



NOTICES OF FINAL EXEMPT RULEMAKING

This section of the Arizona Administrative Register contains Notices of Final Exempt Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the

interpretation of the final exempt rule should be addressed to the agency promulgating the rules. Refer to item #5 to contact the person charged with the rulemaking.

NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 19. BOARD OF NURSING

[R16-103]

PREAMBLE

1. Article, Part or Section Affected (as applicable)

- Article 8
R4-19-801
R4-19-802
R4-19-804
R4-19-806
R4-19-807
R4-19-808
R4-19-809
R4-19-810
R4-19-811
R4-19-812
R4-19-813
R4-19-814
R4-19-815

Rulemaking Action

- Amend

2. Citations to the agency's statutory rulemaking authority to include the authorizing statutes (general), the implementing statutes (specific) and session law authorizing the exemption:

Authorizing statutes: A.R.S. § 32-1606 (A)(1), (B)(1), (B)(2), (B)(23); 32-1650.01; 32-1650.02; 32-1650.04;
Implementing statutes: A.R.S. §§ 32-1601 (2), (9), (14), (21), (22); 32-1605.01 (B)(3), (B)(7); 32-1606 (B)(8), (B)(11), (B)(15), (B)(16), (B)(24), (B)(25), (B)(26); 32-1645; 32-1647; 32-1648; 32-1649; 32-1650; 32-1650.03; 32-1650.05; 32-1650.06; 32-1646; 32-1650.07; 32-1646 32-1663; 32-1664; 32-1666 (B); 32-1667 (3).
Statute or Session Law Authorizing the Exemption: Laws 2015, Chapter 262 § 22.

3. The effective date of the rules:

July 1, 2016

4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rules:

None

5. The agency's contact person who can answer questions about the rulemaking:

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6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

In 2015 the Arizona Legislature passed HB 2196 which authorized the Board of Nursing to issue a license to nursing assistant applicants who meet the Board's previous criminal background and practice requirements for issuing and renewing a nursing assistant certificate. The law authorizes the Board to charge licensure, renewal and late fees for the license and specifies those fees established by A.R.S § 32-1643. HB 2196 allows current and future applicants the choice of becoming a Licensed Nursing Assistant with licensing fees or being listed on a Certified Nursing Assistant (CNA) Registry for no charge as mandated by federal law (42 CFR 483.152). Nursing assistants electing to be listed on the CNA Registry will retain the title "Certified Nursing Assistant" and be able to use the designation CNA and will have to pay no fees. Individuals who choose to become an LNA and be able to use the designation, LNA. This exempt rulemaking replaces references to certified nursing assistants (CNA) with "licensed nursing assistant" (LNA). Specific changes are detailed below:

R4-19-801. Common Standards for ~~Certified~~ Nursing Assistant (~~CNA NA~~) and Certified Medication Assistant (CMA) Training Programs

In order to avoid confusion, programs that prepare individuals for nursing assistant licensure and/or certification will be titled, "nursing assistant programs" because the education and competency testing remains the same for both credentials. The rule includes an additional provision for nursing assistant programs to collect lawful presence documents from students to facilitate timely and efficient placement on the CNA Registry upon passing competency examinations.

R4-19-802. ~~CNA NA~~ Program Requirements

Nursing assistant programs responsibilities have been amended to require programs to include information on LNA licensure in the nursing assistant curriculum.

R4-19-807. Nursing Assistant Licensure and Medication Assistant Certification by Endorsement

In the past a combined CNA-CMA certificate was provided. With the LNA designation, the individual will receive a separate LNA license and CMA certificate. For convenience the certificate and license will expire at the same time and use the same renewal application.

R4-19-808. Fees Related to Certified Medication Assistant

CMA renewal fees and late fees were deleted because all CMAs will also be paying fees as LNAs. This will prevent the applicant from being charged twice for a late application and from paying two fees to renew the necessary credentials.

