

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

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)

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

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

4 32-1601. Definitions

5 In this chapter, unless the context otherwise requires:

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

9 2. "Approval" means that a REGULATED TRAINING OR EDUCATIONAL program
10 ~~for the educational preparation TO PREPARE PERSONS~~ for licensure or
11 certification ~~of registered nurses, practical nurses, nurse practitioners,~~
12 ~~clinical nurse specialists or nursing assistants~~ has met standards
13 established by the board.

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

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

17 5. "Clinical nurse specialist" means a registered nurse who:

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

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

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

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

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

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

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

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

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

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

38 (vii) Prescribing and dispensing durable medical equipment.

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

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

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

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

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

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

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

14 (b) Restitution made to an aggrieved party.

15 (c) A decree of censure.

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

18 (e) Limited licensure.

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

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

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

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

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

26 11. "Nursing assistant" means a person who is certified pursuant to
27 this chapter to provide or assist in the delivery of nursing or
28 nursing-related services under the supervision and direction of a licensed
29 nursing staff member. Nursing assistant does not include a person who:

30 (a) Is a licensed health care professional.

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

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

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

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

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

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

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

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

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

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

7 14. "Registered nurse" or "professional nurse" means a person who
8 practices registered nursing and who holds a registered nurse license issued
9 pursuant to this chapter or pursuant to a multistate compact privilege.

10 15. "Registered nurse practitioner" means a registered nurse who:

11 (a) Is certified by the board.

12 (b) Has completed a nurse practitioner education program approved or
13 recognized by the board and educational requirements prescribed by the board
14 by rule.

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

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

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

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

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

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

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

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

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

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

41 16. "Registered nursing" includes the following:

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

- 1 (b) Assisting individuals and groups to maintain or attain optimal
2 health by implementing a strategy of care to accomplish defined goals and
3 evaluating responses to care and treatment.
- 4 (c) Assessing the health status of individuals and groups.
- 5 (d) Establishing a nursing diagnosis.
- 6 (e) Establishing goals to meet identified health care needs.
- 7 (f) Prescribing nursing interventions to implement a strategy of care.
- 8 (g) Delegating nursing interventions to others who are qualified to do
9 so.
- 10 (h) Providing for the maintenance of safe and effective nursing care
11 that is rendered directly or indirectly.
- 12 (i) Evaluating responses to interventions.
- 13 (j) Teaching nursing knowledge and skills.
- 14 (k) Managing and supervising the practice of nursing.
- 15 (l) Consulting and coordinating with other health care professionals
16 in the management of health care.
- 17 (m) Performing additional acts that require education and training as
18 prescribed by the board and that are recognized by the nursing profession as
19 proper to be performed by a registered nurse.
- 20 17. "Regulated party" means any person, ~~nursing program, nursing~~
21 ~~assistant program or refresher program~~ OR ENTITY that is licensed, certified,
22 RECOGNIZED or approved pursuant to this chapter.
- 23 18. "Unprofessional conduct" includes the following whether occurring
24 in this state or elsewhere:
- 25 (a) Committing fraud or deceit in obtaining, attempting to obtain or
26 renewing a license or a certificate issued pursuant to this chapter.
- 27 (b) Committing a felony, whether or not involving moral turpitude, or
28 a misdemeanor involving moral turpitude. In either case, conviction by a
29 court of competent jurisdiction or a plea of no contest is conclusive
30 evidence of the commission.
- 31 (c) Aiding or abetting in a criminal abortion or attempting, agreeing
32 or offering to procure or assist in a criminal abortion.
- 33 (d) Any conduct or practice that is or might be harmful or dangerous
34 to the health of a patient or the public.
- 35 (e) Being mentally incompetent or physically unsafe to a degree that
36 is or might be harmful or dangerous to the health of a patient or the public.
- 37 (f) Having a license, certificate, permit or registration to practice
38 a health care profession denied, suspended, conditioned, limited or revoked
39 in another jurisdiction and not reinstated by that jurisdiction.
- 40 (g) Wilfully or repeatedly violating a provision of this chapter or a
41 rule adopted pursuant to this chapter.
- 42 (h) Committing an act that deceives, defrauds or harms the public.
- 43 (i) Failing to comply with a stipulated agreement, consent agreement
44 or board order.

