

arizona STATE BOARD OF NURSING

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1ST QUARTER

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From the Board President and Executive Director

JOEY RIDENOUR, RN, MN, FAAN

2009 Proposed Legislative Changes to Nurse Practice Act: Senate Bill 1105

Every five years, the Board of Nursing *completes a comprehensive review of all statutes in the Nurse Practice Act (NPA) to evaluate their relevance and determine* what changes may need to be made to more effectively protect the public and reduce regulatory barriers. A statewide Nurse Practice Act (NPA) Steering Committee has been meeting for approximately 18 months and their recommendations were reviewed and approved at the November 2008 Board Meeting. Senator Allen is the sponsor of the proposed changes in Senate Bill 1105. The entire text of Senate Bill 1105 is found on page 14. A summary of the Bill is found on page 8.

The challenge and charge given to the 16 members of the NPA Steering Committee was to not only identify what laws in the Nurse Practice Act needed to be changed but to also provide the evidence of the expected benefits of the changes in the protection to the public.

The evidenced-based regulation model required the committee as well as regulators to engage in continuously asking challenging questions about practices and asking why the agency is operating in the current manner.

Examples of questions asked were:

- Why are we conducting licensing and investigative programs this way?
- What complaints from the public need to be addressed?
- What regulatory barriers are perceived to not be in the public's best interest in the 2010?
- How should the regulatory agency align the limited resources with the regulatory activities to create the greatest impact?
- Are the identified problems under the Board's control?

We welcome your comments on the proposed changes and will keep you updated on progress on the Arizona State Board of Nursing website: www.azgn.gov

On behalf of the board president/members and the executive director/staff, we are beyond grateful for the many hours of debate and hard work provided by the Nurse Practice Act Steering Committee:

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2009 PROPOSED CHANGES TO ARIZONA NURSE PRACTICE: SENATE BILL 1105

	A. Law/Section/Proposed Changes	B. Rationale/Evidence Supporting Change	C. Expected Outcome/ Impact Patient Safety	D. Potential Unintended Consequences
Board Members	<p>32-1602 Board of Nursing; Board Members & Terms Includes adding two new board members to the current 9 member board: one registered nurse practitioner or clinical nurse specialist and one member being a nursing assistant or nursing assistant instructor.</p>	<p>AzBN has been regulating nurse practitioners for approximately forty years and certified nursing assistants since 1991. Therefore, the addition of two members provides for representation of disciplines currently regulated. The two new members will add depth/breadth to the board regarding standards of practice and standards of patient care in the regulation of approximately 100,000 APRN's/RN's/LPN's/CNA's. Board member automatic terms were not previously stated.</p>	<p>The average size of most boards of nursing is 11 members. Additional members will enhance & promote diversity as well as multiple perspectives when debating issues and making decisions regarding patient safety.</p>	<p>Adding two new board members will increase the expense of annual meetings by approximately \$10,000.</p>
Executive Director	<p>32-1605.1 Executive Director; powers; duties Changes to 32-1605.1 allows the Executive Director to: *issue and renew licenses, certificates & prescribing or dispensing; *approve nursing assistant programs. Based on board approved substantive policy statement & requirement to be reported out at the next Board Meeting: * dismiss complaints if there is not evidence substantiating the complaint; * enter into stipulated agreements for those admitting to chemical dependency; * close complaints resolved through board approved settlement; * issue letters of concern; * in lieu of summary suspension hearing and if respondent agrees, enter into consent agreement if there is sufficient evidence to warrant emergency action.</p>	<p>The legislation streamlines the Executive Director's (ED) authority to facilitate more timely decision making on issues of licensing and investigations. Specifically the ED will have delegated authority to: *take action on specific types of license applications previously referred for board action and the case has typically closed without discipline. *reduce the cycle time on meritless complaints through earlier closure as well as closing out those non discipline cases resolved through a letter of concern *facilitate the consent agreement process for those admitting to chemical dependency * in cases when emergency action is required and the person admits to the findings of fact and conclusion of law without a summary suspension being held, the ED will have the authority to accept the consent agreement which would be reported out at the next meeting</p>	<p>Nurses and nursing assistants who have low risk/harm issues and concerns will have licensing/certifying decision making processes facilitated thereby reducing the investigative cycle time to close the case and therefore enter the workforce. Also, individuals who have complaints submitted and are found to be without merit or low risk will have earlier closure of their investigative case. The protection of the public will be improved through earlier case closure to facilitate nurses and nursing assistants being employed and being available to provide care.</p>	<p>Some members of the public may expect the board to review each and every case submitted to the board even if the case is without merit. Any member of the public may specifically request the board hear a case and therefore the delegated authority would be voided or would not apply.</p>
Retirement Status: RN/LPN	<p>A. Law Section/Proposed Changes ARS 32-1606 Powers and duties of board; changes allows 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. ARS 32-1636 Use of titles or abbreviations; changes to 32-1636 (E) states 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.</p>	<p>Since the advent of the practice requirement for maintaining a license, the Board has received requests for retirement status for nurses who no longer practice but wish to use their nursing licensure credentials (RN/LPN). Other boards of nursing have a status which allows retiring nurses to retain the use of the title they have used for their career and preserves their sense of identity with the profession.</p>	<p>Nurses who are no longer practicing can still use their nursing license credential, retired, and continue to identify with the profession. This will have no impact on patient safety and will support those nurses who wish to use this designation.</p>	<p>There could potentially be confusion as to the role of the "Retired RN or LPN".</p>

