

House Engrossed Senate Bill

FILED

**MICHELE REAGAN
SECRETARY OF STATE**

State of Arizona
Senate
Fifty-third Legislature
First Regular Session
2017

CHAPTER 182

SENATE BILL 1336

AN ACT

AMENDING SECTIONS 32-1601 AND 32-1634.04, ARIZONA REVISED STATUTES;
RELATING TO CERTIFIED REGISTERED NURSE ANESTHETISTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 32-1601. Definitions

5 In this chapter, unless the context otherwise requires:

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

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

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

13 4. "Certified nursing assistant" means a person who is registered
14 on the registry of nursing assistants pursuant to this chapter to provide
15 or assist in the delivery of nursing or nursing-related services under the
16 supervision and direction of a licensed nursing staff member. Certified
17 nursing assistant does not include a person who:

18 (a) Is a licensed health care professional.

19 (b) Volunteers to provide nursing assistant services without
20 monetary compensation.

21 (c) Is a licensed nursing assistant.

22 5. "Certified registered nurse" means a registered nurse who has
23 been certified by a national nursing credentialing agency recognized by
24 the board.

25 6. "Certified registered nurse anesthetist" means a registered
26 nurse who meets the requirements of section 32-1634.03 and who practices
27 pursuant to the requirements of section 32-1634.04.

28 7. "Clinical nurse specialist" means a registered nurse who:

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

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

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

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

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

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

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

43 (iv) Developing, planning and guiding programs of care for
44 populations of patients.

- 1 (v) Making independent nursing decisions to solve complex client
2 care problems.
- 3 (vi) Using research skills and acquiring and applying critical new
4 knowledge and technologies to nursing practice.
- 5 (vii) Prescribing and dispensing durable medical equipment.
- 6 (viii) Consulting with or referring a client to other health care
7 providers based on assessment of the client's health status and needs.
- 8 (ix) Facilitating collaboration with other disciplines to attain
9 the desired client outcome across the continuum of care.
- 10 (x) Performing additional acts that require education and training
11 as prescribed by the board and that are recognized by the nursing
12 profession as proper to be performed by a clinical nurse specialist.
- 13 8. "Conditional license" or "conditional approval" means a license
14 or approval that specifies the conditions under which the regulated party
15 is allowed to practice or to operate and that is prescribed by the board
16 pursuant to section 32-1644 or 32-1663.
- 17 9. "Delegation" means transferring to a competent individual the
18 authority to perform a selected nursing task in a designated situation in
19 which the nurse making the delegation retains accountability for the
20 delegation.
- 21 10. "Disciplinary action" means a regulatory sanction of a license,
22 certificate or approval pursuant to this chapter in any combination of the
23 following:
- 24 (a) A civil penalty for each violation of this chapter, not to
25 exceed one thousand dollars for each violation.
- 26 (b) Restitution made to an aggrieved party.
- 27 (c) A decree of censure.
- 28 (d) A conditional license or a conditional approval that fixed a
29 period and terms of probation.
- 30 (e) Limited licensure.
- 31 (f) Suspension of a license, a certificate or an approval.
- 32 (g) Voluntary surrender of a license, a certificate or an approval.
- 33 (h) Revocation of a license, a certificate or an approval.
- 34 11. "Health care institution" has the same meaning prescribed in
35 section 36-401.
- 36 12. "Licensed nursing assistant" means a person who is licensed
37 pursuant to this chapter to provide or assist in the delivery of nursing
38 or nursing-related services under the supervision and direction of a
39 licensed nursing staff member. Licensed nursing assistant does not
40 include a person who:
- 41 (a) Is a licensed health care professional.
- 42 (b) Volunteers to provide nursing assistant services without
43 monetary compensation.
- 44 (c) Is a certified nursing assistant.

1 13. "Licensee" means a person who is licensed pursuant to this
2 chapter or in a party state as defined in section 32-1668.

3 14. "Limited license" means a license that restricts the scope or
4 setting of a licensee's practice.

5 15. "Medication order" means a written or verbal communication
6 given by a certified registered nurse anesthetist to a health care
7 professional to administer a drug or medication, INCLUDING CONTROLLED
8 SUBSTANCES.