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

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

5 (i) Incompetent to practice.

6 (ii) Guilty of unprofessional conduct.

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

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

14 (m) Cheating or assisting another to cheat on a licensure or
15 certification examination.

16 Sec. 2. Section 32-1606, Arizona Revised Statutes, is amended to read:

17 32-1606. Powers and duties of board

18 A. The board may:

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

21 2. Publish advisory opinions regarding registered and practical
22 nursing practice and nursing education.

23 3. Issue limited licenses or certificates if it determines that an
24 applicant or licensee cannot function safely in a specific setting or within
25 the full scope of practice.

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

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

35 6. On the applicant's or regulated party's request, establish a
36 payment schedule with the applicant or regulated party.

37 7. Provide education regarding board functions.

38 8. Collect or assist in the collection of workforce data.

39 9. Adopt rules for conducting pilot programs consistent with public
40 safety for innovative applications in nursing practice, education and
41 regulation.

42 10. Grant retirement status on request to retired nurses who are or
43 were licensed under this chapter, who have no open complaint or investigation
44 pending against them and who are not subject to discipline.

1 11. Accept and spend federal monies and private grants, gifts,
2 contributions and devises to assist in carrying out the purposes of this
3 ~~title~~ CHAPTER. These monies do not revert to the state general fund at the
4 end of the fiscal year.

5 B. The board shall:

6 ~~1. Adopt rules and establish standards for nursing programs preparing~~
7 ~~persons for licensing or certification under this chapter, recognize national~~
8 ~~nursing accrediting agencies and provide for surveys of programs it deems~~
9 ~~necessary.~~

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

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

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

19 4. Examine qualified registered and practical nurse applicants.

20 5. License and renew the licenses of qualified registered and
21 practical nurse applicants who are not qualified to be licensed by the
22 executive director.

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

24 7. Keep a record of all proceedings.

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

28 9. Adopt rules for the approval of credential evaluation services that
29 evaluate the qualifications of applicants who graduated from an international
30 nursing program.

31 10. Determine and administer appropriate disciplinary action against
32 all regulated parties who are found guilty of violating this chapter or rules
33 adopted by the board.

34 11. Perform functions necessary to carry out the requirements of the
35 nursing assistant training and competency evaluation program as set forth in
36 the omnibus budget reconciliation act of 1987 (P.L. 100-203; 101 Stat. 1330),
37 as amended by the medicare catastrophic coverage act of 1988 (P.L. 100-360;
38 102 Stat. 683). These functions shall include:

39 (a) Testing and certification of nursing assistants.

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

41 (c) Recertifying nursing assistants.

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

43 (e) Assessing fees.

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

- 1 13. Adopt rules establishing educational requirements for the
2 certification of school nurses.
- 3 14. Publish copies of board rules and distribute these copies on
4 request.
- 5 15. Require each applicant for initial licensure OR CERTIFICATION to
6 submit a full set of fingerprints to the board for the purpose of obtaining a
7 state and federal criminal records check pursuant to section 41-1750 and
8 Public Law 92-544. The department of public safety may exchange this
9 fingerprint data with the federal bureau of investigation.
- 10 16. Require each applicant for initial nursing assistant certification
11 to submit a full set of fingerprints to the board for the purpose of
12 obtaining a state and federal criminal records check pursuant to section
13 41-1750 and Public Law 92-544. The department of public safety may exchange
14 this fingerprint data with the federal bureau of investigation.
- 15 17. Revoke a license of a person, revoke the multistate licensure
16 privilege of a person pursuant to section 32-1669 or not issue a license or
17 renewal to an applicant who has one or more felony convictions and who has
18 not received an absolute discharge from the sentences for all felony
19 convictions five or more years before the date of filing an application
20 pursuant to this chapter.
- 21 18. Establish standards for approving and reapproving nurse
22 practitioner and clinical nurse specialist programs and provide for surveys
23 of nurse practitioner and clinical nurse specialist programs as it deems
24 necessary.
- 25 19. Provide the licensing authorities of health care institutions,
26 facilities and homes any information the board receives regarding practices
27 that place a patient's health at risk.
- 28 20. Limit the multistate licensure privilege of any person who holds or
29 applies for a license in this state pursuant to section 32-1668.
- 30 21. Adopt rules to establish competency standards for obtaining and
31 maintaining a license.
- 32 22. Adopt rules for the qualification and certification of clinical
33 nurse specialists.
- 34 23. Adopt rules for approval and reapproval of refresher courses for
35 nurses who are not currently practicing.
- 36 24. MAINTAIN A LIST OF APPROVED MEDICATION ASSISTANT TRAINING PROGRAMS.
37 25. TEST AND CERTIFY MEDICATION ASSISTANTS.
38 26. MAINTAIN A REGISTRY AND DISCIPLINARY RECORD OF MEDICATION
39 ASSISTANTS WHO ARE CERTIFIED PURSUANT TO THIS CHAPTER.
- 40 C. The board may conduct an investigation on receipt of information
41 that indicates that a person or regulated party may have violated this
42 chapter or a rule adopted pursuant to this chapter. Following the
43 investigation, the board may take disciplinary action pursuant to this
44 chapter.

