Senate Engrossed

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KEN BENNETT
SECRETARY OF STATE

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CHAPTER 150

SENATE BILL 1105

AN ACT

AMENDING SECTIONS 32-1601, 32-1602, 32-1603, 32-1605, 32-1605.01, 32-1606, 32-1608, 32-1609, 32-1611, 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, SECTIONS 1 AND 2; RELATING TO THE BOARD OF NURSING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

32-1601. Definitions

In this chapter, unless the context otherwise requires:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(vii) Prescribing and dispensing durable medical equipment.

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

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

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

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

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

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

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

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

(b) RESTITUTION MADE TO AN AGGRIEVED PARTY.

(c) A DECREE OF CENSURE.

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

(e) LIMITED LICENSURE.

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

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

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

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

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

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

(a) Is a licensed health care professional.

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

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

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

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

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

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

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

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

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

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

14. "REGISTERED NURSE" OR "PROFESSIONAL NURSE" MEANS A PERSON WHO PRACTICES REGISTERED NURSING AND WHO HOLDS A REGISTERED NURSE LICENSE ISSUED PURSUANT TO THIS CHAPTER OR PURSUANT TO A MULTISTATE COMPACT PRIVILEGE.

15. "Registered nurse practitioner" means a ~~professional~~ REGISTERED nurse who:

(a) Is certified by the board.

(b) Has completed a nurse practitioner education program approved or recognized by the board AND EDUCATIONAL REQUIREMENTS PRESCRIBED BY THE BOARD BY RULE.

(c) If applying for certification after July 1, 2004, holds national certification AS A NURSE PRACTITIONER from a national certifying body recognized by the board ~~or provides proof of competence if a certifying examination is not available~~.

(d) Has an expanded scope of practice within a specialty area that includes:

(i) Assessing clients, synthesizing and analyzing data and understanding and applying principles of health care at an advanced level.

(ii) Managing the physical and psychosocial health status of clients.

(iii) Analyzing multiple sources of data, identifying alternative possibilities as to the nature of a health care problem and selecting, implementing and evaluating appropriate treatment.

(iv) Making independent decisions in solving complex client care problems.

(v) Diagnosing, performing diagnostic and therapeutic procedures, AND prescribing, administering and dispensing therapeutic measures, including legend drugs, medical devices and controlled substances within the scope of registered nurse practitioner practice on meeting the requirements established by the board.

(vi) Recognizing the limits of the nurse's knowledge and experience~~,~~ AND planning for situations beyond the nurse's knowledge, EDUCATIONAL

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

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

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

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

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

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

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

(d) Establishing a nursing diagnosis.

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

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

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

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

(i) Evaluating responses to interventions.

(j) Teaching nursing knowledge and skills.

(k) Managing and supervising the practice of nursing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) Incompetent to practice.

(ii) Guilty of unprofessional conduct.

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

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

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

Sec. 2. Section 32-1602, Arizona Revised Statutes, is amended to read:

32-1602. Board of nursing; member terms; immunity

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

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

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

D. A BOARD MEMBER'S TERM AUTOMATICALLY ENDS:

1. ON THE DEATH OF THE MEMBER.

2. ON THE MEMBER'S WRITTEN RESIGNATION SUBMITTED TO THE BOARD PRESIDENT OR TO THE GOVERNOR.

3. ON THE MEMBER'S FAILURE TO ATTEND THREE CONSECUTIVE BOARD MEETINGS.

E. A BOARD MEMBER WHO ACTS WITHIN THE SCOPE OF BOARD DUTIES, WITHOUT MALICE AND IN THE REASONABLE BELIEF THAT THE MEMBER'S ACTION IS WARRANTED BY LAW IS NOT SUBJECT TO CIVIL LIABILITY.

Sec. 3. Section 32-1603, Arizona Revised Statutes, is amended to read:

32-1603. Qualifications of board members

A. Each ~~professional~~ REGISTERED nurse member of the board shall:

1. Be a resident of the state.

2. Be a graduate of an approved ~~professional~~ REGISTERED nursing program.

3. Be licensed as a ~~professional~~ REGISTERED nurse in this state.

4. Have had at least five years' experience in nursing following graduation, including executive, supervisory or teaching experience in nursing education or nursing service.

