

REFERENCE TITLE: nursing board; omnibus

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SB 1105

Introduced by
Senator Allen C

AN ACT

AMENDING SECTIONS 32-1601, 32-1602, 32-1603, 32-1605, 32-1605.01, 32-1606, 32-1608, 32-1609, 32-1631, 32-1632, 32-1633, 32-1634, 32-1634.01, 32-1634.02, 32-1635, 32-1635.01, 32-1636, 32-1638, 32-1639.01, 32-1639.02, 32-1640, 32-1642, 32-1643, 32-1644, 32-1646, 32-1647, 32-1663, 32-1663.01, 32-1664, 32-1665, 32-1666, 32-1666.01 AND 32-1669, ARIZONA REVISED STATUTES; REPEALING SECTIONS 32-1641 AND 32-1662, ARIZONA REVISED STATUTES; AMENDING LAWS 2004, CHAPTER 121, SECTION 2; RELATING TO THE 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 or
8 any form of court supervision.

9 ~~2. "Approved nursing program" means a program for the educational~~
10 ~~preparation of professional and practical nurses for licensure that has met~~
11 ~~standards of the board.~~

12 2. "APPROVAL" MEANS THAT A PROGRAM FOR THE EDUCATIONAL PREPARATION FOR
13 LICENSURE OR CERTIFICATION OF REGISTERED NURSES, PRACTICAL NURSES, NURSE
14 PRACTITIONERS, CLINICAL NURSE SPECIALISTS OR NURSING ASSISTANTS HAS MET
15 STANDARDS ESTABLISHED BY THE BOARD.

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

17 4. "Certified registered nurse" means a registered nurse who has been
18 certified by a national nursing credentialing agency recognized by the board.

19 5. "Clinical nurse specialist" means a ~~professional~~ REGISTERED nurse
20 who:

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

22 (b) Holds a graduate degree with a major in nursing AND COMPLETES
23 EDUCATIONAL REQUIREMENTS AS PRESCRIBED BY THE BOARD BY RULE.

24 (c) Is NATIONALLY certified ~~in a clinical specialty~~ AS A CLINICAL
25 NURSE SPECIALIST or, if certification is not available, provides proof of
26 competence to the board.

27 (d) Has an expanded scope of practice ~~in a specialty~~ BASED ON ADVANCED
28 EDUCATION IN A CLINICAL NURSING SPECIALTY that includes:

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

31 (ii) Managing directly and indirectly a client's physical and
32 psychosocial health STATUS.

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

36 (iv) Developing, planning and guiding programs of care for populations
37 of patients.

38 (v) Making independent nursing decisions to solve complex client care
39 problems.

40 (vi) Using research skills AND ACQUIRING AND APPLYING CRITICAL NEW
41 KNOWLEDGE AND TECHNOLOGIES TO NURSING PRACTICE.

42 (vii) Prescribing and dispensing durable medical equipment.

43 ~~(viii) Facilitating patient care by coordinating care with nursing and~~
44 ~~other disciplines and consulting with or referring clients to other health~~
45 ~~care providers when appropriate.~~

1 (viii) CONSULTING WITH OR REFERRING A CLIENT TO OTHER HEALTH CARE
2 PROVIDERS BASED ON ASSESSMENT OF THE CLIENT'S HEALTH STATUS AND NEEDS.

3 (ix) FACILITATING COLLABORATION WITH OTHER DISCIPLINES TO ATTAIN THE
4 DESIRED CLIENT OUTCOME ACROSS THE CONTINUUM OF CARE.

5 ~~(ix)~~ (x) Performing additional acts that require education and
6 training as prescribed by the board and that are recognized by the nursing
7 profession as proper to be performed by a clinical nurse specialist.

8 6. "Conditional license" OR "CONDITIONAL APPROVAL" means a license OR
9 APPROVAL that specifies the conditions under which the ~~licensee~~ REGULATED
10 PARTY is allowed to practice OR TO OPERATE AND THAT IS PRESCRIBED BY THE
11 BOARD PURSUANT TO SECTION 32-1644 OR 32-1663.

12 7. "Delegation" means transferring to a competent individual the
13 authority to perform a selected nursing task in a designated situation in
14 which the nurse making the delegation retains accountability for the
15 delegation.

16 8. "DISCIPLINARY ACTION" MEANS A REGULATORY SANCTION OF A LICENSE,
17 CERTIFICATE OR APPROVAL PURSUANT TO THIS CHAPTER IN ANY COMBINATION OF THE
18 FOLLOWING:

19 (a) A CIVIL PENALTY FOR EACH VIOLATION OF THIS CHAPTER, NOT TO EXCEED
20 ONE THOUSAND DOLLARS FOR EACH VIOLATION.

21 (b) RESTITUTION MADE TO AN AGGRIEVED PARTY.

22 (c) A DECREE OF CENSURE.

23 (d) A CONDITIONAL LICENSE OR A CONDITIONAL APPROVAL THAT FIXED A
24 PERIOD AND TERMS OF PROBATION.

25 (e) LIMITED LICENSURE.

26 (f) SUSPENSION OF A LICENSE, A CERTIFICATE OR AN APPROVAL.

27 (g) VOLUNTARY SURRENDER OF A LICENSE, A CERTIFICATE OR AN APPROVAL.

28 (h) REVOCATION OF A LICENSE, A CERTIFICATE OR AN APPROVAL.

29 ~~8-~~ 9. "Licensee" means a person who is licensed pursuant to this
30 chapter or in a party state as defined in section 32-1668.

31 ~~9-~~ 10. "Limited license" means a license that restricts the scope or
32 setting of a licensee's practice.

33 ~~10-~~ 11. "Nursing assistant" means a person who is certified pursuant
34 to this chapter to provide or assist in the delivery of nursing or
35 nursing-related services under the supervision and direction of a licensed
36 nursing staff member ~~in a location where a nursing assistant is required by~~
37 ~~law to be certified.~~ Nursing assistant does not include a person who:

38 (a) Is a licensed health care professional.

39 (b) Volunteers to provide nursing assistant services without monetary
40 compensation.

41 ~~11-~~ 12. "Practical nurse" means a person who HOLDS A PRACTICAL NURSE
42 LICENSE ISSUED PURSUANT TO THIS CHAPTER OR PURSUANT TO A MULTISTATE COMPACT
43 PRIVILEGE AND WHO practices practical nursing as defined in this section.

44 ~~12-~~ 13. "Practical nursing" includes the following activities that are
45 performed under the supervision of a physician or a registered nurse:

- 1 (a) Contributing to the assessment of the health status of individuals
2 and groups.
- 3 (b) Participating in the development and modification of the strategy
4 of care.
- 5 (c) Implementing aspects of the strategy of care within the nurse's
6 scope of practice.
- 7 (d) Maintaining safe and effective nursing care that is rendered
8 directly or indirectly.
- 9 (e) Participating in the evaluation of responses to interventions.
- 10 (f) Delegating nursing activities within the scope of practice of a
11 practical nurse.
- 12 (g) Performing additional acts that require education and training as
13 prescribed by the board and that are recognized by the nursing profession as
14 proper to be performed by a practical nurse.
- 15 14. "REGISTERED NURSE" OR "PROFESSIONAL NURSE" MEANS A PERSON WHO
16 PRACTICES REGISTERED NURSING AND WHO HOLDS A REGISTERED NURSE LICENSE ISSUED
17 PURSUANT TO THIS CHAPTER OR PURSUANT TO A MULTISTATE COMPACT PRIVILEGE.
- 18 15. "Registered nurse practitioner" means a ~~professional~~ REGISTERED
19 nurse who:
- 20 (a) Is certified by the board.
- 21 (b) Has completed a nurse practitioner education program approved or
22 recognized by the board AND EDUCATIONAL REQUIREMENTS PRESCRIBED BY THE BOARD
23 BY RULE.
- 24 (c) If applying for certification after July 1, 2004, holds national
25 certification AS A NURSE PRACTITIONER from a national certifying body
26 recognized by the board ~~or provides proof of competence if a certifying~~
27 ~~examination is not available.~~
- 28 (d) Has an expanded scope of practice within a specialty area that
29 includes:
- 30 (i) Assessing clients, 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 status of clients.
- 33 (iii) Analyzing multiple sources of data, identifying alternative
34 possibilities as to the nature of a health care problem and selecting,
35 implementing and evaluating appropriate treatment.
- 36 (iv) Making independent decisions in solving complex client care
37 problems.
- 38 (v) Diagnosing, performing diagnostic and therapeutic procedures, AND
39 prescribing, administering and dispensing therapeutic measures, including
40 legend drugs, medical devices and controlled substances within the scope of
41 registered nurse practitioner practice on meeting the requirements
42 established by the board.
- 43 (vi) Recognizing the limits of the nurse's knowledge and experience,
44 AND planning for situations beyond the nurse's knowledge, EDUCATIONAL

1 PREPARATION and expertise ~~and~~ BY consulting with or referring clients to
2 other health care providers when appropriate.

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

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

7 ~~13.~~ 16. "Professional REGISTERED nursing" includes the following:

8 (a) Diagnosing and treating human responses to actual or potential
9 health problems.

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

13 (c) Assessing the health status of individuals and groups.

14 (d) Establishing a nursing diagnosis.

15 (e) Establishing goals to meet identified health care needs.

16 (f) Prescribing nursing interventions to implement a strategy of care.

17 (g) Delegating nursing interventions to others who are qualified to do
18 so.

19 (h) Providing for the maintenance of safe and effective nursing care
20 that is rendered directly or indirectly.

21 (i) Evaluating responses to interventions.

22 (j) Teaching nursing knowledge and skills.

23 (k) Managing and supervising the practice of nursing.

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

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

29 ~~14. "Registered nurse", "graduate nurse" or "professional nurse" means~~
30 ~~a person who practices professional nursing as defined in this section.~~

31 17. "REGULATED PARTY" MEANS ANY PERSON, NURSING PROGRAM, NURSING
32 ASSISTANT PROGRAM OR REFRESHER PROGRAM THAT IS LICENSED, CERTIFIED OR
33 APPROVED PURSUANT TO THIS CHAPTER.

34 ~~16.~~ 18. "Unprofessional conduct" includes the following whether
35 occurring in this state or elsewhere:

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

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

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

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

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

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

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

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

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

11 (j) Violating THIS CHAPTER OR a rule that is adopted by the board
12 pursuant to this chapter.

13 (k) Failing to report to the board any evidence that a professional
14 REGISTERED or practical nurse or a nursing assistant is or may be:

15 (i) Incompetent to practice.

16 (ii) Guilty of unprofessional conduct.