R4-19-810. ~~Certified Nursing Assistant~~ Register for Certified Nursing Assistants and Licensed Nursing Assistants

The Board's maintenance of separate registries for certified and licensed nursing assistants and the required information for each registry is described here. The renewal requirements for the CNA Registry are also detailed.

R4-19-813. Performance of Nursing Assistant Tasks; Performance of Medication Assistant Tasks

R4-19-814. Standards of Conduct for ~~Certified~~ Licensed Nursing Assistants and Certified Medication Assistants

The Board made no significant amendments to performance of tasks and conduct standards, however those task behaviors and standards which formerly applied to all CNAs were amended to apply only to LNAs.

7. 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:

The Board did not review or rely on any study relevant to the rules.

8. 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

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

Laws 2015, Ch. 262, § 22, authorizes the exemption from the rulemaking requirements of A.R.S. Title 41, Chapter 6. Therefore this rulemaking is exempt from the requirements of the Administrative Procedures Act and no economic, small business, and consumer impact statement is required. However it is expected that licensing fees will cover the costs of administering the nursing assistant program. Since 2007, the Board has increasingly relied upon appropriations from the legislature and fees collected by from RNs and LPNs to sustain certified nursing assistant operations.

10. A description of any changes between the proposed rulemaking to include supplemental notice and the final rulemaking (if applicable):

Not applicable



- 11. An agency’s summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:**
Not applicable
- 12. Any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not be limited to:**
There are no other matters prescribed by statute applicable to the Board of Nursing or to any specific rule or 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. However Article 8 relates to the issuance of program approval, nursing assistant licensure and medication assistant certification, all of which can be considered a general permit under A.R.S. § 41-1001(10).
 - 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 laws (42 CFR 483.150, 42 CFR 483.151, 42 CFR 483.152, 42 CFR 483.154, 42 CFR 483.156, 42 CFR 483.158.) contain the federal minimum requirements for nursing assistant programs and inclusion on the nursing assistant register. Under federal law, individual states are permitted to establish standards more stringent than the minimum requirements. Under A.R.S. § 32-1606 (B)(1) and (2) the Board has authority to exceed the minimum requirements for program approval. Arizona law is more stringent regarding CNA programs in the following areas: increased number of program hours, CNA instructors are RNs, and clinical sessions are in a long-term care facility. Other requirements for Arizona programs are not specified in the federal law, such as program policies, evaluation plan, transparency of costs and supplies. Requirements for licensure exceed those for being on the registry due to statutory requirements for fingerprint background checks (A.R.S. § 32-1606 (B)(16)).
 - 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 to the Board.
- 13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:**
There is no material incorporated by reference.
- 14. Whether the rules were previously made, amended or repealed as an emergency rule. If so, agency shall state where the text was changed between the emergency and the exempt rulemaking packages:**
None of the rules in this package were made, amended or repealed as an emergency rule.
- 15. The full text of the rules follows:**

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 19. BOARD OF NURSING

ARTICLE 8. ~~CERTIFIED~~ NURSING ASSISTANTS AND CERTIFIED MEDICATION ASSISTANTS

- Section
- R4-19-801. Common Standards for ~~Certified~~ Nursing Assistant (~~CNA NA~~) and Certified Medication Assistant (CMA) Training Programs
 - R4-19-802. ~~CNA NA~~ Program Requirements
 - R4-19-804. Initial Approval and Re-approval Training Programs
 - R4-19-806. Initial Nursing Assistant Licensure and Medication Assistant Certification by ~~Examination~~
 - R4-19-807. Nursing Assistant Licensure and Medication Assistant Certification by Endorsement
 - R4-19-808. Fees Related to Certified Medication Assistant
 - R4-19-809. Nursing Assistant Licensure and Medication Assistant Certificate Renewal
 - R4-19-810. ~~Certified Nursing Assistant~~ Register for Certified Nursing Assistants and Licensed Nursing Assistants
 - R4-19-811. Application for Duplicate License or Certificate
 - R4-19-812. Change of Name or Address
 - R4-19-813. Performance of Nursing Assistant Tasks; Performance of Medication Assistant Tasks
 - R4-19-814. Standards of Conduct for ~~Certified~~ Licensed Nursing Assistants and Certified Medication Assistants
 - R4-19-815. Reissuance or Subsequent Issuance of a Nursing Assistant License or Medication Assistant Certificate