9 16. "Practical nurse" means a person who holds a practical nurse
10 license issued pursuant to this chapter or pursuant to a multistate
11 compact privilege and who practices practical nursing as defined in this
12 section.

13 17. "Practical nursing" includes the following activities that are
14 performed under the supervision of a physician or a registered nurse:

15 (a) Contributing to the assessment of the health status of
16 individuals and groups.

17 (b) Participating in the development and modification of the
18 strategy of care.

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

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

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

24 (f) Delegating nursing activities within the scope of practice of a
25 practical nurse.

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

29 18. "Presence" means within the same ~~room or an adjoining room or~~
30 ~~within the same surgical or obstetrical suite~~ HEALTH CARE INSTITUTION OR
31 OFFICE AS SPECIFIED IN SECTION 32-1634.04, SUBSECTION A, AND AVAILABLE AS
32 NECESSARY.

33 19. "Registered nurse" or "professional nurse" means a person who
34 practices registered nursing and who holds a registered nurse license
35 issued pursuant to this chapter or pursuant to a multistate compact
36 privilege.

37 20. "Registered nurse practitioner" means a registered nurse who:

38 (a) Is certified by the board.

39 (b) Has completed a nurse practitioner education program approved
40 or recognized by the board and educational requirements prescribed by the
41 board by rule.

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

- 1 (d) Has an expanded scope of practice within a specialty area that
2 includes:
- 3 (i) Assessing clients, synthesizing and analyzing data and
4 understanding and applying principles of health care at an advanced level.
- 5 (ii) Managing the physical and psychosocial health status of
6 clients.
- 7 (iii) Analyzing multiple sources of data, identifying alternative
8 possibilities as to the nature of a health care problem and selecting,
9 implementing and evaluating appropriate treatment.
- 10 (iv) Making independent decisions in solving complex client care
11 problems.
- 12 (v) Diagnosing, performing diagnostic and therapeutic procedures,
13 and prescribing, administering and dispensing therapeutic measures,
14 including legend drugs, medical devices and controlled substances within
15 the scope of registered nurse practitioner practice on meeting the
16 requirements established by the board.
- 17 (vi) Recognizing the limits of the nurse's knowledge and experience
18 and planning for situations beyond the nurse's knowledge, educational
19 preparation and expertise by consulting with or referring clients to other
20 health care providers when appropriate.
- 21 (vii) Delegating to a medical assistant pursuant to section
22 32-1456.
- 23 (viii) Performing additional acts that require education and
24 training as prescribed by the board and that are recognized by the nursing
25 profession as proper to be performed by a nurse practitioner.
- 26 21. "Registered nursing" includes the following:
- 27 (a) Diagnosing and treating human responses to actual or potential
28 health problems.
- 29 (b) Assisting individuals and groups to maintain or attain optimal
30 health by implementing a strategy of care to accomplish defined goals and
31 evaluating responses to care and treatment.
- 32 (c) Assessing the health status of individuals and groups.
- 33 (d) Establishing a nursing diagnosis.
- 34 (e) Establishing goals to meet identified health care needs.
- 35 (f) Prescribing nursing interventions to implement a strategy of
36 care.
- 37 (g) Delegating nursing interventions to others who are qualified to
38 do so.
- 39 (h) Providing for the maintenance of safe and effective nursing
40 care that is rendered directly or indirectly.
- 41 (i) Evaluating responses to interventions.
- 42 (j) Teaching nursing knowledge and skills.
- 43 (k) Managing and supervising the practice of nursing.

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

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

6 22. "Registry of nursing assistants" means the nursing assistants
7 registry maintained by the board pursuant to the omnibus budget
8 reconciliation act of 1987 (P.L. 100-203; 101 Stat. 1330), as amended by
9 the medicare catastrophic coverage act of 1988 (P.L. 100-360; 102
10 Stat. 683).

11 23. "Regulated party" means any person or entity that is licensed,
12 certified, registered, recognized or approved pursuant to this chapter.

13 24. "Unprofessional conduct" includes the following, whether
14 occurring in this state or elsewhere:

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

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

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

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

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

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

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

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

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

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

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

41 (i) Incompetent to practice.

42 (ii) Guilty of unprofessional conduct.

