~~27.~~ 26. "Unprofessional conduct" includes the following, whether
- 27 occurring in this state or elsewhere:
- 28 (a) Committing fraud or deceit in obtaining, attempting to obtain
- 29 or renewing a license or a certificate issued pursuant to this chapter.
- 30 (b) Committing a felony, whether or not involving moral turpitude,
- 31 or a misdemeanor involving moral turpitude. In either case, conviction by
- 32 a court of competent jurisdiction or a plea of no contest is conclusive
- 33 evidence of the commission.
- 34 (c) Aiding or abetting in a criminal abortion or attempting,
- 35 agreeing or offering to procure or assist in a criminal abortion.
- 36 (d) Any conduct or practice that is or might be harmful or
- 37 dangerous to the health of a patient or the public.
- 38 (e) Being mentally incompetent or physically unsafe to a degree
- 39 that is or might be harmful or dangerous to the health of a patient or the
- 40 public.
- 41 (f) Having a license, certificate, permit or registration to
- 42 practice a health care profession denied, suspended, conditioned, limited
- 43 or revoked in another jurisdiction and not reinstated by that
- 44 jurisdiction.

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

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

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

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

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

10 (i) Incompetent to practice.

11 (ii) Guilty of unprofessional conduct.

12 (iii) Mentally or physically unable to safely practice nursing or
13 to perform nursing-related duties. A nurse who is providing therapeutic
14 counseling for a nurse who is in a drug rehabilitation program is required
15 to report that nurse only if the nurse providing therapeutic counseling
16 has personal knowledge that patient safety is being jeopardized.

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

19 (m) Cheating or assisting another to cheat on a licensure or
20 certification examination.

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

23 32-1634.04. Certified registered nurse anesthetist; scope of
24 practice; physician and surgeon immunity

25 A. A certified registered nurse anesthetist may administer
26 anesthetics ~~under the direction of and in the presence of a physician or~~
27 ~~surgeon~~ in connection with the preoperative, intraoperative or
28 postoperative care of a patient or as part of a procedure performed by a
29 physician or surgeon in the following settings:

30 1. A health care institution.

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

33 3. An ambulance.

34 B. In connection with the preoperative, intraoperative or
35 postoperative care of a patient or as part of the procedure in the
36 settings prescribed in subsection A of this section, a certified
37 registered nurse anesthetist, as part of the care or procedure, may:

38 1. Issue a medication order for drugs or medications, including
39 controlled substances, to be administered by a licensed, certified or
40 registered health care provider.

41 2. Assess the health status of an individual as that status relates
42 to the relative risks associated with anesthetic management of an
43 individual.

44 3. Obtain informed consent.

1 4. Order and evaluate laboratory and diagnostic test results and
2 perform point-of-care testing that the certified registered nurse
3 anesthetist is qualified to perform.

4 5. Order and evaluate radiographic imaging studies that the
5 certified registered nurse anesthetist is qualified to order and
6 interpret.

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

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

10 8. Perform therapeutic procedures that the certified registered
11 nurse anesthetist is qualified to perform.

12 C. A certified registered nurse anesthetist's prescribing authority
13 to administer anesthetics or to issue a medication order as prescribed by
14 this section does not include the ability to write or issue a prescription
15 for medications to be filled or dispensed for a patient for use outside of
16 the settings prescribed in subsection A of this section.

17 D. A physician or surgeon is not liable for any act or omission of
18 a certified registered nurse anesthetist who orders or administers
19 anesthetics under this section.

20 Sec. 3. Title 36, chapter 16, Arizona Revised Statutes, is amended
21 by adding article 2, to read:

22 ARTICLE 2. CLINICAL ROTATIONS

23 36-1811. Student registered nurse anesthetists; clinical
24 rotation program; grants; definitions

25 A. THE STUDENT REGISTERED NURSE ANESTHETIST CLINICAL ROTATION
26 PROGRAM IS ESTABLISHED IN THE ADMINISTRATION TO EXPAND THE CAPACITY OF
27 PRECEPTOR TRAINING PROGRAMS AT HEALTH CARE INSTITUTIONS FOR NURSE
28 ANESTHETIST STUDENTS.

29 B. THE ADMINISTRATION SHALL DEVELOP A GRANT PROGRAM TO DISTRIBUTE
30 MONIES APPROPRIATED FOR THE STUDENT REGISTERED NURSE ANESTHETIST CLINICAL
31 ROTATION PROGRAM TO HEALTH CARE INSTITUTIONS THAT ARE LICENSED PURSUANT TO
32 CHAPTER 4 OF THIS TITLE ONLY TO EXPAND OR CREATE CLINICAL TRAINING
33 PLACEMENTS FOR NURSE ANESTHETIST STUDENTS, WITH PREFERENCE GIVEN TO THE
34 EXPANSION OR DEVELOPMENT OF CLINICAL ROTATIONS IN OBSTETRICS, PEDIATRICS
35 AND CARDIOVASCULAR CARE.

36 C. GRANT MONIES AWARDED PURSUANT TO THIS SECTION ARE INTENDED TO
37 SUPPLEMENT AND NOT SUPPLANT EXISTING TRAINING PROGRAM EXPENSES COVERED BY
38 THE HEALTH CARE INSTITUTION GRANTEE.

39 D. THE ADMINISTRATION SHALL ESTABLISH AN APPLICATION PROCESS FOR
40 THE GRANT PROGRAM AND MAY AWARD GRANTS FOR MULTIYEAR PROGRAMS. THE
41 ADMINISTRATION SHALL CONSIDER THE FOLLOWING FACTORS WHEN DETERMINING GRANT
42 AWARDS:

43 1. THE GEOGRAPHIC AND POPULATION DISTRIBUTION.

44 2. THE NUMBER OF NURSE ANESTHETIST STUDENTS PLANNED TO BE TRAINED
45 AND RETAINED.

1 3. THE COST OF THE PROPOSAL FOR THE NUMBER OF NURSE ANESTHETIST
2 STUDENTS EXPECTED TO PARTICIPATE AND TO BE RETAINED COMPARED TO OTHER
3 PROPOSALS.

4 E. FOR THE PURPOSES OF THIS SECTION:

5 1. "ADMINISTRATION" MEANS THE ARIZONA HEALTH CARE COST CONTAINMENT
6 SYSTEM ADMINISTRATION.

7 2. "HEALTH CARE INSTITUTION" HAS THE SAME MEANING PRESCRIBED IN
8 SECTION 36-401.

9 Sec. 4. Laws 2022, chapter 330, section 3 is amended to read:

10 Sec. 3. Delayed repeal

11 Title 36, chapter 16, ARTICLE 1, Arizona Revised Statutes, ~~as added~~
12 ~~by this act,~~ is repealed from and after December 31, 2026.

13 Sec. 5. Appropriation; Arizona health care cost containment
14 system administration; student registered nurse
15 anesthetist clinical rotation program; exemption

16 A. The sum of \$200,000 is appropriated from the state general fund
17 in fiscal year 2023-2024 to the Arizona health care cost containment
18 system administration for the student registered nurse anesthetist
19 clinical rotation program established by section 36-1811, Arizona Revised
20 Statutes, as added by this act.

21 B. The appropriation made in subsection A of this section is exempt
22 from the provisions of section 35-190, Arizona Revised Statutes, relating
23 to lapsing of appropriations.