

Notices of Proposed Rulemaking

6. A reference to any study relevant to the rules that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

There were no relevant studies that were either relied upon or not relied upon in the Board's justification for this rule repeal.

7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

The proposed repeal of Sections R4-19-515 and R4-19-516 are not expected an economic impact on any regulated entity, the Board, or small businesses.

The Arizona State Board of Nursing licenses approximately 72,000 registered nurses and 11,000 practical nurses and certifies approximately 26,000 nursing assistants. The Board certifies approximately 3700 nurse practitioners, 205 certified nurse-midwives, 188 clinical nurse specialists and recognizes 569 certified registered nurse anesthetists (CRNA). Additionally the Board oversees 38 in-state pre-licensure nursing programs, 12 refresher programs, 21 advanced practice nursing programs and approximately 130 nursing assistant programs. The repeal of these rules will enhance understanding of the statutory provisions of SB 1362 and avoid confusion between rule and the statute. There are no economic consequences to the repeal of these rules as they are effectively replaced by statute.

9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:

Name: Pamela K. Randolph RN, MS
Associate Director of Education and Evidence-based Regulation

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Phoenix, AZ 85014

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10. The time, place, and nature of the proceedings to make, repeal or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:

The Board will hold an oral proceeding on May 29th at 4:00 p.m. in the Board offices at 4747 N. 7th St., Suite 200, Phoenix, AZ 85014. The Board will accept written comments submitted to Pamela Randolph, Associate Director of Education and Evidence-based Regulation, 4747 N. 7th St., Suite 200, Phoenix, AZ 85014 until the close of record at 5:00 p.m. May 29, 2012.

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following question:

There are no other matters prescribed by statute applicable to the Board or this specific class of rules.

a. Whether the rules requires a permit, whether a general permit is used and if not the reasons why a general permit is not used:

This rulemaking does not require a permit.

b. Whether a federal law is applicable to the subject of the rule, whether the rules is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of the federal law:

Federal law is not applicable to the subject of the rule.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

None

13. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 19. BOARD OF NURSING

ARTICLE 5. ADVANCED AND EXTENDED NURSING PRACTICE

Section

R4-19-515. ~~Prescribing Authority of a Certified Registered Nurse Anesthetist Repealed~~

R4-19-516. ~~Registered Nurse Anesthetist; Notification of the Board; Nurse Anesthesia Programs; Scope of Practice Repealed~~

ARTICLE 5. ADVANCED AND EXTENDED NURSING PRACTICE

~~R4-19-515. Prescribing Authority of a Certified Registered Nurse Anesthetist Repealed~~

~~A. The Board shall authorize a CRNA to prescribe medication, meaning to order drugs or medication for administration to a patient, only if in the best interest of the public and the CRNA meets the following requirements:~~

- ~~1. Current licensure as a professional nurse in Arizona in good standing;~~
- ~~2. Graduation from an educational program accredited by the American Association of Nurse Anesthetists' Council on Accreditation of Nurse Anesthesia Educational Programs or a predecessor and that has the objective of preparing a nurse to practice nurse anesthesia;~~
- ~~3. Initial certification by the American Association of Nurse Anesthetists' Council on Certification of Nurse Anesthetists and recertification, as applicable, by the American Association of Nurse Anesthetists' Council on Recertification of Nurse Anesthetists;~~
- ~~4. Submission of a completed application form provided by the Board and an application packet that includes the following information and documentation:
 - ~~a. Name, address, and phone number;~~
 - ~~b. Professional nurse license number;~~
 - ~~c. Certification number;~~
 - ~~d. Business address and phone number;~~
 - ~~e. Documentation verifying current certification by the American Association of Nurse Anesthetists' Council on Certification of Nurse Anesthetists, or as applicable, by the American Association of Nurse Anesthetists' Council on Recertification of Nurse Anesthetists;~~
 - ~~f. Response to questions addressing the following subjects:
 - ~~i. Prior disciplinary action;~~
 - ~~ii. Pending investigation or disciplinary action;~~
 - ~~iii. Pending criminal charges;~~
 - ~~iv. Prior misdemeanor or undesignated offense conviction;~~
 - ~~v. Prior felony conviction and date of absolute discharge of sentence;~~
 - ~~vi. Use of a chemical substance; and~~
 - ~~vii. Prior civil judgment resulting from malpractice or negligence in connection with practice in a health care profession;~~~~
 - ~~g. Applicant's sworn statement verifying the truthfulness of the information provided; and~~
 - ~~h. Applicable fees.~~~~

~~B. An applicant denied medication prescribing authority may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for prescribing authority. Board hearings shall comply with A.R.S. Title 41, Chapter 6, Article 10, and 4 A.A.C. 19, Article 6.~~

~~C. A CRNA granted prescribing authority may prescribe drugs or medication to be administered by a licensed, certified or registered health care provider pre-operatively, post-operatively, or as part of a procedure performed in a health care facility; the office of a health care provider licensed pursuant to A.R.S. Title 32, Chapters 7, 11, 13, and 17; or in an ambulance.~~

~~D. A CRNA with prescribing authority shall ensure that all prescription orders contain the following:~~

- ~~1. The CRNA's name;~~
- ~~2. The prescription date;~~
- ~~3. The name of the patient and patient identification number; and~~
- ~~4. The name of the medication, strength, dosage, and route of administration.~~

~~R4-19-516. Registered Nurse Anesthetist; Notification of the Board; Nurse Anesthetist Programs; Scope of Practice Repealed~~

~~A. A registered nurse who does not have prescribing authority under R4 19 515 and wishes to administer anesthetics under A.R.S. § 32-1661 shall provide the nurse's name, RN license number, and the following information to the Board before using the title nurse anesthetist, registered nurse anesthetist, or certified registered nurse anesthetist (CRNA) or carrying out any activities under A.R.S. § 32-1661:~~

- ~~1. An official transcript that provides evidence that the nurse graduated from a nationally accredited program in the science of anesthesia; and~~

Notices of Proposed Rulemaking

2. Whether the applicant has applied for national certification as a certified registered nurse anesthetist, including the date of the application, the name of the certifying agency, and results of any certifying exam; or
 3. Evidence of current registered nurse anesthetist certification from an approved certifying agency under R4-19-310.
- ~~B. An administrator of an educational institution that wishes to provide a course of study that allows nurses to administer anesthetics under A.R.S. § 32-1661 shall inform the Board and furnish evidence of accreditation by an approved national nursing accrediting agency recognized by the Board under R4-19-101 before accepting students.~~
- ~~C. In addition to the scope of practice permitted a registered nurse under A.R.S. § 32-1601, a registered nurse governed by this Section may perform one or more of the following acts:~~
1. Assess the health status of an individual as that status relates to the relative risks associated with anesthetic management of an individual;
 2. Obtain informed consent;
 3. Order and interpret laboratory and other diagnostic tests and perform those tests that the nurse is qualified to perform;
 4. Order and interpret radiographic imaging studies that the nurse is qualified to order and interpret;
 5. Identify, develop, implement, and evaluate an anesthetic plan of care for a patient to promote, maintain, and restore health;
 6. Take action necessary in response to an emergency situation;
 7. Perform therapeutic procedures that the nurse is qualified to perform; or
 8. Perform additional acts that the nurse is qualified to perform.