1 (iii) Mentally or physically unable to safely practice nursing or
2 to perform ~~nursing-related~~ NURSING-RELATED duties. A nurse who is
3 providing therapeutic counseling for a nurse who is in a drug
4 rehabilitation program is required to report that nurse only if the nurse
5 providing therapeutic counseling has personal knowledge that patient
6 safety is being jeopardized.

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

9 (m) Cheating or assisting another to cheat on a licensure or
10 certification examination.

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

13 32-1634.04. Certified registered nurse anesthetist; scope of
14 practice; physician and surgeon immunity

15 A. A certified registered nurse anesthetist may administer
16 anesthetics under the direction of and in the presence of a physician or
17 surgeon in connection with the preoperative, intraoperative or
18 postoperative care of a patient or as part of a procedure performed by a
19 physician or surgeon in the following settings:

20 1. A health care institution.

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

23 3. An ambulance.

24 B. In connection with the preoperative, intraoperative or
25 postoperative care of a patient or as part of the procedure in the
26 settings prescribed in subsection A of this section, a certified
27 registered nurse anesthetist as part of the care or procedure may:

28 1. Issue a medication order for drugs or medications, INCLUDING
29 CONTROLLED SUBSTANCES, to be administered by a licensed, certified or
30 registered health care provider.

31 2. Assess the health status of an individual as that status relates
32 to the relative risks associated with anesthetic management of an
33 individual.

34 3. Obtain informed consent.

35 4. Order and evaluate laboratory and diagnostic test results and
36 perform ~~point of care~~ POINT-OF-CARE testing that the certified registered
37 nurse anesthetist is qualified to perform.

38 5. Order and evaluate radiographic imaging studies that the
39 certified registered nurse anesthetist is qualified to order and
40 interpret.

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

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

44 8. Perform therapeutic procedures that the certified registered
45 nurse anesthetist is qualified to perform.

1 C. A certified registered nurse anesthetist's PRESCRIBING authority
2 to administer anesthetics or to issue a medication order as prescribed by
3 this section does not ~~constitute prescribing authority~~ INCLUDE THE ABILITY
4 TO WRITE OR ISSUE A PRESCRIPTION FOR MEDICATIONS TO BE FILLED OR DISPENSED
5 FOR A PATIENT FOR USE OUTSIDE OF THE SETTINGS PRESCRIBED IN SUBSECTION A
6 OF THIS SECTION.

7 D. A PHYSICIAN OR SURGEON IS NOT LIABLE FOR ANY ACT OR OMISSION OF
8 A CERTIFIED REGISTERED NURSE ANESTHETIST WHO ORDERS OR ADMINISTERS
9 ANESTHETICS UNDER THIS SECTION.

APPROVED BY THE GOVERNOR APRIL 21, 2017.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 21, 2017.

Passed the House April 17, 20 17,

Passed the Senate February 22, 20 17,

by the following vote: 56 Ayes,

by the following vote: 25 Ayes,

2 Nays, 1 Not Voting

5 Nays, 0 Not Voting

[Signature]
Speaker of the House
[Signature]
Chief Clerk of the House

[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
_____ day of _____, 20____,
at _____ o'clock _____ M.

Secretary to the Governor~~

~~Approved this _____ day of
_____, 20____,
at _____ o'clock _____ M.

Governor of Arizona~~

S.B. 1336

~~EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE
This Bill was received by the Secretary of State
this _____ day of _____, 20____,
at _____ o'clock _____ M.

Secretary of State~~

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 18, 2017

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting


President of the Senate


Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

18th day of April, 2017

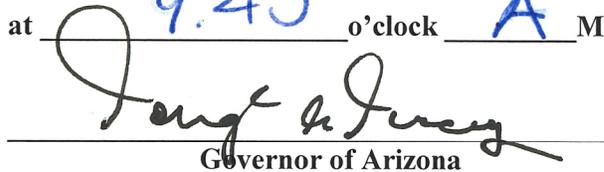
at 12:19 o'clock P. M.


Secretary to the Governor

Approved this 21st day of

April 2017

at 9:45 o'clock A. M.


Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 21 day of April, 2017

at 2:46 o'clock P. M.


Secretary of State