17 (iii) Mentally or physically unable to safely practice nursing or to
18 perform nursing related duties. A nurse who is providing therapeutic
19 counseling for a nurse who is in a drug rehabilitation program is required to
20 report that nurse only if the nurse providing therapeutic counseling has
21 personal knowledge that patient safety is being jeopardized.

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

24 (m) CHEATING OR ASSISTING ANOTHER TO CHEAT ON A LICENSURE OR
25 CERTIFICATION EXAMINATION.

26 Sec. 2. Section 32-1602, Arizona Revised Statutes, is amended to read:
27 32-1602. Board of nursing; member terms; immunity

28 A. ~~There shall be a~~ THE state board of nursing ~~which shall consist~~ IS
29 ESTABLISHED CONSISTING of ~~nine~~ ELEVEN members WHO ARE appointed by the
30 governor. ~~Five~~ SIX members shall be registered nurses, INCLUDING AT LEAST
31 ONE REGISTERED NURSE PRACTITIONER OR CLINICAL NURSE SPECIALIST. ONE MEMBER
32 SHALL BE A NURSING ASSISTANT OR A NURSING ASSISTANT EDUCATOR. Two members
33 shall represent the public and two members shall be licensed practical
34 nurses. Members shall be appointed for a term of five years, to begin and
35 end on June 30.

36 B. On or before May 1 each year and at any other time a vacancy on the
37 board occurs, the governor shall make an appointment or appointments to the
38 board. Appointment to fill a vacancy other than by expiration shall be for
39 the unexpired term. No person shall serve more than two consecutive terms as
40 a member of the board.

41 C. The governor may remove any person from the board for neglect of
42 any duty imposed by law or for incompetency or unprofessional or dishonorable
43 conduct.

- 1 D. A BOARD MEMBER'S TERM AUTOMATICALLY ENDS:
- 2 1. ON THE DEATH OF THE MEMBER.
- 3 2. ON THE MEMBER'S WRITTEN RESIGNATION SUBMITTED TO THE BOARD
- 4 PRESIDENT OR TO THE GOVERNOR.
- 5 3. ON THE MEMBER'S FAILURE TO ATTEND THREE CONSECUTIVE BOARD MEETINGS.
- 6 E. A BOARD MEMBER WHO ACTS WITHIN THE SCOPE OF BOARD DUTIES, WITHOUT
- 7 MALICE AND IN THE REASONABLE BELIEF THAT THE MEMBER'S ACTION IS WARRANTED BY
- 8 LAW IS NOT SUBJECT TO CIVIL LIABILITY.
- 9 Sec. 3. Section 32-1603, Arizona Revised Statutes, is amended to read:
- 10 32-1603. Qualifications of board members
- 11 A. Each ~~professional~~ REGISTERED nurse member of the board shall:
- 12 1. Be a resident of the state.
- 13 2. Be a graduate of an approved ~~professional~~ REGISTERED nursing
- 14 program.
- 15 3. Be licensed as a ~~professional~~ REGISTERED nurse in this state.
- 16 4. Have had at least five years' experience in nursing following
- 17 graduation, including executive, supervisory or teaching experience in
- 18 nursing education or nursing service.
- 19 5. Have been actively engaged in the practice of nursing or nursing
- 20 activities for at least three years preceding the appointment.
- 21 B. Each licensed practical nurse member of the board shall:
- 22 1. Be a resident of this state.
- 23 2. Be a graduate of an approved practical nursing program.
- 24 3. Be licensed as a licensed practical nurse in this state.
- 25 4. Have had at least five years' experience in practical nursing
- 26 following graduation.
- 27 5. Have been actively engaged in the practice of nursing for at least
- 28 three years preceding the appointment.
- 29 C. Each public member of the board shall be a person who:
- 30 1. Is not licensed pursuant to chapter 7, 8, 11, 13, 14, 15.1, 16, 17,
- 31 18, 19, 19.1, 21, 25 or 29 of this title or this chapter as an individual
- 32 health care provider.
- 33 2. Is not an employee of any health care institution licensed pursuant
- 34 to title 36, chapter 4 or any authorized insurer providing disability
- 35 insurance coverage in this state.
- 36 3. Does not have a financial interest as a provider in the delivery of
- 37 health care services.
- 38 D. EACH NURSING ASSISTANT MEMBER OF THE BOARD SHALL EITHER:
- 39 1. BE CERTIFIED AS A NURSING ASSISTANT PURSUANT TO THIS CHAPTER AND
- 40 CURRENTLY PRACTICE OR HAVE PRACTICED WITHIN THREE YEARS OF INITIAL
- 41 APPOINTMENT TO THE BOARD.
- 42 2. WITHIN ONE YEAR OF APPOINTMENT TO THE BOARD, HAVE BEEN EMPLOYED AS
- 43 AN INSTRUCTOR OR COORDINATOR IN AN APPROVED NURSING ASSISTANT TRAINING
- 44 PROGRAM.

1 E. FOR AT LEAST THREE YEARS PRECEDING APPOINTMENT TO THE BOARD, EACH
2 REGISTERED NURSE PRACTITIONER OR CLINICAL NURSE SPECIALIST MEMBER SHALL BE
3 CERTIFIED PURSUANT TO THIS CHAPTER AND ACTIVELY PRACTICING AS A REGISTERED
4 NURSE PRACTITIONER, ACTIVELY ENGAGED IN A CLINICAL NURSE SPECIALIST PRACTICE
5 OR TEACHING.

6 ~~D.~~ F. Each member of the board shall take and subscribe to the oath
7 prescribed by law for state officers, which shall be filed with the secretary
8 of state.

9 Sec. 4. Section 32-1605, Arizona Revised Statutes, is amended to read:

10 32-1605. Organization; meetings

11 A. The board shall ~~meet~~ annually ~~in November and~~ elect from its
12 membership a president, vice-president and secretary who assume office the
13 following January and serve a term of one year. Officers may be elected for
14 and serve more than one term. The board shall also appoint and employ an
15 executive director, who is not a member of the board, and other employees
16 necessary to carry on the work of the board.

17 B. The board shall hold ~~other~~ meetings it deems necessary to transact
18 its business. A majority of the board, including one officer, constitutes a
19 quorum.

20 Sec. 5. Section 32-1605.01, Arizona Revised Statutes, is amended to
21 read:

22 32-1605.01. Executive director; compensation; powers; duties

23 A. The board shall appoint an executive director who is not a member
24 of the board. The executive director is eligible to receive compensation set
25 by the board within the range determined under section 38-611.

26 B. The executive director or the executive director's designee shall:

27 1. Perform the administrative duties of the board.

28 2. Employ personnel needed to carry out the functions of the board.

29 ~~3. Issue temporary licenses and temporary nurse practitioner
30 certificates, temporary clinical nurse specialist certificates and temporary
31 nursing assistant certificates.~~

32 3. ISSUE AND RENEW TEMPORARY AND PERMANENT LICENSES, CERTIFICATES AND
33 PRESCRIBING OR DISPENSING AUTHORITY.

34 4. Issue single state and multistate licenses pursuant to this chapter
35 and nursing assistant certificates to applicants who are not under
36 investigation and who meet the qualifications for licensure or nursing
37 assistant certification prescribed in this chapter.

38 5. Perform other duties as directed by the board.

39 6. On behalf of the board, enter into stipulated agreements with a
40 licensee for the confidential treatment, rehabilitation and monitoring of
41 chemical dependency. A licensee who materially fails to comply with a
42 program requirement shall be reported to the board and terminated from the
43 confidential program. Any records of a licensee who is terminated from a
44 confidential program are no longer confidential or exempt from the public

1 records law. Notwithstanding any law to the contrary, stipulated agreements
2 are not public records if the following conditions are met:

3 (a) The licensee voluntarily agrees to participate in the confidential
4 program ~~before the initiation of an investigation.~~

5 (b) The licensee complies with all treatment requirements or
6 recommendations, including participation in alcoholics anonymous or an
7 equivalent twelve step program and nurse support group.

8 (c) The licensee refrains from the practice of nursing until the
9 return to nursing has been approved by the treatment program and the
10 executive director or the executive director's designee.

11 (d) The licensee complies with all monitoring requirements of the
12 stipulated agreement, including random bodily fluid testing.

13 (e) The licensee's nursing employer is notified of the licensee's
14 chemical dependency and participation in the confidential program and is
15 provided a copy of the stipulated agreement.

16 7. APPROVE NURSING ASSISTANT TRAINING PROGRAMS THAT MEET THE
17 REQUIREMENTS OF THIS CHAPTER.

18 C. IF THE BOARD ADOPTS A SUBSTANTIVE POLICY STATEMENT PURSUANT TO
19 SECTION 41-1091 AND THE EXECUTIVE DIRECTOR OR DESIGNEE REPORTS ALL ACTIONS
20 TAKEN PURSUANT TO THIS SUBSECTION TO THE BOARD AT THE NEXT REGULAR BOARD
21 MEETING, THE EXECUTIVE DIRECTOR OR DESIGNEE MAY:

22 1. DISMISS A COMPLAINT PURSUANT TO SECTION 32-1664 IF THE COMPLAINANT
23 DOES NOT WISH TO ADDRESS THE BOARD AND EITHER THERE IS NO EVIDENCE
24 SUBSTANTIATING THE COMPLAINT OR, AFTER CONDUCTING AN INVESTIGATION, THERE IS
25 INSUFFICIENT EVIDENCE THAT THE REGULATED PARTY VIOLATED THIS CHAPTER OR A
26 RULE ADOPTED PURSUANT TO THIS CHAPTER.

27 2. ENTER INTO A STIPULATED AGREEMENT WITH THE LICENSEE OR CERTIFICATE
28 HOLDER FOR THE TREATMENT, REHABILITATION AND MONITORING OF THE LICENSEE'S OR
29 CERTIFICATE HOLDER'S ABUSE OR MISUSE OF A CHEMICAL SUBSTANCE.

30 3. CLOSE COMPLAINTS RESOLVED THROUGH SETTLEMENT.

31 4. ISSUE LETTERS OF CONCERN.

32 5. IN LIEU OF A SUMMARY SUSPENSION HEARING, ENTER INTO A CONSENT
33 AGREEMENT IF THERE IS SUFFICIENT EVIDENCE THAT THE PUBLIC HEALTH, SAFETY OR
34 WELFARE IMPERATIVELY REQUIRES EMERGENCY ACTION.

35 ~~C.~~ D. The executive director may accept the voluntary surrender ~~or~~
36 ~~revocation~~ of a license, ~~or~~ certificate OR APPROVAL to resolve a pending
37 complaint that is subject to disciplinary action ~~pursuant to section 32-1663~~.
38 The voluntary surrender or revocation of a license, ~~or~~ certificate OR
39 APPROVAL is a disciplinary action, and the board shall report this action if
40 required by federal law.