5. Have been actively engaged in the practice of nursing or nursing activities for at least three years preceding the appointment.

B. Each licensed practical nurse member of the board shall:

1. Be a resident of this state.

2. Be a graduate of an approved practical nursing program.

3. Be licensed as a licensed practical nurse in this state.

4. Have had at least five years' experience in practical nursing following graduation.

5. Have been actively engaged in the practice of nursing for at least three years preceding the appointment.

C. Each public member of the board shall be a person who:

1. Is not licensed pursuant to chapter 7, 8, 11, 13, 14, 15.1, 16, 17, 18, 19, 19.1, 21, 25 or 29 of this title or this chapter as an individual health care provider.

2. Is not an employee of any health care institution licensed pursuant to title 36, chapter 4 or any authorized insurer providing disability insurance coverage in this state.

3. Does not have a financial interest as a provider in the delivery of health care services.

D. EACH NURSING ASSISTANT MEMBER OF THE BOARD SHALL EITHER:

1. BE CERTIFIED AS A NURSING ASSISTANT PURSUANT TO THIS CHAPTER AND CURRENTLY PRACTICE OR HAVE PRACTICED WITHIN THREE YEARS OF INITIAL APPOINTMENT TO THE BOARD.

2. WITHIN ONE YEAR OF APPOINTMENT TO THE BOARD, HAVE BEEN EMPLOYED AS AN INSTRUCTOR OR COORDINATOR IN AN APPROVED NURSING ASSISTANT TRAINING PROGRAM.

E. FOR AT LEAST THREE YEARS PRECEDING APPOINTMENT TO THE BOARD, EACH REGISTERED NURSE PRACTITIONER OR CLINICAL NURSE SPECIALIST MEMBER SHALL BE CERTIFIED PURSUANT TO THIS CHAPTER AND ACTIVELY PRACTICING AS A REGISTERED

NURSE PRACTITIONER, ACTIVELY ENGAGED IN A CLINICAL NURSE SPECIALIST PRACTICE OR TEACHING.

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

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

32-1605. Organization; meetings

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

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

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

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

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

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

1. Perform the administrative duties of the board.

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

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

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

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

5. Perform other duties as directed by the board.

6. On behalf of the board, enter into stipulated agreements with a licensee for the confidential treatment, rehabilitation and monitoring of chemical dependency. A licensee who materially fails to comply with a program requirement shall be reported to the board and terminated from the confidential program. Any records of a licensee who is terminated from a confidential program are no longer confidential or exempt from the public records law. Notwithstanding any law to the contrary, stipulated agreements are not public records if the following conditions are met:

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

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

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

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

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

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

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

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

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

3. CLOSE COMPLAINTS RESOLVED THROUGH SETTLEMENT.

4. ISSUE LETTERS OF CONCERN.

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

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

Sec. 6. Section 32-1606, Arizona Revised Statutes, is amended to read:

32-1606. Powers and duties of board

A. The board may:

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

2. Publish advisory opinions regarding ~~functions of professional~~ REGISTERED and practical ~~nurses~~ NURSING PRACTICE AND NURSING EDUCATION.

3. Issue limited licenses OR CERTIFICATES if it determines that an applicant or licensee cannot function safely in a specific setting OR WITHIN THE FULL SCOPE OF PRACTICE.

4. Refer criminal violations of this chapter to the appropriate law enforcement agency.

5. Establish a confidential program for the monitoring of licensees who are chemically dependent and who enroll in rehabilitation programs that meet the criteria established by the board. The board may take further action if the licensee refuses to enter into a stipulated agreement or fails to comply with its terms. In order to protect the public health and safety, the confidentiality requirements of this paragraph do not apply if the licensee does not comply with the stipulated agreement.

~~6. Adopt rules for the qualification and certification of clinical nurse specialists.~~

~~7. Adopt rules for the certification of school nurses if the state board of education does not require school nurses to be certificated.~~

~~8.~~ 6. On the applicant's or ~~licensee's~~ REGULATED PARTY'S request, establish a payment schedule with the applicant or ~~licensee~~ REGULATED PARTY.