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

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

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

8 Sec. 3. Title 32, chapter 15, article 2, Arizona Revised Statutes, is
9 amended by adding sections 32-1650, 32-1650.01, 32-1650.02, 32-1650.03,
10 32-1650.04, 32-1650.05, 32-1650.06 and 32-1650.07, to read:

11 32-1650. Certified medication assistants; medication
12 administration; delegation

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

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

19 2. DELEGATED MEDICATIONS ARE LIMITED TO:

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

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

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

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

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

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

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

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

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

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

- 1 8. ENSURE THAT A COURSE INSTRUCTOR HAS AN UNRESTRICTED REGISTERED
2 NURSING LICENSE OR MULTISTATE PRIVILEGE AND AT LEAST FORTY HOURS OF
3 EXPERIENCE ADMINISTERING MEDICATIONS IN A LICENSED LONG-TERM CARE FACILITY.
- 4 9. MEET OTHER REQUIREMENTS AS SPECIFIED BY THE BOARD BY RULE.
- 5 C. THE BOARD OR ITS AUTHORIZED AGENT SHALL REVIEW THE APPLICATION AND
6 PROVIDE A WRITTEN ANALYSIS OF THE APPLICANT'S COMPLIANCE WITH THE
7 REQUIREMENTS IN THIS SECTION AND BOARD RULES. THE BOARD SHALL NOTIFY THE
8 APPLICANT OF ANY DEFICIENCIES IN THE APPLICATION. IF THE BOARD DETERMINES
9 THAT THE PROGRAM MEETS THE REQUIREMENTS PRESCRIBED IN THIS CHAPTER AND BOARD
10 RULES AND THAT APPROVAL IS IN THE BEST INTEREST OF THE PUBLIC, THE BOARD
11 SHALL APPROVE THE PROGRAM FOR A PERIOD OF NOT MORE THAN FOUR YEARS.
- 12 D. THE BOARD'S AUTHORIZED EMPLOYEES OR REPRESENTATIVES PERIODICALLY
13 MAY REVIEW AND CONDUCT A SITE VISIT OF ALL APPROVED MEDICATION ASSISTANT
14 TRAINING PROGRAMS IN THIS STATE AND FILE WRITTEN REPORTS OF THESE REVIEWS OR
15 SITE VISITS WITH THE BOARD. IF THE BOARD DETERMINES THAT AN APPROVED
16 MEDICATION ASSISTANT TRAINING PROGRAM IS NOT MAINTAINING THE REQUIRED
17 STANDARDS, IT SHALL IMMEDIATELY GIVE WRITTEN NOTICE TO THE PROGRAM SPECIFYING
18 THE DEFECTS. IF THE DEFECTS ARE NOT CORRECTED WITHIN A REASONABLE TIME AS
19 DETERMINED BY THE BOARD, THE BOARD MAY TAKE EITHER OF THE FOLLOWING ACTIONS:
- 20 1. RESTRICT THE PROGRAM'S ABILITY TO ADMIT NEW STUDENTS UNTIL THE
21 PROGRAM COMPLIES WITH BOARD STANDARDS.
- 22 2. REVOKE THE APPROVAL OF THE PROGRAM FOR A PERIOD OF TWO YEARS.
- 23 E. AN APPROVED MEDICATION ASSISTANT TRAINING PROGRAM MUST MAINTAIN
24 ACCURATE AND CURRENT RECORDS FOR AT LEAST FIVE YEARS, INCLUDING THE FULL
25 THEORETICAL AND PRACTICAL CURRICULUM PROVIDED TO EACH STUDENT.
- 26 F. THE TRAINING PROGRAM MUST FURNISH A COPY OF A STUDENT'S CERTIFICATE
27 OF COMPLETION TO THE BOARD WITHIN TEN DAYS AFTER EACH STUDENT SUCCESSFULLY
28 COMPLETES A MEDICATION ASSISTANT TRAINING PROGRAM.
- 29 32-1650.02. Certified medication assistants: qualifications
- 30 A. A PERSON WHO WISHES TO PRACTICE AS A MEDICATION ASSISTANT MUST:
- 31 1. FILE AN APPLICATION ON A FORM PRESCRIBED BY THE BOARD ACCOMPANIED
32 BY A FEE PRESCRIBED BY THE BOARD BY RULE.
- 33 2. SUBMIT A STATEMENT THAT INDICATES WHETHER THE APPLICANT HAS BEEN
34 CONVICTED OF A FELONY AND, IF CONVICTED OF ONE OR MORE FELONIES, THAT
35 INDICATES THE DATE OF ABSOLUTE DISCHARGE FROM THE SENTENCES FOR ALL FELONY
36 CONVICTIONS.
- 37 3. HAVE BEEN CERTIFIED AND WORKED AS A NURSING ASSISTANT FOR AT LEAST
38 SIX MONTHS BEFORE THE START OF THE MEDICATION ASSISTANT TRAINING PROGRAM AND
39 HAVE NO OUTSTANDING COMPLAINTS OR RESTRICTIONS ON THE NURSING ASSISTANT
40 CERTIFICATION.
- 41 4. HOLD ONE OF THE FOLLOWING:
- 42 (a) A DIPLOMA ISSUED BY A HIGH SCHOOL THAT IS LOCATED IN THE UNITED
43 STATES.
- 44 (b) A GENERAL EQUIVALENCY DIPLOMA ISSUED IN THE UNITED STATES.