41 Sec. 6. Section 32-1606, Arizona Revised Statutes, is amended to read:
42 32-1606. Powers and duties of board

43 A. The board may:

44 1. Adopt and revise rules necessary to carry into effect the
45 provisions of this chapter.

- 1 2. Publish advisory opinions regarding ~~functions of professional~~
2 REGISTERED and practical ~~nurses~~ NURSING PRACTICE AND NURSING EDUCATION.
- 3 3. Issue limited licenses OR CERTIFICATES if it determines that an
4 applicant or licensee cannot function safely in a specific setting OR WITHIN
5 THE FULL SCOPE OF PRACTICE.
- 6 4. Refer criminal violations of this chapter to the appropriate law
7 enforcement agency.
- 8 5. Establish a confidential program for the monitoring of licensees
9 who are chemically dependent and who enroll in rehabilitation programs that
10 meet the criteria established by the board. The board may take further
11 action if the licensee refuses to enter into a stipulated agreement or fails
12 to comply with its terms. In order to protect the public health and safety,
13 the confidentiality requirements of this paragraph do not apply if the
14 licensee does not comply with the stipulated agreement.
- 15 ~~6. Adopt rules for the qualification and certification of clinical~~
16 ~~nurse specialists.~~
- 17 ~~7. Adopt rules for the certification of school nurses if the state~~
18 ~~board of education does not require school nurses to be certificated.~~
- 19 ~~8.~~ 6. On the applicant's or ~~licensee's~~ REGULATED PARTY'S request,
20 establish a payment schedule with the applicant or ~~licensee~~ REGULATED PARTY.
- 21 7. PROVIDE EDUCATION REGARDING BOARD FUNCTIONS.
- 22 8. COLLECT OR ASSIST IN THE COLLECTION OF WORKFORCE DATA.
- 23 9. ADOPT RULES FOR CONDUCTING PILOT PROGRAMS CONSISTENT WITH PUBLIC
24 SAFETY FOR INNOVATIVE APPLICATIONS IN NURSING PRACTICE, EDUCATION AND
25 REGULATION.
- 26 10. GRANT RETIREMENT STATUS ON REQUEST TO RETIRED NURSES WHO ARE OR
27 WERE LICENSED UNDER THIS CHAPTER, WHO HAVE NO OPEN COMPLAINT OR INVESTIGATION
28 PENDING AGAINST THEM AND WHO ARE NOT SUBJECT TO DISCIPLINE.
- 29 11. ACCEPT MONIES AND SERVICES TO ASSIST IN THE IMPLEMENTATION OR
30 ENFORCEMENT OF THIS CHAPTER.
- 31 B. The board shall:
- 32 1. ADOPT RULES AND establish standards for nursing programs ~~and~~
33 ~~courses~~ preparing persons for licensing OR CERTIFICATION under this chapter,
34 recognize national nursing accrediting agencies and provide for surveys of
35 ~~schools~~ PROGRAMS it deems necessary.
- 36 2. ~~Approve~~ BY RULE, ESTABLISH APPROVAL AND REAPPROVAL PROCESSES FOR
37 nursing and nursing assistant training programs that meet the requirements of
38 this chapter and ~~of the~~ board RULES.
- 39 3. Prepare and maintain a list of approved nursing programs for
40 ~~professional~~ THE PREPARATION OF REGISTERED and practical nurses whose
41 graduates are eligible for licensing under this chapter as ~~graduate~~
42 registered ~~or professional~~ nurses or as practical nurses if they satisfy the
43 other requirements of this chapter AND BOARD RULES.
- 44 4. Examine qualified ~~professional~~ REGISTERED and practical nurse
45 applicants.

1 5. License and renew the licenses of qualified ~~professional~~ REGISTERED
2 and practical nurse applicants who are not qualified to be licensed by the
3 executive director.

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

5 7. Keep a record of all proceedings ~~and make an annual report to the~~
6 ~~governor on a date the governor directs.~~

7 8. For proper cause, deny or rescind approval of a nursing or nursing
8 assistant training program for failure to comply with this chapter or the
9 rules of the board.

10 ~~9. On its own motion or on receipt of a complaint against a person~~
11 ~~licensed or certified under this chapter, conduct investigations, hearings~~
12 ~~and proceedings concerning any violation of this chapter or the rules adopted~~
13 ~~by the board.~~

14 9. ADOPT RULES FOR THE APPROVAL OF CREDENTIAL EVALUATION SERVICES THAT
15 EVALUATE THE QUALIFICATIONS OF APPLICANTS WHO GRADUATED FROM AN INTERNATIONAL
16 NURSING PROGRAM.

17 10. Determine and administer appropriate disciplinary action ~~as~~
18 ~~provided by this section~~ against all ~~persons who are licensed or certified~~
19 ~~under this chapter and~~ REGULATED PARTIES who are found guilty of violating
20 this chapter or rules adopted by the board.

21 11. Perform functions necessary to carry out the requirements of the
22 nursing assistant training and competency evaluation program as set forth in
23 the omnibus budget reconciliation act of 1987 (P.L. 100-203; 101 Stat. 1330),
24 as amended by the medicare catastrophic coverage act of 1988 (P.L. 100-360;
25 102 Stat. 683). These functions shall include:

26 (a) Testing and certification of nursing assistants.

27 (b) Maintaining a list of board approved training programs.

28 (c) Recertifying nursing assistants.

29 (d) Maintaining a registry of all certified nursing assistants.

30 (e) Assessing fees.

31 12. Adopt rules establishing those acts that may be performed by a
32 registered nurse practitioner in collaboration with a licensed physician.

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

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

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

42 16. Require each applicant for initial nursing assistant certification,
43 subject to appropriations from the state general fund by the legislature to
44 the Arizona state board of nursing for fingerprinting, to submit a full set
45 of fingerprints to the board for the purpose of obtaining a state and federal

1 criminal records check pursuant to section 41-1750 and Public Law 92-544.
2 The department of public safety may exchange this fingerprint data with the
3 federal bureau of investigation.

4 17. Revoke a license of a person, revoke the multistate licensure
5 privilege of a person pursuant to section 32-1669 or not issue a license or
6 renewal to an applicant who has one or more felony convictions and who has
7 not received an absolute discharge from the sentences for all felony
8 convictions five or more years before the date of filing an application
9 pursuant to this chapter. ~~This paragraph does not apply to a person who has
10 filed an application for licensure or renewal before August 1, 1998 and who
11 has disclosed to the board one or more felony convictions on the person's
12 application.~~

13 18. Establish standards for approving **AND REAPPROVING** nurse
14 practitioner and clinical nurse specialist programs and provide for surveys
15 of nurse practitioner and clinical nurse specialist programs as it deems
16 necessary.

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

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

22 21. Adopt rules to establish competency standards for obtaining and
23 maintaining a license.

24 **22. ADOPT RULES FOR THE QUALIFICATION AND CERTIFICATION OF CLINICAL
25 NURSE SPECIALISTS.**

26 **23. ADOPT RULES FOR APPROVAL AND REAPPROVAL OF REFRESHER COURSES FOR
27 NURSES WHO ARE NOT CURRENTLY PRACTICING.**

28 ~~C. The board may take any of the following disciplinary actions
29 against any person who holds a license to practice nursing in this state:~~

- 30 ~~1. Revoke the license to practice.~~
- 31 ~~2. Suspend the license to practice.~~
- 32 ~~3. Enter a decree of censure which may require that restitution be
33 made to an aggrieved party.~~
- 34 ~~4. Issue an order fixing a period and terms of probation best adapted
35 to protect the public health and safety and rehabilitate the licensed person.~~
- 36 ~~5. Impose a civil penalty for each violation of this chapter, not to
37 exceed one thousand dollars, either singly or in combination with any
38 disciplinary action permitted under this subsection.~~

39 **C. THE BOARD MAY CONDUCT AN INVESTIGATION ON RECEIPT OF INFORMATION
40 THAT INDICATES THAT A PERSON OR REGULATED PARTY MAY HAVE VIOLATED THIS
41 CHAPTER OR A RULE ADOPTED PURSUANT TO THIS CHAPTER. FOLLOWING THE
42 INVESTIGATION, THE BOARD MAY TAKE DISCIPLINARY ACTION PURSUANT TO THIS
43 CHAPTER.**

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

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

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

6 Sec. 7. Section 32-1608, Arizona Revised Statutes, is amended to read:
7 32-1608. Examinations; notice

8 The board shall contract with a private entity to conduct licensure **AND**
9 **NURSING ASSISTANT CERTIFICATION** examinations. The board shall require as
10 part of this contract that the entity provide notice of the examination
11 procedure to applicants.

12 Sec. 8. Section 32-1609, Arizona Revised Statutes, is amended to read:
13 32-1609. Register of licenses and certificates; change of
14 address

15 A. The executive director shall keep a register of licenses and
16 certificates for each person who holds an Arizona nursing license or nursing
17 assistant certificate that includes the following:

- 18 1. Each licensee's and certificate holder's current ~~residence~~ address.
- 19 2. Licenses and certificates granted or revoked.

20 B. The register shall be open during office hours to public
21 inspection.

22 C. Each person who holds an Arizona nursing license or nursing
23 assistant certificate shall notify the board in writing within thirty days of
24 each change in the licensee's or certificate holder's ~~residence~~ address.

25 Sec. 9. Section 32-1631, Arizona Revised Statutes, is amended to read:
26 32-1631. Acts and persons not affected by chapter

27 This chapter ~~shall~~ **DOES** not ~~be construed as prohibiting~~ **PROHIBIT**:

28 1. Auxiliary or supportive services by maids, porters, messengers, bus
29 boys, nurses aides or attendants working under competent supervision in a
30 licensed hospital, or gratuitous care by friends or members of the family of
31 a sick or infirm person or incidental care of the sick by a domestic servant
32 or person employed primarily as a housekeeper, as long as these persons do
33 not practice ~~professional~~ **REGISTERED** nursing or claim to be licensed
34 practical nurses.

35 2. Nursing assistance in cases of emergency.

36 3. Nursing by duly enrolled prelicensure students under competent
37 supervision in approved nursing programs.

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

43 5. Nursing by any legally qualified nurse of another state who is
44 employed by the government of the United States or any bureau, division or

1 agency of the United States government in the discharge of that person's
2 official duties.