7. PROVIDE EDUCATION REGARDING BOARD FUNCTIONS.

8. COLLECT OR ASSIST IN THE COLLECTION OF WORKFORCE DATA.

9. ADOPT RULES FOR CONDUCTING PILOT PROGRAMS CONSISTENT WITH PUBLIC SAFETY FOR INNOVATIVE APPLICATIONS IN NURSING PRACTICE, EDUCATION AND REGULATION.

10. GRANT RETIREMENT STATUS ON REQUEST TO RETIRED NURSES WHO ARE OR WERE LICENSED UNDER THIS CHAPTER, WHO HAVE NO OPEN COMPLAINT OR INVESTIGATION PENDING AGAINST THEM AND WHO ARE NOT SUBJECT TO DISCIPLINE.

11. ACCEPT AND SPEND FEDERAL MONIES AND PRIVATE GRANTS, GIFTS, CONTRIBUTIONS AND DEVISES TO ASSIST IN CARRYING OUT THE PURPOSES OF THIS TITLE. THESE MONIES DO NOT REVERT TO THE STATE GENERAL FUND AT THE END OF THE FISCAL YEAR.

B. The board shall:

1. ADOPT RULES AND establish standards for nursing programs ~~and courses~~ preparing persons for licensing OR CERTIFICATION under this chapter, recognize national nursing accrediting agencies and provide for surveys of ~~schools~~ PROGRAMS it deems necessary.

2. ~~Approve~~ BY RULE, ESTABLISH APPROVAL AND REAPPROVAL PROCESSES FOR nursing and nursing assistant training programs that meet the requirements of this chapter and ~~of the~~ board RULES.

3. Prepare and maintain a list of approved nursing programs for ~~professional~~ THE PREPARATION OF REGISTERED and practical nurses whose graduates are eligible for licensing under this chapter as ~~graduate~~ registered ~~or professional~~ nurses or as practical nurses if they satisfy the other requirements of this chapter AND BOARD RULES.

4. Examine qualified ~~professional~~ REGISTERED and practical nurse applicants.

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

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

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

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

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

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

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

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

(a) Testing and certification of nursing assistants.

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

(c) Recertifying nursing assistants.

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

(e) Assessing fees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~1. Revoke the license to practice.~~

~~2. Suspend the license to practice.~~

~~3. Enter a decree of censure which may require that restitution be made to an aggrieved party.~~

~~4. Issue an order fixing a period and terms of probation best adapted to protect the public health and safety and rehabilitate the licensed person.~~

~~5. Impose a civil penalty for each violation of this chapter, not to exceed one thousand dollars, either singly or in combination with any disciplinary action permitted under this subsection.~~

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

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

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

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

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

32-1608. Examinations; notice

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

Sec. 8. Section 32-1609, Arizona Revised Statutes, is amended to read:

32-1609. Register of licenses and certificates; change of address

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

1. Each licensee's and certificate holder's current ~~residence~~ address.

2. Licenses and certificates granted or revoked.

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

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

Sec. 9. Section 32-1611, Arizona Revised Statutes, is amended to read:

32-1611. Board of nursing fund

A. ~~Except as provided in subsection C of this section,~~ Before the end of each month, pursuant to sections 35-146 and 35-147, the board shall deposit ten per cent of all monies received by the board from ~~whatever source~~ FEES PURSUANT TO SECTION 32-1643 in the state general fund and deposit the remaining ninety per cent in the board of nursing fund.

B. Monies deposited in the board of nursing fund are subject to section 35-143.01.

C. Monies from civil penalties received pursuant to section 32-1606 shall be deposited, pursuant to sections 35-146 and 35-147, in the state general fund.

Sec. 10. Section 32-1631, Arizona Revised Statutes, is amended to read:

32-1631. Acts and persons not affected by chapter

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

1. Auxiliary or supportive services by maids, porters, messengers, bus boys, nurses aides or attendants working under competent supervision in a licensed hospital, or gratuitous care by friends or members of the family of a sick or infirm person or incidental care of the sick by a domestic servant or person employed primarily as a housekeeper, as long as these persons do

not practice ~~professional~~ REGISTERED nursing or claim to be licensed practical nurses.