ARTICLE 8. ~~CERTIFIED~~ NURSING ASSISTANTS AND CERTIFIED MEDICATION ASSISTANTS

- R4-19-801. Common Standards for ~~Certified~~ Nursing Assistant (~~CNA NA~~) and Certified Medication Assistant (CMA) Training Programs**
 - A. Program Administrative Responsibilities
 - 1. No change
 - 2. No change



3. No change
 4. No change
 - a. No change
 - b. No change
 5. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 6. No change
 7. No change
 8. No change
 9. No change
 10. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 11. A training program shall submit written documentation and information to the Board regarding the following program changes within 30 days of instituting the change:
 - a. For a change or addition of an instructor or coordinator, the name, RN license number, and documentation that the coordinator or instructor meets the applicable requirements of R4-19-802(B) and (C) for ~~CNA~~ NA programs and R4-19-803(B) for CMA programs;
 - b. No change
 - c. No change
 - d. No change
 - e. No change
- B.** No change
1. No change
 2. No change
 3. No change
 - a. No change
 - i. No change
 - ii. No change
 - b. No change
 - c. No change
 - i. No change
 - ii. No change
 - d. No change
 - e. No change
 - i. R4-19-802(C) and (D) for ~~CNA~~ NA programs, or
 - ii. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
- C.** No change
1. No change
 2. No change
 3. No change
 4. No change
 5. No change
 - a. No change
 - b. No change
 - c. No change
 6. A training program shall utilize an electronic or paper textbook corresponding to the ~~certification level of the~~ curriculum that has been published within the previous five years. Unless granted specific permission by the publisher, a training program shall not utilize copies of published materials in lieu of an actual textbook.
 7. No change



- a. No change
- b. No change
- 8. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
- 9. No change
- 10. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
- D. No change
 - 1. A training program shall maintain the following program records either electronically or in paper form for a minimum of three years for ~~CNA~~ NA programs and five years for CMA programs:
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - 2. A training program shall maintain the following student records either electronically or in paper form for a minimum of three years for ~~CNA~~ NA programs and five years for CMA programs:
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. For NA programs only, a copy of a document providing proof of legal presence in the United States as specified in A.R.S. § 41-1080 to be remitted to the Board’s designated testing vendor in order to facilitate timely placement of program graduates on a nursing assistant registry.
- E. No change
- F. No change
 - 1. No change
 - 2. No change
- G. No change
- R4-19-802. ~~CNA~~ NA Program Requirements**
 - A. No change
 - 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - 2. No change
 - a. No change
 - i. No change
 - ii. No change
 - iii. No change
 - b. No change
 - 3. No change
 - 4. A Medicare or Medicaid certified long-term care facility-based ~~certified~~ nursing assistant program shall not require a student to pay a fee for any portion of the program including the initial attempt on the state competency exam.
 - 5. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - B. No change



1. No change
 - a. No change
 - b. No change
2. No change
3. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
4. No change
- C. No change
 1. No change
 - a. No change
 - b. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 2. No change
- D. No change
 1. No change
 - a. No change
 - b. No change
 - c. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - d. To meet the 120 hour minimum program hour requirement, a ~~CNA~~ NA program shall designate an additional 20 hours to classroom, skill or clinical instruction based upon the educational needs of the program's students and program resources.
 2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
 - j. No change
 - k. No change
- E. No change
 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
 - j. No change
 - k. No change
 2. No change
 3. No change
 4. No change
 5. No change