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

5 7. REGISTERED NURSE PRACTITIONER OR CLINICAL NURSE SPECIALIST PRACTICE
6 BY DULY ENROLLED STUDENTS UNDER COMPETENT SUPERVISION AS PART OF A REGISTERED
7 NURSE PRACTITIONER OR CLINICAL NURSE SPECIALIST PROGRAM IF THE PROGRAM IS
8 APPROVED BY A UNITED STATES NURSING REGULATORY AGENCY IN THE STATE OF THE
9 PARENT INSTITUTION AND THE STUDENT IS AUTHORIZED TO PRACTICE REGISTERED
10 NURSING IN THIS STATE.

11 8. NURSING EDUCATION THAT IS PROVIDED ELECTRONICALLY OR IN PERSON BY A
12 PERSON WHO RESIDES IN ANOTHER STATE AND WHO IS LICENSED TO PRACTICE
13 REGISTERED NURSING IN THAT STATE IF THE PROVISION OF EDUCATION DOES NOT
14 EXCEED SIX MONTHS IN ANY CALENDAR YEAR AND DOES NOT INCLUDE SUPERVISING OR
15 PROVIDING CLINICAL CARE.

16 9. CONSULTING SERVICES THAT ARE PROVIDED ELECTRONICALLY OR IN PERSON
17 BY A PERSON WHO RESIDES IN ANOTHER STATE AND WHO IS LICENSED TO PRACTICE
18 REGISTERED NURSING IN THAT STATE IF THE PROVISION OF SERVICES DOES NOT EXCEED
19 SIX MONTHS IN ANY CALENDAR YEAR AND DOES NOT INCLUDE DIRECT PATIENT CARE.

20 Sec. 10. Section 32-1632, Arizona Revised Statutes, is amended to
21 read:

22 32-1632. Qualifications of registered nurse; application for
23 license

24 An applicant for a license to practice as a ~~graduate, professional or~~
25 registered nurse shall file with the board a verified written application
26 accompanied by the prescribed fee and shall submit satisfactory proof that
27 the applicant:

28 1. Has completed satisfactorily the basic ~~professional~~ curriculum in
29 an approved ~~professional~~ REGISTERED nursing program and holds a diploma or
30 degree from that program.

31 2. If convicted of one or more felonies, has received an absolute
32 discharge from the sentences for all felony convictions five or more years
33 before the date of filing an application pursuant to this chapter.

34 Sec. 11. Section 32-1633, Arizona Revised Statutes, is amended to
35 read:

36 32-1633. Examination of registered nurses

37 A. An applicant shall pass an examination in subjects relating to the
38 duties and services of a registered nurse taught in an approved ~~professional~~
39 REGISTERED nursing program as the board determines.

40 B. If an applicant successfully passes the examination and meets the
41 other requirements ~~set forth in~~ ESTABLISHED PURSUANT TO this chapter, the
42 board shall issue a license to practice ~~professional~~ REGISTERED nursing to
43 the applicant.

44 ~~C. If an applicant fails the examination prescribed in subsection A~~
45 ~~four times, the board may require the applicant to complete additional~~

1 ~~educational requirements established by the board in its rules before taking~~
2 ~~the examination again.~~

3 C. IF AN APPLICANT FAILS TO PASS THE EXAMINATION PRESCRIBED IN
4 SUBSECTION A WITHIN TWO YEARS AFTER COMPLETING THE NURSING PROGRAM, THE BOARD
5 MAY REQUIRE THE APPLICANT TO COMPLETE ADDITIONAL EDUCATIONAL REQUIREMENTS AS
6 PRESCRIBED BY THE BOARD BY RULE.

7 D. IF ON REVIEW OF CREDIBLE EVIDENCE THE BOARD BELIEVES THAT THE
8 SECURITY OF A LICENSURE EXAMINATION HAS BEEN COMPROMISED AND THAT THE
9 CREDIBILITY OF EXAMINATION RESULTS IS IN QUESTION, THE BOARD MAY REQUIRE
10 RETESTING OF APPLICANTS.

11 Sec. 12. Section 32-1634, Arizona Revised Statutes, is amended to
12 read:

13 32-1634. Licensing out-of-state registered nurses

14 A. The board may issue a license to practice ~~professional~~ REGISTERED
15 nursing to an applicant who has been duly licensed or registered as a
16 ~~graduate~~, registered ~~or professional~~ nurse in another state or a territory of
17 the United States if in the opinion of the board the applicant meets the
18 qualifications required of a ~~professional~~ REGISTERED nurse in this state
19 pursuant to sections 32-1632 and 32-1633.

20 B. The board shall not issue a license to an applicant who has one or
21 more felony convictions and who has not received an absolute discharge from
22 the sentences for all felony convictions five or more years before the date
23 of filing the application.

24 Sec. 13. Section 32-1634.01, Arizona Revised Statutes, is amended to
25 read:

26 32-1634.01. Qualifications of international registered nurses:
27 application for license; examination

28 A. An applicant for a license to practice as a ~~professional~~ REGISTERED
29 nurse who is a graduate of ~~a foreign~~ AN INTERNATIONAL nursing program, who is
30 not licensed in another state or territory of the United States and who does
31 not meet the requirements of section 32-1633, subsection A, ~~shall~~ shall satisfy
32 the following requirements:

33 1. Submit a report from ~~an~~ A CREDENTIAL EVALUATION agency approved by
34 the board that provides information that the applicant's nursing program is
35 equivalent to an approved program or, IF THE APPLICANT GRADUATED FROM A
36 CANADIAN NURSING PROGRAM, submit a passing score on the English language
37 version of the Canadian nurses association testing service examination or an
38 equivalent Canadian nurse licensure examination as determined by the board.

39 2. ~~Submit a passing score, as determined by the board, on an MEETS~~
40 English language proficiency ~~examination approved by the board for those~~
41 ~~applicants whose nursing program was in a language other than English~~
42 REQUIREMENTS PRESCRIBED BY THE BOARD BY RULE.

43 3. Submit a report from an agency recognized by the board verifying
44 ~~the status of any nursing license held by the applicant~~ THAT ANY LICENSE HELD

1 IN AN INTERNATIONAL JURISDICTION IS IN GOOD STANDING AND IS OF EQUIVALENT
2 STATUS TO A LICENSE ISSUED IN THE UNITED STATES.

3 4. Pass an examination as provided in section 32-1633, subsection A.

4 5. Submit a verified statement that indicates whether the applicant
5 has been convicted of a felony and, if convicted of one or more felonies,
6 that indicates the date of absolute discharge from the sentences for all
7 felony convictions.

8 B. If the applicant satisfies the requirements of subsection A of this
9 section and meets the other requirements ~~set forth in~~ ESTABLISHED PURSUANT TO
10 this chapter AND BOARD RULES, except those requiring graduation from a board
11 approved program, the board shall issue a license to practice as a
12 ~~professional~~ REGISTERED nurse to the applicant.

13 ~~C. If an applicant fails the examination prescribed in subsection A,
14 paragraph 4 of this section four times, the board may require the applicant
15 to complete additional educational requirements established by the board in
16 its rules before taking the examination again.~~

17 C. ON REVIEW OF CREDIBLE EVIDENCE, THE BOARD MAY REQUIRE RETESTING OF
18 AN APPLICANT IF THE BOARD BELIEVES THAT THE SECURITY OF AN INTERNATIONAL
19 LICENSURE EXAMINATION HAS BEEN COMPROMISED AND THAT THE CREDIBILITY OF THE
20 EXAMINATION RESULTS IS IN QUESTION.

21 Sec. 14. Section 32-1634.02, Arizona Revised Statutes, is amended to
22 read:

23 32-1634.02. Qualifications of international registered nurses;
24 applicants for licensure; endorsement

25 A. An applicant for a license to practice as a ~~professional~~ REGISTERED
26 nurse who is a graduate of ~~a foreign~~ AN INTERNATIONAL nursing program and who
27 is licensed in another state or territory of the United States or, if not
28 licensed, has met the requirements prescribed in section 32-1633, subsection
29 A, shall satisfy the following requirements:

30 1. Submit a report from ~~an~~ A CREDENTIAL EVALUATION agency approved by
31 the board that provides information indicating that the applicant's nursing
32 program is equivalent to an approved ~~professional~~ REGISTERED nursing program
33 or, IF THE APPLICANT GRADUATED FROM A CANADIAN NURSING PROGRAM, submit a
34 passing score on the English language version of the Canadian nurses
35 association testing service examination or an equivalent Canadian nurse
36 licensure examination as determined by the board.

37 2. Submit a report from an agency recognized by the board verifying
38 the status of any nursing license held by the applicant.

39 3. Pass an examination as prescribed in section 32-1633, subsection A
40 AND SATISFY ENGLISH LANGUAGE PROFICIENCY REQUIREMENTS AS PRESCRIBED BY THE
41 BOARD BY RULE.

42 4. Submit a verified statement that indicates whether the applicant
43 has been convicted of a felony and, if convicted of one or more felonies,
44 that indicates the date of absolute discharge from the sentences for all
45 felony convictions.

1 B. If the applicant satisfies the ~~requirement~~ REQUIREMENTS of
2 subsection A of this section and meets the other requirements prescribed in
3 this chapter AND PURSUANT TO BOARD RULE, except those requiring graduation
4 from a board approved program PURSUANT TO SECTION 32-1632, PARAGRAPH 1, the
5 board shall issue a license to practice as a ~~professiona~~ REGISTERED nurse to
6 the applicant.

7 Sec. 15. Section 32-1635, Arizona Revised Statutes, is amended to
8 read:

9 32-1635. Temporary license to practice registered nursing

10 A. The board may issue a temporary license to practice ~~professional~~
11 REGISTERED nursing to an applicant for a license who ~~either:~~
12 ~~1.~~ meets the qualifications for licensing specified in ~~section~~
13 SECTIONS 32-1632 AND 32-1633 AND BOARD RULES.

14 ~~2. Has had an expired or inactive license for at least five years, who~~
15 ~~enrolls in a reentry update program approved by the board and who meets the~~
16 ~~requirements of section 32-1632, paragraph 2.~~

17 B. Temporary licenses expire on the date specified in the license and
18 may be renewed at the discretion of the ~~board~~ EXECUTIVE DIRECTOR.

19 Sec. 16. Section 32-1635.01, Arizona Revised Statutes, is amended to
20 read:

21 32-1635.01. Temporary nurse practitioner and clinical nurse
22 specialist certifications

23 A. The board may issue a temporary nurse practitioner certificate,
24 INCLUDING PRESCRIBING AND DISPENSING AUTHORITY, or A temporary clinical nurse
25 specialist certificate to a ~~professiona~~ REGISTERED nurse who holds an
26 unencumbered temporary OR PERMANENT license and who meets the requirements
27 for certification AND PRESCRIBING AND DISPENSING AUTHORITY as prescribed by
28 board rules.