	A. Law/Section/Proposed Changes	B. Rationale/Evidence Supporting Change	C. Expected Outcome/ Impact Patient Safety	D. Potential Unintended Consequences
Board Accepting Monies/Services	ARS 32-1606 Powers and duties of the board; changes to 32-1606 (a) (11) allows the board to accept monies and services to assist in the implementation or enforcement of activities the board is required to conduct relating to chapter 15.	This will allow the board to apply for and accept funding to more fully engage in research studies related to its mission and function.	Research such as the effectiveness and safety of medication aides or ways to enhance the measurement of clinical competency are examples of research studies which could have a positive impact on patient care. Research is costly but essential to provide evidence based - informed regulation	Research outcomes are sometimes not supported in changes in public policy
Pilot Programs	32-1606 Powers and duties of the board Changes to 32-1606 (9) allow the Board adopt rules for conducting pilot programs to implement innovations in nursing practice, education or regulation.	Currently innovations in education, practice or regulation are bound by existing statutes and rules. Members of the nursing community have approached the Board asking for an exemption to regulation to implement a rational scientific-based innovation. Currently the Board has no mechanism to grant such an exemption.	Rulemaking will establish rigorous standards for granting exemptions to regulation for the purposes of innovation and improvement of health care delivery, nursing education, and regulation.	Rulemaking is a lengthy process and some stakeholders may be frustrated with the time commitment and resources required. Board resources will need to be expended both in the rulemaking and in the evaluation/ monitoring of pilot programs.
Workforce Data	32-1606 Powers and duties of the board Changes to 32-1606 include adding provision to enhance the Board's role and authority in the collection of workforce data	The Nursing Board is in an ideal position to collect information on the nursing workforce. Though strategic partnerships with service and other governmental agencies, the Board can transmit such data in aggregate to allow for workforce planning to meet future health care needs. Collection and dissemination of such data is critical to meeting health care needs of Arizona.	Accurate data regarding licensed nurses and CNAs with ability to forecast and compare from year to year	Collection of such data requires time and effort on the part of Board staff as well as an up-to-date information technology infrastructure. There may be budgetary consequences and/or diversion of staff from other projects.
Exemptions To Licensure/Certification	32-1631 Acts and persons not affected by this chapter Subsections 8 and 9 were added to exempt nurses licensed in another state from Arizona licensure if they are teaching electronically or in person as long as the practice does not include patient care supervision or direct patient care and does not exceed 6 consecutive months.	These exemptions to licensure involve low-risk, short term situations where the program or facility engages in short-term employment with faculty who may not be licensed in Arizona. Requiring Arizona licensure for such practice is seen as a barrier to accessing faculty.	Enactment of this provision will result in increased access to out-of-state faculty/experts for teaching and less expense for nurses and schools who fit these criteria.	There may be a rare instance where a nurse licensed in another state, and practicing here under this exemption, does not meet Arizona qualifications for licensure.
Examination Security	ARS 32-1633 Examination of Registered Nurses; ARS 32-1633 (D) was added to allow the board, if on review of credible evidence, believes that the security of a licensure examination has been compromised and that the credibility of examination results is in questions. The board may require retesting of a registered nurse applicant. ARS 32-1634.01 (C) Allows the board to require retesting of an international registered nurse exam applicant if the board believes the international licensure examination has been compromised and the credibility of the examination results is in question.	Cheating on many types of high stakes tests used for licensure or certification domestically or internationally is as widespread & deeply troubling to health care regulators. Cheaters may earn passing scores without actually acquiring the knowledge and skills measured by the test. Licenses or credentials signify that an "individual has demonstrated a significant and safe level of competence in specified domains. The cheaters credential provides no such assurance." Cheating is particularly important given the trends that show cheating has increased dramatically over the past 30 years.	To increase assurance that test takers earn passing scores based on their knowledge and skills.	Applicants who challenge the Board's decision to require them to retest, and request a hearing could have a financial impact on the Board's budget.

