House Engrossed

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 90

HOUSE BILL 2469

AN ACT

AMENDING SECTIONS 32-1601, 32-1606, 32-1666 AND 32-1667, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 15, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 32-1650, 32-1650.01, 32-1650.02, 32-1650.03, 32-1650.04, 32-1650.05, 32-1650.06 AND 32-1650.07; 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. "Approval" means that a REGULATED TRAINING OR EDUCATIONAL program ~~for the educational preparation~~ TO PREPARE PERSONS 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 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 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 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) 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.

(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 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.

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

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

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. 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.

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.

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 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.

(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 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.

16. "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 registered nurse.

17. "Regulated party" means any person~~, nursing program, nursing assistant program or refresher program~~ OR ENTITY that is licensed, certified, RECOGNIZED or approved pursuant to this chapter.

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 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 32-1606, 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 registered and practical 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. On the applicant's or regulated party's request, establish a payment schedule with the applicant or 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~~ CHAPTER. 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 preparing persons for licensing or certification under this chapter, recognize national nursing accrediting agencies and provide for surveys of programs it deems necessary.~~

1. APPROVE REGULATED TRAINING AND EDUCATIONAL PROGRAMS THAT MEET THE REQUIREMENTS OF THIS CHAPTER AND RULES ADOPTED BY THE BOARD.

2. By rule, establish approval and reapproval processes for nursing and nursing assistant training programs that meet the requirements of this chapter and board rules.

3. Prepare and maintain a list of approved nursing programs for the preparation of registered and practical nurses whose graduates are eligible for licensing under this chapter as registered nurses or as practical nurses if they satisfy the other requirements of this chapter and board rules.

4. Examine qualified registered and practical nurse applicants.

5. License and renew the licenses of qualified 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.

8. For proper cause, deny or rescind approval of a ~~nursing or nursing assistant training~~ REGULATED TRAINING OR EDUCATIONAL program for failure to comply with this chapter or the rules of 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 against all 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 OR CERTIFICATION 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 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.

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.

24. MAINTAIN A LIST OF APPROVED MEDICATION ASSISTANT TRAINING PROGRAMS.

25. TEST AND CERTIFY MEDICATION ASSISTANTS.

26. MAINTAIN A REGISTRY AND DISCIPLINARY RECORD OF MEDICATION ASSISTANTS WHO ARE CERTIFIED PURSUANT TO THIS CHAPTER.

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 to 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 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. 3. Title 32, chapter 15, article 2, Arizona Revised Statutes, is amended by adding sections 32-1650, 32-1650.01, 32-1650.02, 32-1650.03, 32-1650.04, 32-1650.05, 32-1650.06 and 32-1650.07, to read:

32-1650. Certified medication assistants; medication administration; delegation

A. A NURSE WHO IS LICENSED PURSUANT TO THIS CHAPTER MAY DELEGATE MEDICATION ADMINISTRATION TO A NURSING ASSISTANT WHO IS CERTIFIED BY THE BOARD AS A MEDICATION ASSISTANT OR TO A STUDENT IN AN APPROVED MEDICATION ASSISTANT PROGRAM UNDER THE FOLLOWING CONDITIONS:

1. THE RECIPIENT OF THE MEDICATION IS A RESIDENT OF A LICENSED NURSING CARE INSTITUTION AS DEFINED IN SECTION 36-401.

2. DELEGATED MEDICATIONS ARE LIMITED TO:

(a) REGULARLY SCHEDULED MEDICATIONS, INCLUDING CONTROLLED SUBSTANCES BY ORAL, TOPICAL, NASAL, OTIC, OPTIC AND RECTAL ROUTES.

(b) FOLLOWING THE NURSE'S ASSESSMENT OF THE RESIDENT'S NEED FOR THE MEDICATION AND AT THE DIRECTION OF THE NURSE, AS-NEEDED MEDICATIONS FOR BOWEL CARE OR OVER-THE-COUNTER ANALGESICS. THE NURSE SHALL EVALUATE THE EFFECT OF THE MEDICATION AND DOCUMENT FINDINGS IN THE RESIDENT'S RECORD.

3. THE DELEGATING NURSE MAINTAINS ACCOUNTABILITY FOR THE DELEGATION AND MANAGEMENT OF THE RESIDENT'S MEDICATIONS.

B. A NURSE MAY NOT DELEGATE TO A MEDICATION ASSISTANT:

1. IF, IN THE PROFESSIONAL JUDGMENT OF THE NURSE AFTER EVALUATING THE CONDITION OF AND THE LEVEL OF SERVICES REQUIRED FOR THE RESIDENT AND THE CONDUCT AND SKILLS OF THE CERTIFIED MEDICATION ASSISTANT OR MEDICATION ASSISTANT STUDENT, THE DELEGATION WOULD POSE AN UNACCEPTABLE RISK OF HARM OR JEOPARDIZE THE HEALTH OR WELFARE OF THE RESIDENT OR IF SAFE DELEGATION CAN NOT BE ACCOMPLISHED.