29 B. A temporary certificate expires on the date specified in the
30 certificate and may be renewed at the ~~board's~~ discretion OF THE EXECUTIVE
31 DIRECTOR.

32 Sec. 17. Section 32-1636, Arizona Revised Statutes, is amended to
33 read:

34 32-1636. Use of titles or abbreviations

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

39 B. ONLY A PERSON WHO HOLDS A VALID AND CURRENT LICENSE TO PRACTICE
40 PRACTICAL NURSING IN THIS STATE OR IN A PARTY STATE AS DEFINED IN SECTION
41 32-1668 MAY USE THE TITLE "NURSE", "LICENSED PRACTICAL NURSE" OR "PRACTICAL
42 NURSE" OR THE ABBREVIATION "L.P.N."

43 C. ONLY A PERSON WHO HOLDS A VALID AND CURRENT CERTIFICATE ISSUED
44 PURSUANT TO THIS CHAPTER TO PRACTICE AS A REGISTERED NURSE PRACTITIONER IN
45 THIS STATE MAY USE THE TITLE "NURSE PRACTITIONER", "REGISTERED NURSE

1 PRACTITIONER" OR "NURSE MIDWIFE", IF APPLICABLE, OR USE ANY WORDS OR LETTERS
2 TO INDICATE THE PERSON IS A REGISTERED NURSE PRACTITIONER. A PERSON WHO IS
3 CERTIFIED AS A REGISTERED NURSE PRACTITIONER SHALL INDICATE BY TITLE OR
4 INITIALS THE SPECIALTY AREA OF CERTIFICATION.

5 D. ONLY A PERSON WHO HOLDS A VALID AND CURRENT CERTIFICATE ISSUED
6 PURSUANT TO THIS CHAPTER TO PRACTICE AS A CLINICAL NURSE SPECIALIST MAY USE
7 THE TITLE "CLINICAL NURSE SPECIALIST" OR USE ANY WORDS OR LETTERS TO INDICATE
8 THE PERSON IS A CLINICAL NURSE SPECIALIST. A PERSON WHO IS CERTIFIED AS A
9 CLINICAL NURSE SPECIALIST SHALL INDICATE BY TITLE OR INITIALS THE SPECIALTY
10 AREA OF CERTIFICATION.

11 E. A NURSE WHO IS GRANTED RETIREMENT STATUS SHALL NOT PRACTICE NURSING
12 BUT MAY USE THE TITLE "REGISTERED NURSE-RETIRED" OR "RN-RETIRED" OR "LICENSED
13 PRACTICAL NURSE-RETIRED" OR "LPN-RETIRED", AS APPLICABLE.

14 Sec. 18. Section 32-1638, Arizona Revised Statutes, is amended to
15 read:

16 32-1638. Examination of practical nurses

17 A. An applicant shall pass an examination in subjects relating to the
18 duties and services of a practical nurse taught in an approved practical
19 nursing program as the board determines.

20 B. If an applicant successfully passes the examination and meets the
21 other requirements ~~set forth in~~ ESTABLISHED PURSUANT TO this chapter, the
22 board shall issue a license to practice as a licensed practical nurse to the
23 applicant.

24 ~~C. If an applicant fails the examination prescribed in subsection A~~
25 ~~four times, the board may require the applicant to complete additional~~
26 ~~educational requirements established by the board in its rules before taking~~
27 ~~the examination again.~~

28 C. IF AN APPLICANT FAILS TO PASS THE EXAMINATION PRESCRIBED IN
29 SUBSECTION A WITHIN TWO YEARS AFTER COMPLETING THE NURSING PROGRAM, THE BOARD
30 MAY REQUIRE THE APPLICANT TO COMPLETE ADDITIONAL EDUCATIONAL REQUIREMENTS AS
31 PRESCRIBED BY THE BOARD BY RULE.

32 D. ON REVIEW OF CREDIBLE EVIDENCE, THE BOARD MAY REQUIRE RETESTING OF
33 APPLICANTS IF THE BOARD BELIEVES THAT THE SECURITY OF A LICENSURE EXAMINATION
34 HAS BEEN COMPROMISED AND THAT THE CREDIBILITY OF EXAMINATION RESULTS IS IN
35 QUESTION.

36 Sec. 19. Section 32-1639.01, Arizona Revised Statutes, is amended to
37 read:

38 32-1639.01. Qualifications of international graduate practical
39 nurses; application for license; examination

40 A. An applicant for a license to practice as a practical nurse who is
41 a graduate of ~~a foreign~~ AN INTERNATIONAL nursing program, ~~and~~ who is not
42 licensed in another state or territory of the United States and who does not
43 meet the requirements of section 32-1638, subsection A, ~~must~~ satisfy the
44 following requirements:

1 1. Submit a report from ~~an~~ A CREDENTIAL EVALUATION agency approved by
2 the board that provides information that the applicant's nursing program is
3 equivalent to an approved practical or ~~professional~~ REGISTERED nursing
4 program, or IF THE APPLICANT GRADUATED FROM A CANADIAN NURSING PROGRAM,
5 submit a passing score on the English language version of the Canadian nurses
6 association testing service examination or an equivalent Canadian nurse
7 licensure examination as determined by the board.

8 2. ~~Submit a passing score, as determined by the board, on an~~ MEETS
9 English language proficiency ~~examination approved by the board for those~~
10 ~~applicants whose nursing program was in a language other than English~~
11 REQUIREMENTS PRESCRIBED BY THE BOARD BY RULE.

12 3. Submit a report from an agency recognized by the board verifying
13 ~~the status of any nursing license held by the applicant~~ THAT ANY LICENSE HELD
14 IN AN INTERNATIONAL JURISDICTION IS IN GOOD STANDING AND IS OF EQUIVALENT
15 STATUS TO A LICENSE ISSUED IN THE UNITED STATES.

16 4. Pass an examination as prescribed in section 32-1638.

17 5. Submit a verified statement that indicates if the applicant has
18 been convicted of a felony and, if convicted of one or more felonies, that
19 indicates the date of absolute discharge from the sentences for all felony
20 convictions.

21 B. THE BOARD SHALL ISSUE A LICENSE TO PRACTICE AS A PRACTICAL NURSE TO
22 AN APPLICANT WHO DOES NOT MEET THE REQUIREMENTS OF SECTION 32-1637, PARAGRAPH
23 1, RELATING TO GRADUATION FROM A BOARD APPROVED PROGRAM, IF THE APPLICANT
24 OTHERWISE MEETS THE REQUIREMENTS OF SUBSECTION A OF THIS SECTION AND THE
25 OTHER REQUIREMENTS ESTABLISHED PURSUANT TO THIS CHAPTER.

26 C. ON REVIEW OF CREDIBLE EVIDENCE, THE BOARD MAY REQUIRE RETESTING OF
27 AN APPLICANT IF THE BOARD BELIEVES THAT THE SECURITY OF AN INTERNATIONAL
28 LICENSURE EXAMINATION HAS BEEN COMPROMISED AND THAT THE CREDIBILITY OF THE
29 EXAMINATION RESULTS IS IN QUESTION.

30 Sec. 20. Section 32-1639.02, Arizona Revised Statutes, is amended to
31 read:

32 32-1639.02. Qualifications of international graduate practical
33 nurses; application for license; endorsement

34 A. An applicant for a license to practice as a practical nurse who is
35 a graduate of ~~a foreign~~ AN INTERNATIONAL nursing program and who is licensed
36 in another state or territory of the United States shall satisfy the
37 following requirements:

38 1. Submit a report from ~~an~~ A CREDENTIAL EVALUATION agency approved by
39 the board that provides information that the applicant's nursing program is
40 equivalent to an approved practical or ~~professional~~ REGISTERED nursing
41 program or, IF THE APPLICANT GRADUATED FROM A CANADIAN NURSING PROGRAM,
42 submit a passing score on the English language version of the Canadian nurses
43 association testing service examination or an equivalent Canadian nurse
44 licensure examination as determined by the board.

1 2. Submit a report from an agency recognized by the board verifying
2 the status of any nursing license held by the applicant.

3 3. Pass an examination as prescribed in section 32-1638 **AND SATISFY**
4 **ENGLISH LANGUAGE PROFICIENCY REQUIREMENTS AS PRESCRIBED BY THE BOARD BY RULE.**

5 4. Submit a verified statement that indicates if the applicant has
6 been convicted of a felony and, if convicted of one or more felonies, that
7 indicates the date of absolute discharge from the sentences for all felony
8 convictions.

9 **B. EXCEPT FOR THE REQUIREMENT RELATING TO GRADUATION FROM A BOARD**
10 **APPROVED PROGRAM AS PRESCRIBED PURSUANT TO SECTION 32-1637, PARAGRAPH 1, IF**
11 **THE APPLICANT SATISFIES THE REQUIREMENT OF SUBSECTION A OF THIS SECTION AND**
12 **MEETS THE OTHER REQUIREMENTS ESTABLISHED PURSUANT TO THIS CHAPTER, THE BOARD**
13 **SHALL ISSUE A LICENSE TO PRACTICE AS A PRACTICAL NURSE.**

14 Sec. 21. Section 32-1640, Arizona Revised Statutes, is amended to
15 read:

16 32-1640. Temporary license to practice as a licensed practical
17 nurse

18 A. The board may issue a temporary license to practice as a licensed
19 practical nurse to an applicant for a license who ~~either:~~
20 ~~1-~~ meets the qualifications for licensing specified in section 32-1637
21 **AND AS PRESCRIBED BY THE BOARD BY RULE.**

22 ~~2- Has had an expired or inactive license for at least five years,~~
23 ~~enrolls in a reentry update program approved by the board and meets the~~
24 ~~requirements of section 32-1637, paragraph 2-~~

25 B. Temporary licenses expire on the date specified in the license and
26 may be renewed at the discretion of the ~~board~~ **EXECUTIVE DIRECTOR.**

27 Sec. 22. Repeal

28 Section ~~32-1641~~, Arizona Revised Statutes, is repealed.

29 Sec. 23. Section 32-1642, Arizona Revised Statutes, is amended to
30 read:

31 32-1642. Renewal of license; failure to renew:

32 A. Except as provided in section 32-4301, a ~~professional~~ **REGISTERED**
33 and practical nurse licensee shall renew the license every four years on or
34 before ~~July~~ **APRIL** 1. If a licensee does not renew the license on or before
35 ~~August~~ **MAY** 1, the licensee shall pay an additional fee for late renewal as
36 prescribed in section 32-1643. If a licensee does not renew the license on
37 or before ~~November~~ **AUGUST** 1, the license expires. It is a violation of this
38 chapter for a person to practice nursing with an expired license.

