

HB2469

Introduced by

Representatives Goodale, Chabin, Gowan: Antenori, Barto, Burges, Jones,
Mason, Montenegro, Schapira, Seel

AN ACT

AMENDING SECTIONS 32-1601, 32-1606, 32-1666 AND 32-1667, ARIZONA
REVISED STATUTES; AMENDING TITLE 32, CHAPTER 15, 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.

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 long-term care facility.
 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 the delegation would pose an unacceptable risk of harm or jeopardize the health or welfare of the resident in the nurse's professional judgment or if safe delegation cannot 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;
 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 and 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 calculation of dosage.

32-1650.01. Medication assistant training programs; requirements

- 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 a private postsecondary education board.
 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 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.
 - 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. Certified Medication Assistants; Examination requirements

- 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. Certified Medication Assistants; Reciprocity

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.

39 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 "MA-C".
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.