2. THE FIRST DOSE OF A NEW MEDICATION OR OF A PREVIOUSLY PRESCRIBED MEDICATION IF THE DOSAGE IS CHANGED.

3. ANY NEW MEDICATION THAT ARRIVES FROM THE PHARMACY WITHOUT ENSURING THAT IT REFLECTS THE ORIGINAL PRESCRIPTION.

4. AS-NEEDED MEDICATIONS EXCEPT AS PROVIDED IN THIS SECTION.

5. THE COUNTING OF CONTROLLED SUBSTANCES AT THE BEGINNING AND END OF A SHIFT AND ANY ACT ASSOCIATED WITH OBTAINING MULTIPLE DOSES OF CONTROLLED SUBSTANCES.

6. ANY MEDICATION DELIVERED BY A NEEDLE OR BY INTRADERMAL, SUBCUTANEOUS, INTRAMUSCULAR, INTRAVENOUS, INTRATHECAL AND INTRAOSSEOUS ROUTES.

7. THE ADMINISTRATION OF ANY MEDICATION THAT MUST BE INSERTED INTO A NASOGASTRIC TUBE OR GASTRIC TUBE.

8. CHANGING OXYGEN SETTINGS OR TURNING OXYGEN ON OR OFF.

9. THE ADMINISTRATION OF INHALANT MEDICATIONS.

10. THE REGULATION OF INTRAVENOUS FLUIDS OR THE PROGRAMMING OF INSULIN PUMPS.

11. THE ADMINISTRATION OF TOPICAL PATCHES OR TOPICAL MEDICATIONS THAT REQUIRE A STERILE DRESSING OR ASSESSMENT OF SKIN CONDITION.

12. THE ADMINISTRATION OF SUBLINGUAL MEDICATIONS.

13. THE ADMINISTRATION OF ANY MEDICATION THAT REQUIRES A MATHEMATICAL CONVERSION BETWEEN UNITS OF MEASUREMENT TO DETERMINE THE CORRECT DOSE.

32-1650.01. <u>Medication assistant training programs; requirements</u>

A. THE BOARD SHALL APPROVE MEDICATION ASSISTANT TRAINING PROGRAMS PURSUANT TO THIS SECTION AND RULES ADOPTED BY THE BOARD. AN ENTITY THAT APPLIES FOR APPROVAL OF A MEDICATION ASSISTANT TRAINING PROGRAM MUST BE EITHER:

1. A POSTSECONDARY EDUCATION INSTITUTION IN THIS STATE THAT IS ACCREDITED BY AN ACCREDITING AGENCY RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION.

2. A POSTSECONDARY SCHOOL THAT IS LICENSED BY THE STATE BOARD OF PRIVATE POSTSECONDARY EDUCATION.

3. A LONG-TERM CARE FACILITY THAT IS LICENSED BY THE DEPARTMENT OF HEALTH SERVICES.

B. AN APPLICANT FOR A MEDICATION ASSISTANT TRAINING PROGRAM MUST:

1. SUBMIT AN APPLICATION ON A FORM AND IN A MANNER PRESCRIBED BY THE BOARD THAT SHOWS COMPLIANCE WITH THIS CHAPTER AND BOARD RULES AND THAT IS ACCOMPANIED BY A FEE PRESCRIBED BY THE BOARD BY RULE.

2. IMPLEMENT A MINIMUM ONE HUNDRED HOUR CURRICULUM THAT IS CONSISTENT WITH THE CURRICULUM REQUIREMENTS OF A BOARD PILOT PROGRAM THAT ALLOWS CERTIFIED NURSING ASSISTANTS TO ADMINISTER MEDICATION OR THAT IS SPECIFIED BY THE BOARD BY RULE.

3. SCHEDULE CLASSROOM INSTRUCTION SO THAT THERE ARE NOT MORE THAN FOUR HOURS OF CLASSROOM INSTRUCTION IN ANY ONE DAY.

4. IMPLEMENT ADMISSION CRITERIA THAT ARE CONSISTENT WITH THE REQUIREMENTS OF SECTION 32-1650.02.

5. SCREEN POTENTIAL STUDENTS FOR MATHEMATICS AND READING COMPREHENSION SKILLS THAT ARE NECESSARY TO UNDERSTAND WRITTEN MATERIAL AND TO SAFELY ADMINISTER MEDICATIONS.