- 6. No change
- F. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - 6. No change
 - 7. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
 - 8. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - 9. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - 10. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - 11. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - 12. No change
 - 13. No change
 - a. ~~Board prescribed requirements for certification and re-certification including: criminal background checks, testing, Board application, felony bar under A.R.S. § 32-1606 (B)(17), proof of legal presence, allotted time to certify and practice requirement for re-certification;~~
Requirements for licensure and registry placement and renewal.
 - b. No change



- c. No change
- d. No change
- e. No change
- 14. No change
- G. No change
- H. No change
 - 1. No change
 - 2. No change
- I. No change
- J. No change

R4-19-804. Initial Approval and Re-Approval Training Programs

- A. No change
- B. No change
- C. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. Name, license number, telephone number, e-mail address and qualifications of each program instructor including clinical instructors as required in either R4-19-802 for ~~CNA~~ NA programs or R4-19-803 for CMA programs;
 - 5. No change
 - 6. No change
 - 7. No change
 - 8. No change
 - 9. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
 - j. No change
 - k. No change
- D. No change
 - 1. No change
 - 2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
 - j. No change
 - k. No change
 - l. No change
 - m. No change
- E. Upon determination of administrative completeness of either an initial or renewal application, the Board, through its authorized representative, shall schedule and conduct a site visit of a ~~CNA~~ NA program, unless one year only approval is granted on an initial application. The Board may conduct a site visit of a CMA program. Site visits are for the purpose of verifying compliance with this Article. Site visits may be conducted in person or through the use of distance technology.
- F. No change
- G. No change
- H. No change

R4-19-806. Initial Nursing Assistant Licensure and Medication Assistant Certification ~~by Examination~~

- A. An applicant for ~~certification by examination~~ initial licensed nursing assistant (LNA) licensure or CMA certification



shall submit the following to the Board:

- 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. A list of all states in which the applicant is or has been ~~registered as a nursing assistant~~ included on a nursing assistant registry or been licensed or certified as a nursing or medication assistant and the license or certificate number, if any;
 - i. For medication assistant, proof of ~~CNA LNA licensure certification~~ and 960 hours or 6 months full time employment as a CNA or LNA in the past year, as required in A.R.S. § 32-1650.02;
 - j. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
 - 2. No change
 - 3. No change
 - 4. For ~~CNA LNA~~ applicants, one or more fingerprint cards or fingerprints, ~~if required by A.R.S. § 32-1606 (B)(16-15);~~
 - 5. No change
 - 6. No change
 - B.** An applicant for ~~certification~~ licensure as a nursing assistant shall submit a passing score on a Board-approved nursing assistant examination and provide one of the following criteria:
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - a. No change
 - b. No change
 - 6. No change
 - C.** No change
 - 1. No change
 - 2. No change
 - D.** No change
 - 1. A ~~CNA LNA~~ applicant shall take and pass both portions of the certifying exam within 2 years:
 - a. No change
 - b. No change
 - 2. No change
 - a. No change
 - b. No change
 - 3. No change
 - E.** No change
 - F.** The Board may license a nursing assistant or certify a medication assistant an applicant who meets the applicable criteria in this Article and A.R.S. Title 32, Chapter 15 if licensure or certification is in the best interest of the public. ~~A CNA who qualifies for a CMA certificate shall be issued a combined CNA CMA certificate.~~
 - G.** An applicant who is denied licensure or certification 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 certification. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.
 - H.** Medication assistant certification expires when nursing assistant certification licensure expires. ~~CMA applicants whose nursing assistant certification will expire within 12 months of initial issuance, shall pay a prorated fee for medication assistant certification.~~
- R4-19-807. Nursing Assistant Licensure and Medication Assistant Certification by Endorsement**
- A.** An applicant for LNA or CMA certification by endorsement shall submit all of the information, documentation, and fees required in R4-19-806.
 - B.** An applicant who has been employed for less than one year shall list all employers during the past two years.