2. Nursing assistance in cases of emergency.

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

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

5. Nursing by any legally qualified nurse of another state who is employed by the government of the United States or any bureau, division or agency of the United States government in the discharge of that person's official duties.

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

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

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

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

Sec. 11. Section 32-1632, Arizona Revised Statutes, is amended to read:

32-1632. <u>Qualifications of registered nurse; application for license</u>

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

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

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

Sec. 12. Section 32-1633, Arizona Revised Statutes, is amended to read:

32-1633. Examination of registered nurses

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

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

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

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

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

Sec. 13. Section 32-1634, Arizona Revised Statutes, is amended to read:

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

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

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

Sec. 14. Section 32-1634.01, Arizona Revised Statutes, is amended to read:

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

A. An applicant for a license to practice as a ~~professional~~ REGISTERED nurse who is a graduate of ~~a foreign~~ AN INTERNATIONAL nursing program, who is not licensed in another state or territory of the United States and who does

not meet the requirements of section 32-1633, subsection A~~,~~ shall satisfy the following requirements:

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

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

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

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

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

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

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

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

Sec. 15. Section 32-1634.02, Arizona Revised Statutes, is amended to read:

32-1634.02. <u>Qualifications of international registered nurses; applicants for licensure; endorsement</u>

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

1. Submit a report from ~~an~~ A CREDENTIAL EVALUATION agency approved by the board that provides information indicating that the applicant's nursing

program is equivalent to an approved ~~professional~~ REGISTERED nursing program or, IF THE APPLICANT GRADUATED FROM A CANADIAN NURSING PROGRAM, submit a passing score on the English language version of the Canadian nurses association testing service examination or an equivalent Canadian nurse licensure examination as determined by the board.

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

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

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

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

Sec. 16. Section 32-1635, Arizona Revised Statutes, is amended to read:

32-1635. Temporary license to practice registered nursing

A. The board may issue a temporary license to practice ~~professional~~ REGISTERED nursing to an applicant for a license who ~~either:~~

~~1.~~ meets the qualifications for licensing specified in ~~section~~ SECTIONS 32-1632 AND 32-1633 AND BOARD RULES.

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

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

Sec. 17. Section 32-1635.01, Arizona Revised Statutes, is amended to read:

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

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

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

Sec. 18. Section 32-1636, Arizona Revised Statutes, is amended to read:

32-1636. Use of titles or abbreviations

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

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

C. ONLY A PERSON WHO HOLDS A VALID AND CURRENT CERTIFICATE ISSUED PURSUANT TO THIS CHAPTER TO PRACTICE AS A REGISTERED NURSE PRACTITIONER IN THIS STATE MAY USE THE TITLE "NURSE PRACTITIONER", "REGISTERED NURSE PRACTITIONER" OR "NURSE MIDWIFE", IF APPLICABLE, OR USE ANY WORDS OR LETTERS TO INDICATE THE PERSON IS A REGISTERED NURSE PRACTITIONER. A PERSON WHO IS CERTIFIED AS A REGISTERED NURSE PRACTITIONER SHALL INDICATE BY TITLE OR INITIALS THE SPECIALTY AREA OF CERTIFICATION.

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

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

Sec. 19. Section 32-1638, Arizona Revised Statutes, is amended to read:

32-1638. Examination of practical nurses

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

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

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

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

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

Sec. 20. Section 32-1639.01, Arizona Revised Statutes, is amended to read:

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

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

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

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

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

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

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

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

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

Sec. 21. Section 32-1639.02, Arizona Revised Statutes, is amended to read:

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

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

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

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

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

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

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

Sec. 22. Section 32-1640, Arizona Revised Statutes, is amended to read:

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

A. The board may issue a temporary license to practice as a licensed practical nurse to an applicant for a license who ~~either:~~

~~1.~~ meets the qualifications for licensing specified in section 32-1637 AND AS PRESCRIBED BY THE BOARD BY RULE.

