

Senate Engrossed

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

State of Arizona  
Senate  
Fiftieth Legislature  
Second Regular Session  
2012

CHAPTER 152

# **SENATE BILL 1362**

AN ACT

AMENDING SECTION 32-1601, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 15, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 32-1634.03 AND 32-1634.04; AMENDING SECTION 32-1643, ARIZONA REVISED STATUTES; REPEALING SECTION 32-1661, ARIZONA REVISED STATUTES; RELATING TO THE STATE BOARD OF NURSING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-1601, Arizona Revised Statutes, is amended to  
3 read:

4 32-1601. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Absolute discharge from the sentence" means completion of any  
7 sentence, including imprisonment, probation, parole, community supervision or  
8 any form of court supervision.

9 2. "Approval" means that a regulated training or educational program  
10 to prepare persons for licensure or certification has met standards  
11 established by the board.

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

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

15 5. "CERTIFIED REGISTERED NURSE ANESTHETIST" MEANS A REGISTERED NURSE  
16 WHO MEETS THE REQUIREMENTS OF SECTION 32-1634.03 AND WHO PRACTICES PURSUANT  
17 TO THE REQUIREMENTS OF SECTION 32-1634.04.

18 ~~5-~~ 6. "Clinical nurse specialist" means a registered nurse who:

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

20 (b) Holds a graduate degree with a major in nursing and completes  
21 educational requirements as prescribed by the board by rule.

22 (c) Is nationally certified as a clinical nurse specialist or, if  
23 certification is not available, provides proof of competence to the board.

24 (d) Has an expanded scope of practice based on advanced education in a  
25 clinical nursing specialty that includes:

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

28 (ii) Managing directly and indirectly a client's physical and  
29 psychosocial health status.

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

33 (iv) Developing, planning and guiding programs of care for populations  
34 of patients.

35 (v) Making independent nursing decisions to solve complex client care  
36 problems.

37 (vi) Using research skills and acquiring and applying critical new  
38 knowledge and technologies to nursing practice.

39 (vii) Prescribing and dispensing durable medical equipment.

40 (viii) Consulting with or referring a client to other health care  
41 providers based on assessment of the client's health status and needs.

42 (ix) Facilitating collaboration with other disciplines to attain the  
43 desired client outcome across the continuum of care.

1 (x) Performing additional acts that require education and training as  
2 prescribed by the board and that are recognized by the nursing profession as  
3 proper to be performed by a clinical nurse specialist.

4 ~~6.~~ 7. "Conditional license" or "conditional approval" means a license  
5 or approval that specifies the conditions under which the regulated party is  
6 allowed to practice or to operate and that is prescribed by the board  
7 pursuant to section 32-1644 or 32-1663.

8 ~~7.~~ 8. "Delegation" means transferring to a competent individual the  
9 authority to perform a selected nursing task in a designated situation in  
10 which the nurse making the delegation retains accountability for the  
11 delegation.

12 ~~8.~~ 9. "Disciplinary action" means a regulatory sanction of a license,  
13 certificate or approval pursuant to this chapter in any combination of the  
14 following:

15 (a) A civil penalty for each violation of this chapter, not to exceed  
16 one thousand dollars for each violation.

17 (b) Restitution made to an aggrieved party.

18 (c) A decree of censure.

19 (d) A conditional license or a conditional approval that fixed a  
20 period and terms of probation.

21 (e) Limited licensure.

22 (f) Suspension of a license, a certificate or an approval.

23 (g) Voluntary surrender of a license, a certificate or an approval.

24 (h) Revocation of a license, a certificate or an approval.

25 10. "HEALTH CARE INSTITUTION" HAS THE SAME MEANING PRESCRIBED IN  
26 SECTION 36-401.

27 ~~9.~~ 11. "Licensee" means a person who is licensed pursuant to this  
28 chapter or in a party state as defined in section 32-1668.

29 ~~10.~~ 12. "Limited license" means a license that restricts the scope or  
30 setting of a licensee's practice.

31 13. "MEDICATION ORDER" MEANS A WRITTEN OR VERBAL COMMUNICATION GIVEN BY  
32 A CERTIFIED REGISTERED NURSE ANESTHETIST TO A HEALTH CARE PROFESSIONAL TO  
33 ADMINISTER A DRUG OR MEDICATION.

34 ~~11.~~ 14. "Nursing assistant" means a person who is certified pursuant  
35 to this chapter to provide or assist in the delivery of nursing or  
36 nursing-related services under the supervision and direction of a licensed  
37 nursing staff member. 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 ~~12.~~ 15. "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 ~~13.~~ 16. "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 17. "PRESENCE" MEANS WITHIN THE SAME ROOM OR AN ADJOINING ROOM OR  
16 WITHIN THE SAME SURGICAL OR OBSTETRICAL SUITE.

17 ~~14-~~ 18. "Registered nurse" or "professional nurse" means a person who  
18 practices registered nursing and who holds a registered nurse license issued  
19 pursuant to this chapter or pursuant to a multistate compact privilege.