- C. An applicant for nursing assistant ~~certification~~ licensure by endorsement shall meet the training program criteria in R4-19-806(B). An applicant for ~~combined nursing assistant and medication assistant endorsement~~ shall, in addition, provide evidence satisfactory completion of a training program that meets the requirements of A.R.S. § 32-1650.04 and pass a competency examination as prescribed in A.R.S. § 32-1650.03.
- D. In addition to the other requirements of this Section, an applicant for licensure or certification by endorsement shall provide evidence that the applicant:
1. No change
 2. No change
 - a. No change
 - b. No change
 3. In addition to the above requirements, for ~~combined nursing assistant and medication assistant certification~~, meets the practice requirements of A.R.S. § 32-1650.04 and pays applicable fees under R4-19-808.
- E. The Board may license a nursing assistant or certify a medication assistant an applicant who meets the applicable criteria in this Article if certification is in the best interest of the public.
- F. An applicant who is denied licensure or certification 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 licensure or certification. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.

R4-19-808. Fees Related to Certified Medication Assistant

- A. The Board shall collect the following fees related medication assistant certification:
1. Initial application for certification by exam, \$50.00.
 2. Fingerprint processing, \$50.00.
 3. ~~Renewal CMA certificate, \$50.00-~~
 4. ~~Renewal fee after expiration CNA-CMA certificate, \$25.00 plus an additional \$25.00 for each month lapsed-~~
 - 5-3. Application for CMA certification by endorsement, \$50.00.
- B. No change

R4-19-809. Nursing Assistant Licensure and Medication Assistant Certificate Renewal

- A. An applicant for renewal of a ~~CNA certificate~~ LNA license or a ~~combined CNA and CMA certificate~~ shall:
1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. If the applicant fails to meet the practice requirements in subsections (A)(2) for nursing assistant or (A)(3) for ~~combined nursing assistant and medication assistant renewal~~, documentation that the applicant has completed a Board-approved training program for the licensure or certification sought and passed both the written and manual skills portions of the competency examination within the past two years;
 - e. Responses to questions that address the applicant's background:
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
 2. For ~~CNA~~ LNA renewal, employment as a nursing assistant, performing nursing assistant tasks for an employer or the applicant's performance of nursing assistant activities as part of a nursing or allied health program for a minimum of 160 hours every two years since the last ~~certificate~~ license or certificate was issued, or
 3. For ~~combined CMA and CNA~~ renewal, employment as a medication assistant for a minimum of 160 hours within the last 2 years, and
 4. Applicable fees under A.R.S. § 32-1643 and R4-19-808.
- B. A nursing assistant ~~certificate~~ license and a ~~combined medication assistant-nursing assistant certificate~~ expire simultaneously every 2 years on the last day of the ~~certificate holder's~~ licensee's birth date month. If a ~~certificate holder~~ licensee fails to timely renew the license or certificate, the ~~certificate holder~~ licensee shall:
1. Not work or practice as a ~~CNA LNA or CMA~~ until the Board issues a renewal license and shall not practice as a CMA until the Board issues a renewal certificate; and
 2. No change
- C. If an applicant holds a license or held a license or certificate that has been or is currently revoked, surrendered, denied, suspended or placed on probation in another jurisdiction, the applicant is not eligible to renew or reactivate the applicant's Arizona license or certificate until a review or investigation has been completed and a decision made by the Board.
- D. The Board may renew ~~the an~~ an LNA license and CMA certificate of an applicant who meets the criteria established in statute and this Article. An applicant who is denied renewal of a license or certificate may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying renewal of the license or certificate. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.