	A. Law/Section/Proposed Changes	B. Rationale/Evidence Supporting Change	C. Expected Outcome/ Impact Patient Safety	D. Potential Unintended Consequences
Nurse Practitioners & Clinical Nurse Specialists	<p>32-1635.01 Temporary nurse practitioner and clinical nurse specialist certification Changes allow the Board to grant temporary prescribing and dispensing privileges to nurse practitioners who are awaiting confirmation of requirements for permanent licensure.</p> <p>32-1636. Use of titles or abbreviations Changes to 32-1636 (C) and (D) provide statutory title protection for nurse practitioners and clinical nurse specialists and requires them to indicate their specialty area of certification when using the title.</p>	<p>Granting of temporary prescribing & dispensing authority allows qualified nurse practitioners to fully practice while awaiting confirmation of their qualifications. Current rules do not allow the Board to grant temporary prescribing and dispensing to nurse practitioners endorsing into Arizona who have passed a certifying exam and are current in practice.</p> <p>Title protection is currently in rule for nurse practitioners and clinical nurse specialists. It is more consistent with health care regulation to place title protection in statute. Title protection ensures that all persons using these titles are competent and qualified and protects the consumer from unqualified health care providers. The provision that nurse practitioners and clinical nurse specialists indicate their specialty area also protects consumers because the increased scope of practice granted to these practitioners is limited to their specialty population.</p>	<p>There will be fewer barriers to full practice by endorsing nurse practitioners with the ability to grant temporary prescribing and dispensing privileges. Title protection will result in less confusion on the part of health care consumers and allow for consistent use of titles and specialty areas.</p>	<p>There may be a need for ongoing education regarding approved specialty areas of nurse practitioner and clinical nurse specialist practice.</p>
Changes In Licensure Renewal Dates	<p>ARS 32-1642 Renewal of license; Changes the “due for renewal” date for RN/LPN licenses from June 30, 20XX to March 30, 20XX.</p>	<p>The dates of the statute were changed to accommodate cash flow and thereby preventing an increase in licensing fees. Ninety-five percent of the Boards’ revenue stream is generated during the RN/LPN license renewal, which currently takes place in June at the end of a fiscal year. For some months of the year, the revenue collected does not support operating expenditures. The agency must rely on the cash reserve in the fund balance to cover the costs when revenues are low. By moving the renewal period forward 3 months from July 1 to April 1, revenue would be available earlier to support the operating expenditures for the fiscal year.</p>	<p>The collection of revenues earlier in the fiscal year would resolve the cash flow issues and prevent an increase in licensing fees. This change would not have any impact on patient safety.</p>	<p>This change could result in some confusion for RN’s & LPN’s who have previously renewed their license in June and would now need to renew in March. This change would result in the nurses needing to renew their license 3 months earlier than previously in the 4 year period; the 3 month difference is \$9.38 per license.</p>
Fee Determination	<p>ARS 1643 Fees; penalties.</p> <ol style="list-style-type: none"> Changes allows the board to vote at their annual meeting to establish fees, but does not mandate it be the November meeting. Registered Nurse Practitioner &, Clinical Nurse Specialist were added to clarify extended nursing practice. “Reinstatement” was changed to “Reissuance” for additional clarification. Fee for failure to notify the board of a change in address is no longer specific to their “residence” address, but simply states “their address”. 	<ol style="list-style-type: none"> Budgetary needs do not always correlate with the “November” board meeting. This change allows the board to review the fee schedule at a time other than the November board meeting. Title specifications were added to clarify broader categories currently stated. Recommendation from GRRC to rename reinstatement to reissuance. Currently the applications request a temporary, mailing, home, and work address. The intent is for the board to have current address as applicable and not just at a residence. 	<p>None of these changes should impact patient safety.</p> <ol style="list-style-type: none"> Will allow the Board more flexibility for establishing fees. Clarifying language will increase understanding. None. This change will increase the ability of the board to contact licensed nurses and certified nursing assistants’ at a current address. 	<p>No unintended consequences are anticipated.</p> <p>Deleting “resident” and just stating the fee for failing to notify the board of a change of address should not have had unintended consequences.</p>