6. ADMINISTER AT LEAST THREE SEPARATE UNIT EXAMINATIONS AND A COMPREHENSIVE FINAL EXAMINATION THAT STUDENTS MUST PASS TO PROGRESS IN THE PROGRAM.

7. PROVIDE COURSE POLICIES REGARDING ATTENDANCE, CLINICAL SUPERVISION, COURSE COMPLETION REQUIREMENTS, PASSING EXAMINATION SCORES AND MAKE-UP EXAMINATIONS.

8. ENSURE THAT A COURSE INSTRUCTOR HAS AN UNRESTRICTED REGISTERED NURSING LICENSE OR MULTISTATE PRIVILEGE AND AT LEAST FORTY HOURS OF EXPERIENCE ADMINISTERING MEDICATIONS IN A LICENSED LONG-TERM CARE FACILITY.

9. MEET OTHER REQUIREMENTS AS SPECIFIED BY THE BOARD BY RULE.

C. THE BOARD OR ITS AUTHORIZED AGENT SHALL REVIEW THE APPLICATION AND PROVIDE A WRITTEN ANALYSIS OF THE APPLICANT'S COMPLIANCE WITH THE REQUIREMENTS IN THIS SECTION AND BOARD RULES. THE BOARD SHALL NOTIFY THE APPLICANT OF ANY DEFICIENCIES IN THE APPLICATION. IF THE BOARD DETERMINES THAT THE PROGRAM MEETS THE REQUIREMENTS PRESCRIBED IN THIS CHAPTER AND BOARD RULES AND THAT APPROVAL IS IN THE BEST INTEREST OF THE PUBLIC, THE BOARD SHALL APPROVE THE PROGRAM FOR A PERIOD OF NOT MORE THAN FOUR YEARS.

D. THE BOARD'S AUTHORIZED EMPLOYEES OR REPRESENTATIVES PERIODICALLY MAY REVIEW AND CONDUCT A SITE VISIT OF ALL APPROVED MEDICATION ASSISTANT TRAINING PROGRAMS IN THIS STATE AND FILE WRITTEN REPORTS OF THESE REVIEWS OR SITE VISITS WITH THE BOARD. IF THE BOARD DETERMINES THAT AN APPROVED MEDICATION ASSISTANT TRAINING 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. RESTRICT THE PROGRAM'S ABILITY TO ADMIT NEW STUDENTS UNTIL THE PROGRAM COMPLIES WITH BOARD STANDARDS.

2. REVOKE THE APPROVAL OF THE PROGRAM FOR A PERIOD OF TWO YEARS.

E. AN APPROVED MEDICATION ASSISTANT TRAINING PROGRAM MUST MAINTAIN ACCURATE AND CURRENT RECORDS FOR AT LEAST FIVE YEARS, INCLUDING THE FULL THEORETICAL AND PRACTICAL CURRICULUM PROVIDED TO EACH STUDENT.

F. THE TRAINING PROGRAM MUST FURNISH A COPY OF A STUDENT'S CERTIFICATE OF COMPLETION TO THE BOARD WITHIN TEN DAYS AFTER EACH STUDENT SUCCESSFULLY COMPLETES A MEDICATION ASSISTANT TRAINING PROGRAM.

32-1650.02. Certified medication assistants; qualifications

A. A PERSON WHO WISHES TO PRACTICE AS A MEDICATION ASSISTANT MUST:

1. FILE AN APPLICATION ON A FORM PRESCRIBED BY THE BOARD ACCOMPANIED BY A FEE PRESCRIBED BY THE BOARD BY RULE.

2. SUBMIT A 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.

3. HAVE BEEN CERTIFIED AND WORKED AS A NURSING ASSISTANT FOR AT LEAST SIX MONTHS BEFORE THE START OF THE MEDICATION ASSISTANT TRAINING PROGRAM AND HAVE NO OUTSTANDING COMPLAINTS OR RESTRICTIONS ON THE NURSING ASSISTANT CERTIFICATION.

4. HOLD ONE OF THE FOLLOWING:

(a) A DIPLOMA ISSUED BY A HIGH SCHOOL THAT IS LOCATED IN THE UNITED STATES.

(b) A GENERAL EQUIVALENCY DIPLOMA ISSUED IN THE UNITED STATES.

(c) A TRANSCRIPT FROM A NATIONALLY OR REGIONALLY ACCREDITED POSTSECONDARY SCHOOL LOCATED IN THE UNITED STATES OR FROM THE UNITED STATES MILITARY THAT DOCUMENTS SUCCESSFUL COMPLETION OF COLLEGE-LEVEL COURSEWORK.