R4-19-810. ~~Certified Nursing Assistant Register for Certified Nursing Assistants and Licensed Nursing Assistants~~

A. ~~The Board shall maintain a Certified Nursing Assistant (CNA) Registry and a Licensed Nursing Assistant (LNA) Registry. All individuals listed in either Registry shall provide proof to the Board, either directly or through the Board's test vendor, of legal presence in the United States as specified in A.R.S. § 41-1080. Both Registries meet the requirements of A.R.S. § 32-1601 (B)(11).~~

1. ~~To be placed on the CNA Registry, the applicant shall either:~~
 - a. ~~Have successfully completed an approved nursing assistant training program and passed the nursing assistant written and manual skills competency evaluation within the past two years; or~~
 - b. ~~For endorsement, be listed on another state's nursing assistant registry.~~
2. ~~To renew CNA Registry status under A.R.S. § 32-1642 (E), an applicant shall submit an application that includes verified statements of:~~
 - a. ~~Whether applicant has performed nursing assistant or nursing related services for compensation for at least eight hours within the past 24 months, and~~
 - b. ~~Whether the applicant's listing on any registry in any other state includes documented findings of abuse, neglect or misappropriation property.~~

A3. ~~The Executive Director shall include the following information in the CNA Register for each registered individual who receives Board certification:~~

- ~~1a. Full legal name and any other names used;~~
- ~~2b. Address of record;~~
- ~~3c. County of residence;~~
- ~~4d. The date of initial placement on the register;~~
- ~~5e. Dates and results of both the written and manual skills portions of the nursing assistant competency examination;~~
- ~~6. Date of expiration of current certificate registration, if applicable;~~
- ~~7. Existence of pending investigation, if applicable; Any substantiated complaints of abuse, neglect or misappropriation of funds; and~~
- ~~8. Registry Status status of certificate, such as active, denied, expired, or revoked, or expired, as applicable.~~

B. ~~An applicant who meets qualifications under subsection (A)(1) and the licensure requirements of this Article shall be placed on an LNA Registry.~~

1. ~~The Executive Director shall include the following information in the Licensed Nursing Assistant Register for each licensed individual:~~
 - a. ~~Information contained in subsection (A)(3);~~
 - b. ~~Existence of pending investigation, if applicable;~~
 - c. ~~Status of the license and any Board actions on the license, such as active, denied, expired, or revoked, as applicable.~~

B(C). ~~The Executive Director shall include the following information in the applicable Register for an individual if the Board, or the United States Department of Health and Human Services (HHS), or the Arizona Department of Health Services finds that the individual has violated relevant law:~~

1. ~~No change~~
 - a. ~~No change~~
 - b. ~~No change~~
2. ~~No change~~
 - a. ~~No change~~
 - b. ~~No change~~
 - i. ~~No change~~
 - ii. ~~No change~~
 - c. ~~No change~~
 - d. ~~No change~~
 - e. ~~No change~~
 - f. ~~No change~~

R4-19-811. Application for Duplicate License or Certificate

- A. ~~A licensee or CMA certificate holder shall report a lost or stolen license or certificate to the Board in writing or electronically through the Board's website, within 30 days of discovery of the loss.~~
- B. ~~An individual requesting a duplicate license or certificate shall file an application on a form provided by the Board for a duplicate certificate and pay the applicable fee under A.R.S. § 32-1643(A)(14).~~

R4-19-812. Change of Name or Address

- A. ~~An applicant, CNA, LNA, or a CMA certificate holder shall notify the Board, in writing or electronically through the Board's website of any legal name change within 30 days of the change, and submit a copy of the official document verifying the name change.~~
- B. ~~An applicant, CNA, LNA, or a CMA certificate holder shall notify the Board in writing or electronically through the Board's website of any change of address within 30 days of the address change.~~