	A. Law/Section/Proposed Changes	B. Rationale/Evidence Supporting Change	C. Expected Outcome/ Impact Patient Safety	D. Potential Unintended Consequences
CNA Education	<p>32-1647 Examination of Nursing Assistants Changes to 32-1647 (C) include deleting the required re-training of nursing assistant applicants that fail the competency exam 3 times and adding the requirement that an applicant must pass the qualifying exam within 2 years of program completion or re-train.</p>	<p>This provision mirrors requirements for RN and LPN licensure already prescribed in rule and changed in statute. There are very few applicants who fail the test 3 times and many more who, for whatever reason, fail to register and take the test. The test must be passed in proximity to the education to demonstrate competency to practice and serve as an evaluative component for program improvement. While there may be multiple reasons for repeated failure, the person who fails to pass the exam within two years of program completion is a risk to public welfare and has either been practicing without demonstration of competency or not practiced at all with consequent loss of knowledge and skills.</p>	<p>There is expected to be increased consistency in certifying nursing assistants and increased public protection.</p>	<p>There may be some nursing assistants working in settings that do not require certification and have never taken the exam who will need re-training. Education of the public and providers of nursing assistant education of the need to take the exam within 2 years should minimize this risk.</p>
Investigation of Complaint; Hearing; Notice	<p>32-1664 Investigations; hearing; notice Changes to 32-1664 clarifies the Board's authority and process for obtaining documents, medical records and other evidence in connection with an investigation. Similar to other Boards who regulate independent providers of healthcare, it provides the authority for investigative personnel to enter a premise at reasonable times to inspect or copy materials. The proposed changes also clarifies the statutory authority, criteria and process for the Board to delegate to the Executive Director, the authority to obtain personal medical records of the regulated party.</p>	<p>Many advanced practice nurses and some RNs practice in independent settings where they may be the solo practitioner and the custodian of records. Having the authority to enter, inspect and copy records provides less opportunity for the records and evidence to be modified or altered and better preserves the evidence of what did or did not happen in cases where the documentation is critical to establishing whether or not the practice was within the standard of care. Additionally, it would allow the Board to facilitate communication to and the transfer of care of patients in situations where the NP is unable to safely practice and notification needs to be made to assure continuity of patient care.</p> <p>At times in an investigation, to validate that a statute or rule has or has not been violated or, for the Board to reasonably evaluate whether or not a licensee is safe to practice, there is a need to obtain the personal medical records of the respondent. This may include records from their treating provider(s), pharmacy profiles or other health records. Although it is always preferable to obtain authorization or consent from the respondent to access the necessary records, in some cases such as allegations of recent/current substance abuse/misuse, it is not uncommon for the respondent to decline authorizing access. In other cases, the respondent may not be responsive in the investigation and thus there needs to be alternative mechanisms to obtain records necessary to the complaint investigation and the evaluation of safeness to practice.</p>	<ol style="list-style-type: none"> 1. Improved and timely access to patient care records that are necessary in a complaint investigation 2. Ability to facilitate communication or transfer of care in cases where the Nurse Practitioner is no longer able to safely practice 3. Standardized guidelines and process for obtaining patient records 4. Provides clarification to the recipient of a subpoena for records, the Board's statutory authority to request and receive the records 	<p>There may still be nurses or attorneys who do not believe that the board has the authority to review personal medical records even if the evidence demonstrates unsafe practice and therefore additional board resources will be needed to access the records through the courts.</p>

SB 1105

Introduced by Senator Allen C

AN ACT

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

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.

~~(x)~~ (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.

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.~~ 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.

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 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.

⊖ 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.