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

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

Sec. 23. Repeal

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

Sec. 24. Section 32-1642, Arizona Revised Statutes, is amended to read:

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

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

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

C. On receipt of the application and fee, the board shall verify the accuracy of the application and issue to the applicant an active renewal license, which shall be effective for the following four calendar years. The renewal license shall render the holder a legal practitioner of nursing, as specified in the license, during the period stated on the certificate of renewal. A licensee who fails to secure a renewal license within the time specified may secure a renewal license by making verified application as the board prescribes by furnishing proof of being qualified and competent to act as a ~~professional~~ REGISTERED or practical nurse, and additional information and material as required by the board, and by payment of the prescribed fee.

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

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

Sec. 25. Section 32-1643, Arizona Revised Statutes, is amended to read:

32-1643. Fees; penalties

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

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

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

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

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

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

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

7. Application for renewal of license after expiration, one hundred sixty dollars, plus a late fee of fifty dollars for each month a license is lapsed, but not to exceed a total of two hundred dollars.

8. Application for renewal of a school nurse certificate, fifty dollars.

9. Application for temporary license or temporary nursing assistant certificate, fifty dollars.

10. Retaking the ~~professional~~ REGISTERED nurse or practical nurse examination, one hundred dollars.

11. Issuing a certification card to an applicant for nursing assistant certification, fifty dollars.

12. Issuing a certification card to a certified nursing assistant applicant for renewal, fifty dollars.

13. Application for renewal of a nursing assistant certificate after its expiration, twenty-five dollars for each year it is expired, not to exceed a total of one hundred dollars.

14. Issuing a duplicate license or certificate, twenty-five dollars.

15. Copying a nursing program transcript, twenty-five dollars.

16. Verification to another state or country of licensure for endorsement, certification for advanced practice or nursing assistant certification, fifty dollars.

17. Providing verification to an applicant for licensure or for nursing assistant certification by endorsement, fifty dollars.

18. Application to prescribe and dispense medication and application to prescribe medication, one hundred fifty dollars.

19. Application for renewal of prescribing and dispensing medication privileges before expiration and application for renewal of prescribing medication privileges before expiration, twenty dollars.

20. Application for renewal of prescribing and dispensing medication privileges after expiration and application for renewal of prescribing medication privileges after expiration, thirty-five dollars.

21. Issuing an inactive license, fifty dollars.

22. Writing the national council licensing examination for the first time, one hundred fifty dollars.

23. Sale of publications prepared by the board, fifty dollars.

24. Providing notary services, two dollars, or as allowed under section 41-316.

25. Copying records, documents, letters, minutes, applications and files, fifty cents a page.

26. Processing fingerprint cards, fifty dollars.

27. Registration for board seminars, one hundred dollars.

28. Failing to notify the board of a change of ~~residence~~ address pursuant to section 32-1609, twenty-five dollars.

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

Sec. 26. Section 32-1644, Arizona Revised Statutes, is amended to read:

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

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

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

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

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

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

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

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

D. From time to time the board, through its authorized employees or representatives, may resurvey all approved programs in the state and shall file written reports of these resurveys with the board. If the board determines that an approved nursing program is not maintaining the required standards, it shall immediately give written notice to the program specifying the defects. If the defects are not corrected within a reasonable time as determined by the board, the board may take either of the following actions:

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

2. Remove the program from the list of approved nursing programs until the program complies with board standards.

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

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

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

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

Sec. 27. Section 32-1646, Arizona Revised Statutes, is amended to read:

32-1646. <u>Nursing assistants; board powers</u>

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

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

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

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

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

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

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

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

Sec. 28. Section 32-1647, Arizona Revised Statutes, is amended to read:

32-1647. Examination of nursing assistants

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

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

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

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

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

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

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

Sec. 29. Repeal

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

Sec. 30. Section 32-1663, Arizona Revised Statutes, is amended to read:

32-1663. Disciplinary action

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

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

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

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

~~1. Revoke or suspend the license.~~

~~2. Impose a civil penalty.~~

~~3. Censure the licensee.~~

~~4. Place the licensee on probation.~~

~~5. Accept the voluntary surrender of a license.~~

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

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

~~1. Revoke or suspend the certificate.~~

~~2. Impose a civil penalty.~~

~~3. Accept the voluntary surrender of a certificate.~~

~~G.~~ F. If the board determines pursuant to an investigation that reasonable grounds exist to discipline a person pursuant to subsection D~~,~~ OR E ~~or F~~ of this section, the board may serve on the licensee or certificate holder a written notice that states:

1. That the board has sufficient evidence that, if not rebutted or explained, will justify the board in taking disciplinary actions allowed by this chapter.