**R4-19-813. Performance of Nursing Assistant Tasks; Performance of Medication Assistant Tasks**

- A. A ~~certified nursing assistant~~ CNA or LNA may perform the following tasks as delegated by a licensed nurse:
1. Tasks for which the nursing assistant has been trained through the curriculum identified in R4-19-802, and
 2. Tasks learned through inservice or educational training if the task meets the following criteria and the nursing assistant has demonstrated competence performing the task:
 - a. The task can be safely performed according to clear, exact, and unchanging directions;
 - b. The task poses minimal risk to the patient or resident and the consequences of performing the task improperly are not life-threatening or irreversible;
 - c. The results of the task are reasonably predictable; and
 - d. Assessment, interpretation, or decision-making is not required during the performance or at the completion of the task.
- B. A licensed nursing assistant who is also certified as a medication assistant under A.R.S. § 32-1650.02 may administer medications under the conditions imposed by A.R.S. § § 32-1650 through 32-1650.07.
- C. A ~~certificate holder~~ A licensed nursing assistant under this Article shall:
1. Recognize the limits of the ~~certificate holder's~~ licensee's personal knowledge, skills, and abilities;
 2. No change
 3. Inform the registered nurse, licensed practical nurse, or another person authorized to delegate the task about the ~~certificate holder's~~ licensee's ability to perform the task before accepting the assignment;
 4. No change
 5. No change
 6. No change
 7. No change
 8. No change
 9. No change

R4-19-814. Standards of Conduct for ~~Certified~~ Licensed Nursing Assistants and Certified Medication Assistants

For purposes of A.R.S. § 32-1601(22)(d), a practice or conduct that is or might be harmful or dangerous to the health of a patient or the public and constitutes a basis for disciplinary action on a LNA license and a CMA certificate includes the following:

1. No change
2. Engaging in sexual conduct with a patient, resident, or any member of the patient's or resident's family who does not have a pre-existing relationship with the ~~certificate holder,~~ licensee or any conduct while on duty or in the presence of a patient or resident that a reasonable person would interpret as sexual;
3. No change
4. No change
5. No change
6. No change
7. No change
8. No change
9. No change
10. No change
11. No change
12. No change
13. No change
14. Soliciting or engaging in the sale of goods or services unrelated to the ~~certificate holder's~~ licensee's health care assignment with a patient or resident, or any member of the patient or resident's immediate family, or guardians;
15. No change
16. No change
17. Accepting or performing patient or resident care tasks that the ~~certificate holder~~ licensee lacks the education, competence or legal authority to perform;
18. No change
19. No change
20. Permitting or assisting another person to use the licensee's license or CMA certificate holder's certificate or identity for any purpose;
21. Making untruthful or misleading statements in advertisements of the individual's practice as a certified licensed nursing assistant or certified medication assistant;
22. Offering or providing certified licensed nursing assistant or certified medication assistant services for compensation without a designated registered nurse supervisor;
23. No change
24. No change
25. No change
 - a. No change



- b. No change
- c. No change
- d. No change
- 26. Cheating on the certification competency exam or providing false information on an initial or renewal application for licensure or certification;
- 27. No change
- 28. No change
- 29. If an applicant, licensee or CMA certificate holder is charged with a felony or a misdemeanor, involving conduct that may affect patient safety, failing to notify the Board, in writing, within 10 working days of being charged under A.R.S. § 32-3208. The applicant, licensee or CMA certificate holder shall include the following in the notification:
 - a. Name, current address, telephone number, Social Security number, and license and certificate number, if applicable;
 - b. No change
 - c. No change
- 30. Failing to notify the Board, in writing, of a conviction for a felony or an undesignated offense within 10 days of the conviction. The applicant, licensee or CMA certificate holder shall include the following in the notification:
 - a. Name, current address, telephone number, Social Security number, and license and CMA certificate number, if applicable;
 - b. No change
 - c. No change
- 31. No change
- 32. No change
- 33. No change

R4-19-815. Reissuance or Subsequent Issuance of a Nursing Assistant License or Medication Assistant Certificate
 An applicant whose application is denied or a licensee or CMA certificate holder whose certificate or license is revoked in accordance with A.R.S. § 32-1663, may reapply to the Board after a period of five years from the date the license, certificate or application is revoked or denied. A licensee or CMA certificate holder who voluntarily surrenders a certificate may reapply to the Board after no less than three years from the date the certificate is surrendered. The Board may issue or re-issue a nursing assistant license or medication assistant certificate under the following terms and conditions:

- 1. An applicant shall submit documentation showing that the basis for denial, revocation or voluntary surrender has been removed and that the issuance or re-issuance of licensure or CMA certification will no longer constitute a threat to the public health or safety. The Board may require an applicant to be tested for competency, or retake and successfully complete a Board approved training program and pass the required examination, all at the applicant’s expense.
- 2. No change
- 3. No change
 - a. No change
 - b. No change
- 4. An applicant who is denied issuance or reinstatement of licensure or CMA certification may request a hearing by filing a written request with the Board within 30 days of service of the Board’s order denying issuance or reinstatement of nursing assistant licensure or medication assistant certification. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.

NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

[R16-115]

PREAMBLE

- | | |
|---------------------------------------------------------------------|---------------------------------|
| 1. <u>Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
| R7-2-615 | Amend |
- 2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific), and the statute or session law authorizing the exemption:**
 Authorizing statute: A.R.S. §§ 15-203(A)(1) and 15-203(A)(14)
 Implementing statute: Not applicable



3. **The effective date of the rules and the agency's reason it selected the effective date:**
October 1, 2011
4. **A list of all notices published in the Register as specified in R1-1-409(A) that pertains to the record of the exempt rulemaking:**
Not applicable
5. **The agency's contact person who can answer questions about the rulemaking:**
Name: Dr. Karol Schmidt, Executive Director
Address: State Board of Education
1700 W. Washington, Suite 300
Phoenix, AZ 85007
Telephone: (602) 542-5057
Fax: (602) 542-3046
E-mail: inbox@azsbe.az.gov
6. **An agency's justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:**
A.R.S. §15-203(A)(14) Authorizes the State Board to supervise and control the certification of educators. Board rule R7-2-615(Q) outlines the Driver's Education Endorsements. The Driver's Education Endorsement allows a teacher to teach driver's education classes. At its August 4th meeting of 2010, the Certification Advisory Committee discussed the issue of the R7-2-615(Q) Driver's Education Endorsement. The Board adopted the amendment to R7-2-615(Q) at its January 2011 regularly scheduled meeting with an effective date of October 1, 2011. This amendment will allow non-college courses to be offered that will fulfill the requirements in the Driver's Education Endorsement. Additionally, the new language clarifies that 15 clock hours of training is equivalent to one semester hour of college coursework. The reason for the change is that applicants for the endorsement were unable to find coursework in Arizona that will allow them to obtain the endorsement. No higher education institutions in Arizona were offering these courses. This change allows applicants to obtain the training necessary and opens the door for school districts to find certified instructors.
7. **A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
Not applicable
8. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable
9. **The summary of the economic, small business and consumer impact, if applicable:**
The rules are not expected to have significant, if any, economic impact on small businesses.
10. **A description of the changes between the proposed rules, including supplemental notices and final rules (if applicable):**
Not applicable
11. **A summary of the comments made regarding the rule and the agency response to them:**
A public hearing was held regarding these proposed rules on January 5, 2011. No comment was received.
12. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**
Not applicable
13. **Incorporations by reference and their location in the rules:**
Not applicable
14. **Was this rule previously made as an emergency rule? If so, please indicate the Register citation:**
Not applicable
15. **The full text of the rule follows:**

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

ARTICLE 6. CERTIFICATION



Section
R7-2-615. Endorsements

ARTICLE 6. CERTIFICATION

R7-2-615. Endorsements

- A.** No change
- B.** No change
- C.** No change
- D.** No change
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 - iii. No change
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 - 3. For the purposes of this Section, a course is defined as a 3 hour semester course offered by an accredited institution of higher learning or 45 clock hours of educational classes approved by the Department. Each semester hour of courses shall be equivalent to 15 clock hours of training. If semester hours are used, the required documentation for the semester hours shall be an official transcript.
- R.** No change
 - 1. No change
 - 2. No change
 - a. No change
 - b. No change