⊖ 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 certified.~~

⊖ 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 MONIES AND SERVICES TO ASSIST IN THE IMPLEMENTATION OR ENFORCEMENT OF THIS CHAPTER.

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 32-1631, 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 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 MONTHS IN ANY CALENDAR YEAR AND DOES NOT INCLUDE SUPERVISING OR PROVIDING CLINICAL CARE.

9. CONSULTING SERVICES THAT ARE 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 SERVICES DOES NOT EXCEED SIX MONTHS IN ANY CALENDAR YEAR AND DOES NOT INCLUDE DIRECT PATIENT CARE.

Sec. 10. Section 32-1632, Arizona Revised Statutes, is amended to read:

32-1632. Qualifications of registered nurse; application for license

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. 11. 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. 12. 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. 13. Section 32-1634.01, Arizona Revised Statutes, is amended to read:

32-1634.01. Qualifications of interational 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. 14. Section 32-1634.02, Arizona Revised Statutes, is amended to read:

32-1634.02. Qualifications of international registered nurses; applicants for licensure; endorsement

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. 15. 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. 16. 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. 17. 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. 18. 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 sub-~~

~~section 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. 19. Section 32-1639.01, Arizona Revised Statutes, is amended to read:

32-1639.01. Qualifications of interational 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. 20. Section 32-1639.02, Arizona Revised Statutes, is amended to read:

32-1639.02. Qualifications of interational graduate practical nurses: application for license; dorsement

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. 21. 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. 22. Repeal

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

Sec. 23. 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. 24. 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. 25. 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 precicensure 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 precicensure 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 AND REAPPROVE 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, OR IF THE PROGRAM REPEATEDLY VIOLATES BOARD RULES, the board may take ~~either~~ ANY 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~~ RESCIND THE APPROVAL OF THE nursing programs PROGRAM until the program complies with board standards.

3. TAKE DISCIPLINARY ACTION AGAINST THE PROGRAM.

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

32-1646. Nursing assistants; board powers

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. 27. 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. 28. Repeal

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

Sec. 29. 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. 30. 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. 31. 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 THE PERSON OR REGULATED PARTY OR IN THE POSSESSION OF ANY HOSPITAL, CLINIC, HEALTH CARE PROVIDER'S OFFICE, LABORATORY,~~

~~PHARMACY, PUBLIC OR PRIVATE AGENCY, HEALTH CARE INSTITUTION AS DEFINED IN SECTION 36-401 OR HEALTH CARE PROVIDER.~~

~~2. BY ISSUING A SUBPOENA UNDER THE BOARD'S SEAL.~~

~~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 ~~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 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. 32. 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 sus-

pending 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. 33. 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. 34. 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. 35. 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. 36. 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.

Regulation

RUNDOWN



Articles 1 and 4, R4-19-509, R4-19-814

This rulemaking was approved by the Governor's Regulatory Review Council (GRRC) on December 2, 2008, and will be effective on February 2, 2009. The Notice of Final Rulemaking can be obtained by accessing the Board's website: www.azbn.gov under resources/proposed rules. The unmarked version of the rules will be incorporated within the existing rules commencing February 2, 2009.

Other Rulemaking

By Executive Order, all agencies are directed to cease rulemaking activities, including informal rulemaking until April 30, 2009.

The person to contact at the Board regarding regulation is:

Pamela Randolph

Associate Director Education and Evidence-based Regulation

602-889-5209 • Fax: 602-889-5155

E-mail: prandolph@azbn.gov

RNs/ LPNs: Is Your License Due for Renewal?

BY JUDY BONTRAGER, RN, MN, ASSOCIATE DIRECTOR/OPERATIONS



Q: How many nurses are due to renew their license by June 30, 2009?

A: 18,531 RNs/LPNs have a current and active license that is due for renewal by 6/30/09. If you are one of those nurses, you can begin the process to renew your license online TODAY and avoid the urgent rush that occurs in June.

Q: Are there any changes to the requirements for licensure renewal?

A: Yes. One year ago, the Board implemented ARS 1-504 (HB2467), requiring ALL applicants to provide the Board with satisfactory documentation demonstrating the applicants' citizenship, alien status, legal residency, or lawful presence in the United States.

Q: How does this change affect the renewal process?