2. The nature of the allegations asserted and that cites the specific statutes or rules violated.

3. That unless the licensee or certificate holder submits a written request for a hearing within thirty days after service of the notice by certified mail, the board may consider the allegations admitted and may take any disciplinary action allowed pursuant to this chapter without conducting a hearing.

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

Sec. 31. Section 32-1663.01, Arizona Revised Statutes, is amended to read:

32-1663.01. Administrative violations; administrative penalty

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

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

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

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

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

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

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

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

32-1664. Investigation; hearing; notice

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

A. IN CONNECTION WITH AN INVESTIGATION, THE BOARD OR ITS DULY AUTHORIZED AGENTS OR EMPLOYEES MAY OBTAIN ANY DOCUMENTS, REPORTS, RECORDS, PAPERS, BOOKS AND MATERIALS, INCLUDING HOSPITAL RECORDS, MEDICAL STAFF

RECORDS AND MEDICAL STAFF REVIEW COMMITTEE RECORDS, OR ANY OTHER PHYSICAL EVIDENCE THAT INDICATES THAT A PERSON OR REGULATED PARTY MAY HAVE VIOLATED THIS CHAPTER OR A RULE ADOPTED PURSUANT TO THIS CHAPTER:

1. BY ENTERING THE PREMISES, AT ANY REASONABLE TIME, AND INSPECTING AND COPYING MATERIALS IN THE POSSESSION OF A REGULATED PARTY AND THAT RELATES TO NURSING COMPETENCE, UNPROFESSIONAL CONDUCT OR MENTAL OR PHYSICAL ABILITY OF A LICENSEE TO SAFELY PRACTICE NURSING.

2. BY ISSUING A SUBPOENA UNDER THE BOARD'S SEAL TO REQUIRE THE ATTENDANCE AND TESTIMONY OF WITNESSES OR TO DEMAND THE PRODUCTION FOR EXAMINATION OR COPYING OF DOCUMENTS OR ANY OTHER PHYSICAL EVIDENCE. WITHIN FIVE DAYS AFTER A PERSON IS SERVED WITH A SUBPOENA THAT PERSON MAY PETITION THE BOARD TO REVOKE, LIMIT OR MODIFY THE SUBPOENA. THE BOARD SHALL DO SO IF IN ITS OPINION THE EVIDENCE REQUIRED DOES NOT RELATE TO UNLAWFUL PRACTICES COVERED BY THIS CHAPTER, IS NOT RELEVANT TO THE CHARGE THAT IS THE SUBJECT MATTER OF THE HEARING OR INVESTIGATION OR DOES NOT DESCRIBE WITH SUFFICIENT PARTICULARITY THE PHYSICAL EVIDENCE WHOSE PRODUCTION IS REQUIRED.

3. BY SUBMITTING A WRITTEN REQUEST FOR THE INFORMATION.

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

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

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

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

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

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

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

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

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

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

1. Dismiss if in the opinion of the board the information is without merit.

2. File a letter of concern if in the opinion of the board there is insufficient evidence to support ~~direct~~ DISCIPLINARY action against the ~~licensee or certificate holder~~ REGULATED PARTY OR APPLICANT but sufficient evidence for the board to notify ~~that person~~ THE REGULATED PARTY OR APPLICANT of its concern.