20 ~~15-~~ 19. "Registered nurse practitioner" means a registered nurse who:

21 (a) Is certified by the board.

22 (b) Has completed a nurse practitioner education program approved or  
23 recognized by the board and educational requirements prescribed by the board  
24 by rule.

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

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.

1 (vi) Recognizing the limits of the nurse's knowledge and experience  
2 and planning for situations beyond the nurse's knowledge, educational  
3 preparation and expertise by consulting with or referring clients to other  
4 health care providers when appropriate.

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

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

9 ~~16-~~ 20. "Registered nursing" includes the following:

10 (a) Diagnosing and treating human responses to actual or potential  
11 health problems.

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

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

16 (d) Establishing a nursing diagnosis.

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

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

19 (g) Delegating nursing interventions to others who are qualified to do  
20 so.

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

23 (i) Evaluating responses to interventions.

24 (j) Teaching nursing knowledge and skills.

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

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

28 (m) Performing additional acts that require education and training as  
29 prescribed by the board and that are recognized by the nursing profession as  
30 proper to be performed by a registered nurse.

31 ~~17-~~ 21. "Regulated party" means any person or entity that is licensed,  
32 certified, recognized or approved pursuant to this chapter.

33 ~~18-~~ 22. "Unprofessional conduct" includes the following, whether  
34 occurring in this state or elsewhere:

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

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

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

43 (d) Any conduct or practice that is or might be harmful or dangerous  
44 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 registered or  
14 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. Title 32, chapter 15, article 2, Arizona Revised Statutes, is  
27 amended by adding sections 32-1634.03 and 32-1634.04, to read:

28 32-1634.03. Qualifications for certified registered nurse  
29 anesthetist; temporary certificate

30 A. THE BOARD MAY CERTIFY A REGISTERED NURSE WHO IS LICENSED PURSUANT  
31 TO THIS CHAPTER AS A CERTIFIED REGISTERED NURSE ANESTHETIST IF THE REGISTERED  
32 NURSE MEETS THE FOLLOWING REQUIREMENTS:

33 1. SUBMITS AN APPLICATION AS PRESCRIBED BY THE BOARD.

34 2. HAS COMPLETED A PROGRAM IN THE SCIENCE OF ANESTHESIA ACCREDITED BY  
35 THE COUNCIL ON ACCREDITATION OF NURSE ANESTHESIA EDUCATIONAL PROGRAMS OR  
36 ANOTHER NATIONAL ACCREDITING BODY RECOGNIZED BY THE BOARD.

37 3. IS CERTIFIED BY A NATIONAL CERTIFYING BODY SUCH AS THE NATIONAL  
38 BOARD OF CERTIFICATION AND RECERTIFICATION FOR NURSE ANESTHETISTS OR ANOTHER  
39 NATIONAL CERTIFYING BODY RECOGNIZED BY THE BOARD.

40 4. PAYS THE CERTIFICATION FEE PRESCRIBED PURSUANT TO SECTION 32-1643.

41 B. THE BOARD MAY ISSUE A TEMPORARY CERTIFICATE TO A PERSON WHO MEETS  
42 THE REQUIREMENTS OF SUBSECTION A, PARAGRAPHS 2 AND 3 OF THIS SECTION. A  
43 TEMPORARY CERTIFICATE EXPIRES ON THE DATE SPECIFIED IN THE CERTIFICATE AND  
44 MAY BE RENEWED AT THE DISCRETION OF THE EXECUTIVE DIRECTOR.



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

1           26. Processing fingerprint cards, fifty dollars.  
2           27. Registration for board seminars, one hundred dollars.  
3           28. Failing to notify the board of a change of address pursuant to  
4 section 32-1609, twenty-five dollars.

5           B. The board may collect from the drawer of a dishonored check, draft  
6 order or note an amount allowed pursuant to section 44-6852.

7           Sec. 4. Repeal

8           Section 32-1661, Arizona Revised Statutes, is repealed.

9           Sec. 5. Certified registered nurse anesthetists; current  
10 licensees

11           The state board of nursing shall issue a certificate to practice as a  
12 certified registered nurse anesthetist to any person who on the effective  
13 date of this act holds a current certificate to act as a certified registered  
14 nurse anesthetist in this state pursuant to rules adopted by the board  
15 pursuant to section 32-1661, Arizona Revised Statutes, as repealed by this  
16 act.

APPROVED BY THE GOVERNOR MARCH 29, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 29, 2012.

Passed the House March 26, 2012,

by the following vote: 54 Ayes,

0 Nays, 6 Not Voting

[Signature]  
Speaker of the House

Cheryl Laube  
Chief Clerk of the House

Passed the Senate February 28, 2012,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

28 day of March, 2012,

at 10:20 o'clock A M.

[Signature]  
Secretary to the Governor

Approved this 29<sup>th</sup> day of

March, 2012,

at 11:10 o'clock A M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State  
this 29<sup>th</sup> day of March, 2012,

at 4:58 o'clock P M.

[Signature]  
Secretary of State

S.B. 1362