39 B. An applicant for renewal of a ~~professional~~ **REGISTERED** or practical
40 nursing license shall submit a verified statement that indicates whether the
41 applicant has been convicted of a felony and, if convicted of one or more
42 felonies, indicates the date of absolute discharge from the sentences for all
43 felony convictions.

44 C. On receipt of the application and fee, the board shall verify the
45 accuracy of the application and issue to the applicant an active renewal

1 license, which shall be effective for the following four calendar years. The
 2 renewal license shall render the holder a legal practitioner of nursing, as
 3 specified in the license, during the period stated on the certificate of
 4 renewal. A licensee who fails to secure a renewal license within the time
 5 specified may secure a renewal license by making verified application as the
 6 board prescribes by furnishing proof of being qualified and competent to act
 7 as a ~~professional~~ REGISTERED or practical nurse, and additional information
 8 and material as required by the board, and by payment of the prescribed fee.

9 D. Except as provided in section 32-4301, a nursing assistant shall
 10 renew the certification every two years on the last day of the birth month of
 11 the nursing assistant. An applicant for renewal shall submit a verified
 12 statement that indicates whether the applicant has been convicted of a felony
 13 and, if convicted of one or more felonies, indicates the date of absolute
 14 discharge from the sentences for all felony convictions. On receipt of the
 15 application and fee, the board shall recertify qualified applicants.

16 E. On written request to the board, the name and license of a licensee
 17 in good standing may be transferred to an inactive list. The licensee shall
 18 not practice during the time the license is inactive, and renewal fees do not
 19 accrue. If an inactive licensee wishes to resume the practice of nursing,
 20 the board shall renew the license on satisfactory showing that the licensee
 21 is then qualified and competent to practice and on payment of the current
 22 renewal fee. The licensee shall also file with the board a verified
 23 statement that indicates whether the applicant has been convicted of a felony
 24 and, if convicted of one or more felonies, that indicates the date of
 25 absolute discharge from the sentences for all felony convictions.

26 Sec. 24. Section 32-1643, Arizona Revised Statutes, is amended to
 27 read:

28 32-1643. Fees; penalties

29 A. The board by formal vote at its annual ~~November~~ meeting shall
 30 establish fees not to exceed the following amounts:

31 1. Initial application for certification for ~~extended nursing practice~~
 32 REGISTERED NURSE PRACTITIONER AND CLINICAL NURSE SPECIALIST in specialty
 33 areas, one hundred fifty dollars.

34 2. Initial application for school nurse certification, seventy-five
 35 dollars.

36 3. Initial application for license as a ~~professional~~ REGISTERED nurse,
 37 one hundred fifty dollars.

38 4. Initial application for license as a ~~licensed~~ practical nurse, one
 39 hundred fifty dollars.

40 5. Application for ~~reinstatement~~ REISSUANCE of a ~~professional~~
 41 REGISTERED or practical nursing license, one hundred fifty dollars.

42 6. Application for renewal of a ~~professional~~ REGISTERED nurse or a
 43 practical nurse license before expiration, one hundred sixty dollars.

- 1 7. Application for renewal of license after expiration, one hundred
2 sixty dollars, plus a late fee of fifty dollars for each month a license is
3 lapsed, but not to exceed a total of two hundred dollars.
- 4 8. Application for renewal of a school nurse certificate, fifty
5 dollars.
- 6 9. Application for temporary license or temporary nursing assistant
7 certificate, fifty dollars.
- 8 10. Retaking the ~~professional~~ REGISTERED nurse or practical nurse
9 examination, one hundred dollars.
- 10 11. Issuing a certification card to an applicant for nursing assistant
11 certification, fifty dollars.
- 12 12. Issuing a certification card to a certified nursing assistant
13 applicant for renewal, fifty dollars.
- 14 13. Application for renewal of a nursing assistant certificate after
15 its expiration, twenty-five dollars for each year it is expired, not to
16 exceed a total of one hundred dollars.
- 17 14. Issuing a duplicate license or certificate, twenty-five dollars.
- 18 15. Copying a nursing program transcript, twenty-five dollars.
- 19 16. Verification to another state or country of licensure for
20 endorsement, certification for advanced practice or nursing assistant
21 certification, fifty dollars.
- 22 17. Providing verification to an applicant for licensure or for nursing
23 assistant certification by endorsement, fifty dollars.
- 24 18. Application to prescribe and dispense medication and application to
25 prescribe medication, one hundred fifty dollars.
- 26 19. Application for renewal of prescribing and dispensing medication
27 privileges before expiration and application for renewal of prescribing
28 medication privileges before expiration, twenty dollars.
- 29 20. Application for renewal of prescribing and dispensing medication
30 privileges after expiration and application for renewal of prescribing
31 medication privileges after expiration, thirty-five dollars.
- 32 21. Issuing an inactive license, fifty dollars.
- 33 22. Writing the national council licensing examination for the first
34 time, one hundred fifty dollars.
- 35 23. Sale of publications prepared by the board, fifty dollars.
- 36 24. Providing notary services, two dollars, or as allowed under section
37 41-316.
- 38 25. Copying records, documents, letters, minutes, applications and
39 files, fifty cents a page.
- 40 26. Processing fingerprint cards, fifty dollars.
- 41 27. Registration for board seminars, one hundred dollars.
- 42 28. Failing to notify the board of a change of ~~residence~~ address
43 pursuant to section 32-1609, twenty-five dollars.
- 44 B. The board may collect from the drawer of a dishonored check, draft
45 order or note an amount allowed pursuant to section 44-6852.

1 Sec. 25. Section 32-1644, Arizona Revised Statutes, is amended to
2 read:

3 32-1644. Approval of nursing schools and nursing programs:
4 application; maintenance of standards

5 A. The board shall approve all new prelicensure nursing, nurse
6 practitioner and clinical nurse specialist programs pursuant to this
7 section. A postsecondary educational institution or school in this state
8 that is accredited by an accrediting agency recognized by the United States
9 department of education desiring to conduct a ~~professional~~ REGISTERED
10 NURSING, practical NURSING, nurse practitioner or clinical nurse specialist
11 ~~nursing~~ program shall apply to the board for approval and submit satisfactory
12 proof that it is prepared to meet and maintain the minimum standards
13 prescribed by this chapter and board rules.

14 B. The board or its authorized agent shall conduct a survey of the
15 institution or program applying for approval and shall submit a written
16 report of its findings to the board. If the board determines that the
17 program meets the requirements prescribed in its rules, it shall approve the
18 applicant as either a ~~professional~~ REGISTERED nursing program, practical
19 nursing program, nurse practitioner program or clinical nurse specialist
20 program in a specialty area.

21 C. A nursing program approved by the board may also be accredited by a
22 national nursing accrediting agency recognized by the board. If a
23 prelicensure nursing program is accredited by a national nursing accrediting
24 agency recognized by the board, the board does not have authority over it
25 unless any of the following occurs:

26 1. The board receives a complaint about the program relating to
27 patient safety.

28 2. The program falls below the standards prescribed by the board in
29 its rules.

30 3. The program loses its accreditation by a national nursing
31 accrediting agency recognized by the board.

32 4. The program allows its accreditation by a national nursing
33 accrediting agency recognized by the board to lapse.

34 D. From time to time the board, through its authorized employees or
35 representatives, may resurvey AND REAPPROVE all approved programs in the
36 state and shall file written reports of these resurveys with the board. If
37 the board determines that an approved nursing program is not maintaining the
38 required standards, it shall immediately give written notice to the program
39 specifying the defects. If the defects are not corrected within a reasonable
40 time as determined by the board, OR IF THE PROGRAM REPEATEDLY VIOLATES BOARD
41 RULES, the board may take ~~either~~ ANY of the following actions:

42 1. Approve the program but restrict the program's ability to admit new
43 students until the program complies with board standards.

1 2. ~~Remove the program from the list of approved~~ RESCIND THE APPROVAL
2 OF THE nursing ~~programs~~ PROGRAM until the program complies with board
3 standards.

4 3. TAKE DISCIPLINARY ACTION AGAINST THE PROGRAM.

5 E. All approved nursing programs shall maintain accurate and current
6 records showing in full the theoretical and practical courses given to each
7 student.

8 F. The board does not have regulatory authority over the following
9 approved nurse practitioner or clinical nurse specialist programs unless the
10 conditions prescribed in subsection C are met:

11 1. A nurse practitioner or clinical nurse specialist program that is
12 part of a graduate program in nursing accredited by an agency recognized by
13 the board if the program was surveyed as part of the graduate program
14 accreditation.

15 2. A nurse practitioner or clinical nurse specialist program that is
16 accredited by an agency recognized by the board.

17 Sec. 26. Section 32-1646, Arizona Revised Statutes, is amended to
18 read:

19 32-1646. Nursing assistants; board powers

20 A. In the regulation of nursing assistants the board may:

21 1. Refer criminal violations of this article to the appropriate law
22 enforcement agency.

23 2. File a letter of concern if the board believes there is
24 insufficient evidence to support direct action against the nursing
25 assistant's certificate but sufficient evidence for the board to notify the
26 nursing assistant of its concern.

27 3. Pursuant to the omnibus budget reconciliation act of 1987 (P.L.
28 100-203; 101 Stat. 1330), as amended by the medicare catastrophic coverage
29 act of 1988 (P.L. 100-360; 102 Stat. 683), indicate on the certificate the
30 existence of any substantiated complaints against the certificate holder.

31 4. Deny certification or recertification or ~~suspend, revoke or accept~~
32 ~~the voluntary surrender of a certificate~~ TAKE DISCIPLINARY ACTION if a
33 nursing assistant commits an act of unprofessional conduct. DISCIPLINARY
34 ACTION AGAINST NURSING ASSISTANT CERTIFICATES IS LIMITED TO REVOCATION,
35 SUSPENSION, A DECREE OF CENSURE, IMPOSING A CIVIL PENALTY AND ORDERING
36 RESTITUTION.

37 5. Issue a temporary nursing assistant certificate to an applicant who
38 meets the qualifications for certification specified in section 32-1645. The
39 certificate expires six months after the date of issuance and may be renewed
40 at the discretion of the board.

41 6. In addition to any other disciplinary action it may take, impose a
42 civil penalty of not more than one thousand dollars for each violation of
43 this chapter.

1 B. The board shall revoke a certificate of a person or not issue a
2 certificate or recertification to an applicant who has one or more felony
3 convictions and who has not received an absolute discharge from the sentences
4 for all felony convictions five or more years prior to the date of filing an
5 application pursuant to this chapter. ~~This subsection does not apply to a
6 person who has filed an application for certification or recertification
7 before August 1, 1998 and who has disclosed one or more felony convictions on
8 the person's application.~~

9 Sec. 27. Section 32-1647, Arizona Revised Statutes, is amended to
10 read:

11 32-1647. Examination of nursing assistants

12 A. An applicant for certification as a nursing assistant shall pass a
13 written and manual skills examination on subjects contained in a nursing
14 assistant training program approved by the board.