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

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

8 5. BE AT LEAST EIGHTEEN YEARS OF AGE.

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

13 7. HAVE PASSED A COMPETENCY EXAMINATION PURSUANT TO SECTION
14 32-1650.03.

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

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

21 32-1650.03. Certified medication assistants; examination
22 requirements

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

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

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

34 32-1650.04. Certified medication assistants; reciprocity

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

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

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

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

1 FOR ALL FELONY CONVICTIONS FIVE OR MORE YEARS BEFORE THE DATE OF FILING AN
2 APPLICATION PURSUANT TO THIS CHAPTER.

3 32-1650.07. Certified medication assistants; use of title

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

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

8 2. USE THE INITIALS "CMA".

9 3. CLAIM TO BE CERTIFIED AS A MEDICATION ASSISTANT.

10 Sec. 4. Section 32-1666, Arizona Revised Statutes, is amended to read:

11 32-1666. Unlawful acts

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

14 1. Practice or offer to practice as a registered or practical nurse,
15 registered nurse practitioner or clinical nurse specialist in this state.

16 2. Represent or use any title, abbreviation, letters, figures, sign,
17 card or device to indicate that the person or any other person is a
18 registered nurse, graduate nurse, professional nurse, nurse practitioner,
19 clinical nurse specialist or practical nurse.

20 3. Represent or use any title, abbreviation, letters, sign, card or
21 device to indicate that the person or any other person is ~~a~~ certified
22 ~~nursing assistant~~ PURSUANT TO THIS CHAPTER.

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

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

28 32-1667. Violations; classification

29 A person is guilty of a class 6 felony who:

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

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

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

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

39 Sec. 6. Medication assistants; deemed status

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

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

3 Sec. 7. Exemption from rule making

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