(d) EVIDENCE OF COMPLETING AT LEAST TWELVE YEARS OF EDUCATION IN A FOREIGN COUNTRY AND, IF THE LANGUAGE OF THAT COUNTRY WAS OTHER THAN ENGLISH, A PASSING SCORE ON AN ENGLISH LANGUAGE PROFICIENCY EXAMINATION AS DETERMINED BY THE BOARD.

5. BE AT LEAST EIGHTEEN YEARS OF AGE.

6. PROVIDE DOCUMENTATION DIRECTLY FROM THE PROGRAM OF SUCCESSFULLY COMPLETING AN APPROVED MEDICATION ASSISTANT TRAINING PROGRAM OR A PORTION OF AN APPROVED NURSING EDUCATION PROGRAM EQUIVALENT TO THE MEDICATION ASSISTANT TRAINING COURSE.

7. HAVE PASSED A COMPETENCY EXAMINATION PURSUANT TO SECTION 32-1650.03.

8. SUBMIT A FULL SET OF FINGERPRINTS UNDER SECTION 32-1606, SUBSECTION B, PARAGRAPH 15.

B. THE BOARD SHALL CERTIFY A PERSON AS A MEDICATION ASSISTANT WHO MEETS THE QUALIFICATIONS OF THIS SECTION FOR A PERIOD OF NOT MORE THAN TWO YEARS. THE PERSON'S MEDICATION ASSISTANT CERTIFICATION EXPIRES AT THE SAME TIME THE PERSON'S NURSING ASSISTANT CERTIFICATION EXPIRES.

32-1650.03. <u>Certified medication assistants; examination requirements</u>

A. AN APPLICANT FOR CERTIFICATION AS A MEDICATION ASSISTANT MUST PASS A WRITTEN AND MANUAL SKILLS COMPETENCY EXAMINATION ON SUBJECTS CONTAINED IN A MEDICATION ASSISTANT TRAINING PROGRAM APPROVED BY THE BOARD.

B. THE BOARD MAY CONTRACT WITH A PRIVATE ENTITY TO CONDUCT THE MEDICATION ASSISTANT COMPETENCY EXAMINATION. THE BOARD SHALL REQUIRE AS PART OF THIS CONTRACT THAT THE ENTITY PROVIDE NOTICE OF THE EXAMINATION PROCEDURE TO APPLICANTS.

C. IF AN APPLICANT FAILS TO PASS A COMPETENCY EXAMINATION WITHIN ONE YEAR AFTER COMPLETING A MEDICATION ASSISTANT TRAINING PROGRAM, THE APPLICANT MUST COMPLETE TO THE BOARD'S SATISFACTION AN APPROVED MEDICATION ASSISTANT TRAINING PROGRAM BEFORE THE APPLICANT MAY TAKE THE EXAMINATION AGAIN.

32-1650.04. <u>Certified medication assistants; reciprocity</u>

A NURSING ASSISTANT WHO IS CERTIFIED AS A MEDICATION ASSISTANT BY ANOTHER STATE QUALIFIES FOR CERTIFICATION AS A CERTIFIED MEDICATION ASSISTANT IN THIS STATE IF THE APPLICANT:

1. COMPLETES AN APPLICATION ON A BOARD PRESCRIBED FORM AND SUBMITS THE FEE PRESCRIBED BY THE BOARD BY RULE.

2. SUBMITS EVIDENCE OF COMPLETION OF AT LEAST A ONE HUNDRED HOUR CURRICULUM IN A MEDICATION ASSISTANT TRAINING PROGRAM.

3. SUCCESSFULLY PASSES THE BOARD APPROVED COMPETENCY EXAMINATION PURSUANT TO SECTION 32-1650.03.

4. HAS PRACTICED AS A MEDICATION ASSISTANT FOR AT LEAST ONE HUNDRED SIXTY HOURS IN THE PAST TWO YEARS OR HAS COMPLETED THE TRAINING PROGRAM IN THE PAST YEAR.

5. MEETS ALL OTHER REQUIREMENTS OF THIS CHAPTER AND BOARD RULES.

32-1650.05. Certified medication assistants; recertification; unprofessional conduct

A. A MEDICATION ASSISTANT WHO IS CERTIFIED PURSUANT TO 32-1650.02 MAY APPLY FOR RECERTIFICATION BEFORE EXPIRATION OF THE CERTIFICATE IF THAT PERSON:

1. SUBMITS AN APPLICATION ON A BOARD PRESCRIBED FORM ACCOMPANIED BY A FEE PRESCRIBED BY THE BOARD BY RULE BEFORE THE EXPIRATION DATE ON THE CERTIFICATE.