15 B. The board shall issue a certificate to a person who successfully
16 passes both examinations and meets all other requirements as prescribed in
17 this article.

18 C. If an applicant fails **TO PASS** either the written or the manual
19 skills examination ~~three times~~ **WITHIN TWO YEARS AFTER COMPLETING AN**
20 **EDUCATIONAL PROGRAM**, the applicant shall complete to the board's satisfaction
21 an approved nursing assistant training program before the applicant may take
22 that examination again.

23 ~~D. The board shall waive the examination requirements of this section
24 if the applicant submits a verified affidavit to the board demonstrating that
25 the applicant has completed one of the following:~~

26 ~~1. As of July 1, 1989, sixty hours of training and fifteen hours of
27 in-service training.~~

28 ~~2. As of July 1, 1989, one hundred hours of training.~~

29 ~~3. Work at one or more facilities operated by the same employer in
30 this state for a minimum of twenty four consecutive months prior to December
31 19, 1989.~~

32 Sec. 28. Repeal

33 Section ~~32-1662~~, Arizona Revised Statutes, is repealed.

34 Sec. 29. Section 32-1663, Arizona Revised Statutes, is amended to
35 read:

36 32-1663. Disciplinary action

37 A. If an applicant for licensure or certification commits an act of
38 unprofessional conduct, the board, **AFTER AN INVESTIGATION**, may deny the
39 application **OR TAKE OTHER DISCIPLINARY ACTION**. ~~The board may issue a
40 conditional license to an applicant for licensure who commits an act of
41 unprofessional conduct.~~

42 B. **IN ITS DENIAL ORDER**, the board ~~in its order denying the license to
43 an applicant~~ shall ~~terminate and revoke~~ **IMMEDIATELY INVALIDATE** any temporary
44 license **OR CERTIFICATE** issued to ~~that~~ **THE** applicant.

1 C. Any person aggrieved by an order of the board ~~denying a license or~~
2 ~~certificate~~ ISSUED under the authority granted by subsection A of this
3 section ~~is entitled to~~ MAY REQUEST an administrative hearing pursuant to
4 title 41, chapter 6, article 10.

5 D. If the board finds, after affording an opportunity to request an
6 administrative hearing PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE 10, that a
7 person who holds ~~an Arizona nursing~~ A license OR CERTIFICATE ISSUED PURSUANT
8 TO THIS CHAPTER has committed an act of unprofessional conduct, it may ~~do any~~
9 ~~of the following:~~ TAKE DISCIPLINARY ACTION.

- 10 ~~1. Revoke or suspend the license.~~
- 11 ~~2. Impose a civil penalty.~~
- 12 ~~3. Censure the licensee.~~
- 13 ~~4. Place the licensee on probation.~~
- 14 ~~5. Accept the voluntary surrender of a license.~~

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

21 ~~F. If the board finds after affording an opportunity to request an~~
22 ~~administrative hearing that a certificate holder has committed an act of~~
23 ~~unprofessional conduct it may do any of the following:~~

- 24 ~~1. Revoke or suspend the certificate.~~
- 25 ~~2. Impose a civil penalty.~~
- 26 ~~3. Accept the voluntary surrender of a certificate.~~

27 ~~G.~~ F. If the board determines pursuant to an investigation that
28 reasonable grounds exist to discipline a person pursuant to subsection D, ~~OR~~
29 ~~or F~~ 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 by
33 this chapter.

34 2. The nature of the allegations asserted and that cites the specific
35 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 take
39 any disciplinary action allowed pursuant to this chapter without conducting a
40 hearing.

41 ~~H.~~ G. If the state board of nursing acts to modify any registered
42 nurse practitioner's prescription writing privileges, it shall immediately
43 notify the state board of pharmacy of the modification.

1 Sec. 30. Section 32-1663.01, Arizona Revised Statutes, is amended to
2 read:

3 32-1663.01. Administrative violations; administrative penalty

4 A. The board may sanction any of the following as an administrative
5 violation rather than as unprofessional conduct and may impose an
6 administrative penalty of not more than one thousand dollars for ~~either~~ ANY
7 of the following:

8 1. Failing to timely renew a nursing license or nurse assistant
9 certificate while continuing to practice nursing or engage in activities or
10 duties related to nursing.

11 2. Failing to notify the board in writing within thirty days after a
12 change in ~~residence~~ address.

13 3. ~~FAILING TO RENEW NURSING OR NURSING ASSISTANT PROGRAM APPROVAL AND~~
14 ~~CONTINUING TO OPERATE THE PROGRAM.~~

15 4. ~~IF THE BOARD ADOPTS A SUBSTANTIVE POLICY STATEMENT PURSUANT TO~~
16 ~~SECTION 41-1091, PRACTICING NURSING WITHOUT A LICENSE.~~

17 B. A ~~person~~ REGULATED PARTY who fails to pay an administrative penalty
18 as prescribed by this section or to establish a schedule for payment as
19 prescribed pursuant to section 32-1606, subsection A, paragraph ~~8- 6~~ within
20 thirty days after notification commits an act of unprofessional conduct and
21 is subject to disciplinary action.

22 C. The board shall deposit, pursuant to sections 35-146 and 35-147,
23 all monies collected under this section in the state general fund.

24 Sec. 31. Section 32-1664, Arizona Revised Statutes, is amended to
25 read:

26 32-1664. Investigation; hearing; notice

27 ~~A. The board on its own motion may investigate any evidence that~~
28 ~~appears to show that a licensee or a certificate holder is or may be guilty~~
29 ~~of violating this chapter or rules adopted pursuant to this chapter.~~

30 A. IN CONNECTION WITH AN INVESTIGATION, THE BOARD OR ITS DULY
31 AUTHORIZED AGENTS OR EMPLOYEES MAY OBTAIN ANY DOCUMENTS, REPORTS, RECORDS,
32 PAPERS, BOOKS AND MATERIALS, INCLUDING HOSPITAL RECORDS, MEDICAL STAFF
33 RECORDS AND MEDICAL STAFF REVIEW COMMITTEE RECORDS, OR ANY OTHER PHYSICAL
34 EVIDENCE THAT INDICATES THAT A PERSON OR REGULATED PARTY MAY HAVE VIOLATED
35 THIS CHAPTER OR A RULE ADOPTED PURSUANT TO THIS CHAPTER:

36 1. BY ENTERING THE PREMISES, AT ANY REASONABLE TIME, AND INSPECTING
37 AND COPYING MATERIALS IN THE POSSESSION OF THE PERSON OR REGULATED PARTY OR
38 IN THE POSSESSION OF ANY HOSPITAL, CLINIC, HEALTH CARE PROVIDER'S OFFICE,
39 LABORATORY, PHARMACY, PUBLIC OR PRIVATE AGENCY, HEALTH CARE INSTITUTION AS
40 DEFINED IN SECTION 36-401 OR HEALTH CARE PROVIDER.

41 2. BY ISSUING A SUBPOENA UNDER THE BOARD'S SEAL.

42 3. BY SUBMITTING A WRITTEN REQUEST FOR THE INFORMATION.

43 4. IN THE CASE OF AN APPLICANT'S OR A REGULATED PARTY'S PERSONAL
44 MEDICAL RECORDS, AS DEFINED IN SECTION 12-2291, BY ANY MEANS PERMITTED BY
45 THIS SECTION IF THE BOARD EITHER:

1 (a) OBTAINS FROM THE APPLICANT OR REGULATED PARTY, OR THE HEALTH CARE
2 DECISION MAKER OF THE APPLICANT OR REGULATED PARTY, A WRITTEN AUTHORIZATION
3 THAT SATISFIES THE REQUIREMENTS OF TITLE 12, CHAPTER 13, ARTICLE 7.1.

4 (b) REASONABLY BELIEVES THAT THE RECORDS RELATE TO INFORMATION ALREADY
5 IN THE BOARD'S POSSESSION REGARDING THE COMPETENCE, UNPROFESSIONAL CONDUCT OR
6 MENTAL OR PHYSICAL ABILITY OF THE APPLICANT OR REGULATED PARTY AS IT PERTAINS
7 TO SAFE PRACTICE. IF THE BOARD ADOPTS A SUBSTANTIVE POLICY STATEMENT
8 PURSUANT TO SECTION 41-1091, IT MAY AUTHORIZE THE EXECUTIVE DIRECTOR, OR A
9 DESIGNEE IN THE ABSENCE OF THE EXECUTIVE DIRECTOR, TO MAKE THE DETERMINATION
10 OF REASONABLE BELIEF.

11 B. A ~~licensee, a certificate holder~~ REGULATED PARTY and a health care
12 institution as defined in section 36-401 shall, and any other person may,
13 report to the board any information the licensee, certificate holder, health
14 care institution or individual may have that appears to show that a ~~licensee~~
15 ~~or certificate holder~~ REGULATED PARTY OR APPLICANT is, was or may be a threat
16 to the public health or safety.

17 C. The board retains jurisdiction to proceed with an investigation or
18 a disciplinary proceeding against a ~~person~~ REGULATED PARTY whose license or
19 certificate expired not more than five years before the board initiates the
20 investigation.

21 D. Any ~~licensee, certificate holder~~ REGULATED PARTY, health care
22 institution or other person that reports or provides information to the board
23 in good faith is not subject to civil liability. If requested the board
24 shall not disclose the name of the reporter unless the information is
25 essential to proceedings conducted pursuant to this section.

26 ~~E. On receipt by the board of a complaint charging a licensee or~~
27 ~~certificate holder with an act of unprofessional conduct, the board may~~
28 ~~conduct an investigation of the complaint. For purposes of the~~
29 ~~investigation, the board may employ investigators.~~

30 E. ANY REGULATED PARTY OR PERSON WHO IS SUBJECT TO AN INVESTIGATION
31 MAY OBTAIN REPRESENTATION BY COUNSEL.

32 F. ~~For~~ ON DETERMINATION OF reasonable cause the board may require a
33 licensee or certificate holder to undergo any combination of mental, physical
34 or psychological examinations or skills evaluations necessary to determine
35 the person's competence ~~and conduct~~ OR ABILITY TO PRACTICE SAFELY. These
36 examinations may include bodily fluid testing.