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

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

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

K. In any matters pending before it, the board may issue subpoenas under its seal ~~and~~ TO compel the attendance of witnesses. ~~and the production of relevant and necessary papers, books, records, documentary evidence and materials including hospital records, medical staff records and medical staff review committee records. Any person failing to comply with a subpoena may, on application by the board to any superior court judge, be ordered by the~~

~~judge to comply with the subpoena and on failure to comply shall be punished as in the case of disobedience of lawful process issued by the superior court. Subpoenas shall be served by regular or certified mail or in the manner required by the rules of civil procedure for the superior court.~~

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

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

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

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

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

P. ON APPLICATION BY THE BOARD TO ANY SUPERIOR COURT JUDGE, A PERSON WHO WITHOUT JUST CAUSE FAILS TO COMPLY WITH A SUBPOENA ISSUED PURSUANT TO THIS SECTION MAY BE ORDERED BY THE JUDGE TO COMPLY WITH THE SUBPOENA AND PUNISHED BY THE COURT FOR FAILING TO COMPLY. SUBPOENAS SHALL BE SERVED BY REGULAR OR CERTIFIED MAIL OR IN THE MANNER REQUIRED BY THE ARIZONA RULES OF CIVIL PROCEDURE.

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

Sec. 33. Section 32-1665, Arizona Revised Statutes, is amended to read:

32-1665. Rehearing; judicial review

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

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

Sec. 34. Section 32-1666, Arizona Revised Statutes, is amended to read:

32-1666. Unlawful acts

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

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

2. Represent or use any title, abbreviation, letters, figures, sign, card or device to indicate that the person or any other person is a registered NURSE, graduate ~~or~~ NURSE, professional NURSE, NURSE PRACTITIONER, CLINICAL NURSE SPECIALIST OR PRACTICAL nurse.

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

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

Sec. 35. Section 32-1666.01, Arizona Revised Statutes, is amended to read:

32-1666.01. Cease and desist orders; injunctive relief

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

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

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

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

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

Sec. 36. Section 32-1669, Arizona Revised Statutes, is amended to read:

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

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

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

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

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

Sec. 37. Laws 2004, chapter 121, section 1 is amended to read:

Section 1. Pilot study medication technicians; pilot program

A. The state board of nursing may establish a pilot program to determine the impact to patient health and safety of allowing nursing assistants certified pursuant to title 32, chapter 15, ARIZONA REVISED STATUTES, and acting as pilot study medication technicians to administer medications under educational requirements and conditions prescribed by the board.

B. The board may conduct the pilot program in not more than six skilled nursing facilities. Acute and sub-acute patients ~~shall be~~ ARE excluded from this ~~study~~ PILOT PROGRAM.

C. Except as provided in this subsection, nursing facilities participating in the pilot program shall not replace existing registered nurse and licensed practical nurse positions with certified nursing assistants or pilot study medication technicians. The department of health services and board may authorize, as part of the pilot program, adjustments to nursing staff mix as necessary to conduct an evidence based study to determine the impact of varying staffing models ~~upon~~ ON patient health and safety. Facilities participating in the pilot program shall not violate state or federal laws relative to the adequacy of nursing coverage.

D. The pilot program must include delegation and supervision protocols regarding which medications the pilot study medication technicians may and shall not administer and under what conditions. The protocols shall prohibit medication technicians from administering any medication or fluid by needle. The protocols must give registered nurses and licensed practical nurses the authority to refuse to delegate the administration of medication to pilot study medication technicians if a nurse believes that patient health and safety is at risk.

E. The board may adopt policies prescribing the education and training requirements for certified nursing assistants participating in the pilot program as pilot study medication technicians.

F. The board is authorized to charge the participating facilities and pilot study medication technicians an assessment to implement ~~the provisions of~~ this section.

~~G. The board must complete the pilot program on or before December 1, 2008.~~

~~H.~~ G. For the purposes of this act, the state board of nursing is exempt from rulemaking with regard to adopting policies to assist in the implementation of this act. The board shall hold public hearings to review, discuss and adopt the proposed policies.

~~I.~~ H. The board shall submit a written report on or before December 1, 2008 to the governor, the president of the senate and the speaker of the house of representatives regarding the results of the pilot program and recommendations for any administrative or legislative action. The board shall provide a copy of the report to the secretary of state and the director of the Arizona state library, archives and public records.

Sec. 38. Laws 2004, chapter 121, section 2 is amended to read:

Sec. 2. Delayed repeal

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

Sec. 39. Retroactivity

Laws 2004, chapter 121, section 1, as amended by this act, applies retroactively to December 1, 2008.

APPROVED BY THE GOVERNOR JULY 13, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 13, 2009.