2. SUBMITS AN AFFIDAVIT WITH THE APPLICATION THAT THE APPLICANT HAS PRACTICED AS A MEDICATION ASSISTANT FOR AT LEAST ONE HUNDRED SIXTY HOURS IN THE PAST TWO YEARS.

3. SUBMITS AN AFFIDAVIT WITH THE APPLICATION 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.

4. SUBMITS A CURRENT APPLICATION TO RENEW THE PERSON'S NURSING ASSISTANT CERTIFICATE OR HOLDS A CURRENT NURSING ASSISTANT CERTIFICATE.

B. IF THE CURRENT MEDICATION ASSISTANT CERTIFICATE HAS EXPIRED, THE BOARD MAY ASSESS A LATE FEE AS PRESCRIBED BY THE BOARD BY RULE. A MEDICATION ASSISTANT WHO PRACTICES WITH AN EXPIRED CERTIFICATE COMMITS AN ACT OF UNPROFESSIONAL CONDUCT AND IS SUBJECT TO DISCIPLINARY ACTION PURSUANT TO THIS CHAPTER.

32-1650.06. Certified medication assistants; disciplinary actions; civil penalties; revocation or denial of certificate

A. IN REGULATING MEDICATION ASSISTANTS, THE BOARD MAY:

1. REFER CRIMINAL VIOLATIONS 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 A MEDICATION ASSISTANT'S CERTIFICATE BUT SUFFICIENT EVIDENCE FOR THE BOARD TO NOTIFY A MEDICATION ASSISTANT OF ITS CONCERN.

3. ISSUE A DECREE OF CENSURE FOR A VIOLATION OF THIS CHAPTER OR BOARD RULES.

4. DENY CERTIFICATION OR RECERTIFICATION OR TAKE DISCIPLINARY ACTION IF A MEDICATION ASSISTANT COMMITS AN ACT OF UNPROFESSIONAL CONDUCT.

5. IN ADDITION TO ANY OTHER DISCIPLINARY ACTION IT MAY TAKE, IMPOSE A CIVIL PENALTY OF NOT MORE THAN ONE THOUSAND DOLLARS.

B. THE BOARD SHALL REVOKE A CERTIFICATE OR DENY AN APPLICATION FOR CERTIFICATION OR RECERTIFICATION OF A PERSON 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.

32-1650.07. Certified medication assistants; use of title

ONLY A PERSON WHO IS CERTIFIED AS A MEDICATION ASSISTANT BY THE BOARD MAY:

1. USE THE TITLE "CERTIFIED MEDICATION ASSISTANT" OR "MEDICATION ASSISTANT-CERTIFIED".

2. USE THE INITIALS "CMA".

3. CLAIM TO BE CERTIFIED AS A MEDICATION ASSISTANT.

Sec. 4. 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 as a registered or practical 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 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~~ certified ~~nursing assistant~~ PURSUANT TO THIS CHAPTER.

B. It is unlawful for a person to operate a ~~nursing program or a nursing assistant training program~~ TRAINING OR EDUCATIONAL PROGRAM TO PREPARE STUDENTS FOR LICENSURE OR CERTIFICATION UNDER THIS CHAPTER unless it has been approved under this chapter.

Sec. 5. Section 32-1667, Arizona Revised Statutes, is amended to read:

32-1667. Violations; classification

A person is guilty of a class 6 felony who:

1. Sells or fraudulently obtains or furnishes any nursing diploma, certificate, license, permit or record.

2. Engages in any conduct prohibited in section 32-1666.

3. Operates a ~~nursing program or a nursing assistant~~ training OR EDUCATIONAL program REGULATED PURSUANT TO THIS CHAPTER unless the program is a currently approved program.

4. Practices nursing OR ADVANCED PRACTICE NURSING under cover of any diploma, license, permit or record illegally or fraudulently obtained, signed or issued unlawfully or because of fraudulent representation.

Sec. 6. Medication assistants; deemed status

Notwithstanding any other law, a medication assistant who has successfully participated in a pilot program that has been approved by the Arizona state board of nursing to allow nursing assistants to administer medication and who applies for certification as a medication assistant within one year after the effective date of this act is deemed to have met the

education and examination requirements of sections 32-1650.02 and 32-1650.03, Arizona Revised Statutes, as added by this act.

Sec. 7. Exemption from rule making

The state board of nursing is exempt from the rule making requirements of title 41, chapter 6, Arizona Revised Statutes, to implement the provisions of this act for five years after the effective date of this act.

APPROVED BY THE GOVERNOR APRIL 19, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 20, 2010.