37 G. If after completing its investigation the board finds that the
38 information provided pursuant to this section is not of sufficient
39 seriousness to merit ~~direct~~ DISCIPLINARY action against the ~~licensee or~~
40 ~~certificate holder~~ REGULATED PARTY OR APPLICANT, it may take either of the
41 following actions:

- 42 1. Dismiss if in the opinion of the board the information is without
43 merit.
- 44 2. File a letter of concern if in the opinion of the board there is
45 insufficient evidence to support ~~direct~~ DISCIPLINARY action against the

1 ~~licensee or certificate holder~~ REGULATED PARTY OR APPLICANT but sufficient
2 evidence for the board to notify ~~that person~~ THE REGULATED PARTY OR APPLICANT
3 of its concern.

4 H. Except as provided pursuant to section 32-1663, subsection ~~G~~ F and
5 subsection I of this section, if the investigation in the opinion of the
6 board reveals reasonable grounds to support the charge, the ~~licensee or~~
7 ~~certificate holder~~ REGULATED PARTY is entitled to an administrative hearing
8 pursuant to title 41, chapter 6, article 10. If notice of the hearing is
9 served by certified mail, service is complete on the date the notice is
10 placed in the mail.

11 I. A ~~licensee or certificate holder~~ REGULATED PARTY shall respond in
12 writing to the board within thirty days after notice of the hearing is served
13 as prescribed in subsection H of this section. The board ~~shall~~ MAY consider
14 a ~~person's~~ REGULATED PARTY'S failure to respond within this time as an
15 admission by default to the allegations stated in the complaint. The board
16 may then take disciplinary actions allowed by this chapter without conducting
17 a hearing.

18 J. An administrative law judge or a panel of board members may conduct
19 hearings pursuant to this section.

20 K. In any matters pending before it, the board may issue subpoenas
21 under its seal ~~and TO~~ compel the attendance of witnesses. ~~and the production~~
22 ~~of relevant and necessary papers, books, records, documentary evidence and~~
23 ~~materials including hospital records, medical staff records and medical staff~~
24 ~~review committee records. Any person failing to comply with a subpoena may,~~
25 ~~on application by the board to any superior court judge, be ordered by the~~
26 ~~judge to comply with the subpoena and on failure to comply shall be punished~~
27 ~~as in the case of disobedience of lawful process issued by the superior~~
28 ~~court. Subpoenas shall be served by regular or certified mail or in the~~
29 ~~manner required by the rules of civil procedure for the superior court.~~

30 L. Patient records, including clinical records, medical reports,
31 laboratory statements and reports, any file, film, other report or oral
32 statement relating to diagnostic findings or treatment of patients, any
33 information from which a patient or a patient's family might be identified or
34 information received and records kept by the board as a result of the
35 investigation procedure outlined in this chapter are not available to the
36 public and are not subject to discovery in civil or criminal proceedings.

37 M. Hospital records, medical staff records, medical staff review
38 committee records, testimony concerning these records and proceedings related
39 to the creation of these records shall not be available to the public. They
40 shall be kept confidential by the board and shall be subject to the same
41 provisions concerning discovery and use in legal actions as are the original
42 records in the possession and control of hospitals, their medical staffs and
43 their medical staff review committees. The board shall use these records and
44 testimony during the course of investigations and proceedings pursuant to
45 this chapter.

1 N. If the ~~licensee or certificate holder~~ REGULATED PARTY is found to
2 have committed an act of unprofessional conduct OR TO HAVE VIOLATED THIS
3 CHAPTER OR A RULE ADOPTED PURSUANT TO THIS CHAPTER, the board may ~~revoke or~~
4 ~~suspend the license or the certificate~~ TAKE DISCIPLINARY ACTION.

5 O. The board may subsequently issue a denied license or certificate
6 and may reissue a revoked or ~~suspended~~ VOLUNTARILY SURRENDERED license or
7 ~~a revoked~~ certificate.

8 ~~P. If a complaint is filed with the board against an approved nursing~~
9 ~~program or an approved nursing assistant training program, the nursing~~
10 ~~program is entitled to an administrative hearing pursuant to the requirements~~
11 ~~of section 32-1663, subsection G and subsection H of this section.~~

12 P. ON APPLICATION BY THE BOARD TO ANY SUPERIOR COURT JUDGE, A PERSON
13 WHO FAILS TO COMPLY WITH A SUBPOENA ISSUED PURSUANT TO THIS SECTION MAY BE
14 ORDERED BY THE JUDGE TO COMPLY WITH THE SUBPOENA AND PUNISHED BY THE COURT
15 FOR FAILING TO COMPLY. SUBPOENAS SHALL BE SERVED BY REGULAR OR CERTIFIED
16 MAIL OR IN THE MANNER REQUIRED BY THE ARIZONA RULES OF CIVIL PROCEDURE.

17 Q. THE BOARD MAY SHARE INVESTIGATIVE INFORMATION THAT IS CONFIDENTIAL
18 UNDER SUBSECTIONS L AND M OF THIS SECTION WITH OTHER STATE, FEDERAL AND
19 INTERNATIONAL HEALTH CARE AGENCIES AND WITH STATE, FEDERAL AND INTERNATIONAL
20 LAW ENFORCEMENT AUTHORITIES IF THE RECIPIENT IS SUBJECT TO CONFIDENTIALITY
21 REQUIREMENTS SIMILAR TO THOSE ESTABLISHED BY THIS SECTION. A DISCLOSURE MADE
22 BY THE BOARD PURSUANT TO THIS SUBSECTION IS NOT A WAIVER OF THE
23 CONFIDENTIALITY REQUIREMENTS ESTABLISHED BY THIS SECTION.

24 Sec. 32. Section 32-1665, Arizona Revised Statutes, is amended to
25 read:

26 32-1665. Rehearing; judicial review

27 A. Any person aggrieved by an order of the board denying, ~~revoking or~~
28 ~~suspending~~ a license or a certificate, and any nursing program or nursing
29 ~~assistant training program~~ aggrieved by an order of the board denying,
30 ~~revoking or suspending approval~~, APPROVAL OR CERTIFICATE AND ANY REGULATED
31 PARTY WHO IS AGGRIEVED BY A DISCIPLINARY ORDER OF THE BOARD may file a motion
32 for rehearing or review pursuant to title 41, chapter 6, article 10.

33 B. Except as provided in section 41-1092.08, subsection H, final
34 decisions of the board are subject to judicial review pursuant to title 12,
35 chapter 7, article 6.

36 Sec. 33. Section 32-1666, Arizona Revised Statutes, is amended to
37 read:

38 32-1666. Unlawful acts

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

41 1. Practice or offer to practice ~~professional~~ AS A REGISTERED or
42 practical ~~nursing~~ NURSE, REGISTERED NURSE PRACTITIONER OR CLINICAL NURSE
43 SPECIALIST in this state.

44 2. Represent or use any title, abbreviation, letters, figures, sign,
45 card or device to indicate that the person or any other person is a

1 registered NURSE, graduate ~~or~~ NURSE, professional NURSE, NURSE PRACTITIONER,
2 CLINICAL NURSE SPECIALIST OR PRACTICAL nurse.

3 3. Represent or use any title, abbreviation, letters, sign, card or
4 device to indicate that the person or any other person is ~~a licensed~~
5 ~~practical nurse or~~ a certified nursing assistant.

6 B. It is unlawful for a person to operate a nursing program or a
7 nursing assistant training program unless it has been approved under this
8 chapter.

9 Sec. 34. Section 32-1666.01, Arizona Revised Statutes, is amended to
10 read:

11 32-1666.01. Cease and desist orders; injunctive relief

12 A. In addition to all other remedies, when it appears to the board,
13 either upon complaint or otherwise, that any person or nursing program has
14 violated this chapter or any ~~board~~ rule OR ORDER OF THE BOARD, the board may
15 ~~through the attorney general or the county attorney of the county in which~~
16 ~~the violation is alleged to have occurred apply to the superior court in that~~
17 ~~county for an injunction. The court shall grant a temporary restraining~~
18 ~~order, a preliminary injunction or a permanent injunction without bond. The~~
19 ~~attorney general or the county attorney may serve process in the county where~~
20 ~~it finds the violator or where the nursing program is operating. DO EITHER OF~~
21 THE FOLLOWING:

22 1. SERVE BY CERTIFIED MAIL OR PERSONAL SERVICE A CEASE AND DESIST
23 ORDER.

24 2. THROUGH THE ATTORNEY GENERAL OR THE COUNTY ATTORNEY OF THE COUNTY
25 IN WHICH THE VIOLATION IS ALLEGED TO HAVE OCCURRED, APPLY TO THE SUPERIOR
26 COURT IN THAT COUNTY FOR AN INJUNCTION.

27 B. THE COURT SHALL ISSUE A TEMPORARY RESTRAINING ORDER, A PRELIMINARY
28 INJUNCTION OR A PERMANENT INJUNCTION WITHOUT BOND.

29 C. SERVICE OF PROCESS MAY BE IN ANY COUNTY OF THIS STATE WHERE THE
30 VIOLATOR IS FOUND OR IS OPERATING.

31 Sec. 35. Section 32-1669, Arizona Revised Statutes, is amended to
32 read:

33 32-1669. Nurse licensure compact; board jurisdiction;
34 notification requirements; withdrawal from compact

35 A. A person who is extended the privilege to practice in this state
36 pursuant to the compact adopted pursuant to section 32-1668 is subject to the
37 same disciplinary requirements prescribed in this chapter, and the board's
38 investigative and disciplinary powers and procedures apply to a person who
39 practices in this state pursuant to this compact.

40 B. A person who is extended the privilege to practice in this state
41 pursuant to the compact adopted pursuant to section 32-1668 may use the title
42 that is prescribed in section 32-1636 ~~or 32-1641~~ and that is appropriate to
43 the person's qualifications.

1 C. A person who wishes to engage in the practice of nursing in this
2 state pursuant to the compact adopted pursuant to section 32-1668 must notify
3 the board if that person has had a license to practice a health care
4 profession denied, suspended or revoked in another jurisdiction within the
5 past five years or if that person has been convicted of a felony for which
6 the person did not receive an absolute discharge from the sentences at least
7 five years before the date on which the person applies to practice nursing in
8 this state pursuant to the compact. A person who violates this subsection
9 commits an act of unprofessional conduct.

10 D. The governor may withdraw this state from the compact adopted
11 pursuant to section 32-1668 if the board notifies the governor that another
12 state that is a party to the compact has changed its licensure requirements
13 to make them substantially lower than the requirements of this state.

14 Sec. 36. Laws 2004, chapter 121, section 2 is amended to read:

15 Sec. 2. Delayed repeal

16 ~~This act~~ LAWS 2004, CHAPTER 121 is repealed from and after September
17 30, ~~2009~~ 2011.