A: The renewal process last year took an average of 19 days (16 days more than in CY 2007) when documentation of citizenship/lawful presence was not required for a license to be issued. In addition to

completing the online renewal portion, a license cannot be renewed until the Board receives and processes the citizenship/alien status documentation. When your documentation is received, it is date stamped, sorted, scanned and connected with your online renewal data. As expected, when there are thousands of renewals to process, mostly during April through July, this has a direct impact on the time it takes for license to be issued.

Q: What documentation must I submit for proof of citizenship?

A: The most frequently received/acceptable documents are a copy of your birth certificate OR a copy of your U.S. passport, even if it is expired. A copy of your Social Security card or a driver's license is **not** on the approved list of documents. A complete list of the acceptable documents can be found on the Board's Web site at www.azbn.gov, click on New Proof of Citizenship or Nationality Requirements, then click on Statement of Citizenship and Alien Status Form.

Q: How can you assist?

- A:**
- Check your license to see if it is due for renewal in June 2009.
 - If it is, renew now. Board policy allows applicants to renew six months prior to their renewal date.
 - Mail or scan and email your citizenship/lawful presence documentation, along with the cover sheet sent to you by email right after you renew online. Send it the same day that you renew online. We still have a few nurses who renewed online last year and never mailed in their documentation. They think they are renewed but they could not be renewed because we had not received their documentation. Months later, some of them have called the Board and asked, "Where is my license?"
 - Remind nurses you know and work with to also renew early and avoid the "June rush."

ATTENTION

If you have changed your email address; updated information is needed before you will be allowed to renew your license or certificate online or update information in your file. To enhance the security of only you being able to access your file in the AzBN database, please go to www.azbn.gov and click on My Services. Go to the "User Name and PIN Code Request" page and enter in your confidential information. When we have validated the information and changed your e-mail address, an e-mail confirmation will be sent to you. This will then allow you to get your user name and pin code to renew and update information in our database. Thank you.

SCOPE OF PRACTICE COMMITTEE

CALL FOR MEMBERS

BY JUDY BONTRAGER, RN, MN,
ASSOCIATE DIRECTOR/OPERATIONS
TAMMI BYMERS, RN, MSN,
NURSE PRACTICE CONSULTANT

The Scope of Practice Committee is currently recruiting nurses interested in volunteering to serve on the committee for a two-year term beginning June 2009 through June 2011.

The committee has a rich and diverse membership which includes staff nurses, administrators and faculty members from the various agencies and health care settings throughout the state. Examples of the work product of the committee are found in the Advisory Opinions on the Boards website: www.azbn.gov.

The current goals of the Scope of Practice Committee are to:

1. Review and revise current advisory opinion.
2. Respond to the changing health care environment by addressing scope of practice issues and developing advisory opinions when appropriate.
3. Discuss and deliberate scope of practice issues when requested and make recommendations to the Board regarding specific issues.

The committee meets four times per year, usually in February, May, September and December. The meetings are held from 10 a.m. – 2 p.m. in the Board Room at 4747 North 7th St., Suite 200, in Phoenix.

If you are interested in applying to serve as a volunteer on the Scope of Practice Committee, please submit your resume by e-mail to jbontrager@azbn.gov or by mail to Judy Bontrager, RN, MN, Arizona State Board of Nursing, 4747 N. 7th St., Suite 200, Phoenix, AZ 85014 by March 31, 2009. Telephone interviews will be conducted in April. The Board will appoint the members at their May 2009 Board Meeting.

CNA CORNER - JANUARY 2009

BY LILA VAN CUYK, RN, BSN

NURSE PRACTICE CONSULTANT/ CNA PROGRAMS

I would like to extend my thanks to the 139 NA Educators who attended the annual CNA Educator Retreat on January 9, 2009. Many of the following items were shared at the retreat, but I wanted to keep all programs "in the loop".

1. STUDENT GRADING: Student grading requires that a student either attain at least 75 percent on each theoretical exam or 75 percent on a comprehensive theoretical exam, NOT a 75 percent average for the course. See R4-19-801.B. (3) (b) Nurse Practice Act.

2. CORRECT USE OF STAFF PRIOR TO NA TRAINING PROGRAM: Sylvia Balistreri, program manager, Arizona Department of Health Services, Office of Long Term Licensure, has confirmed that it is not within the Federal regulations for nursing homes to permit staff to provide direct patient care prior to successful completion of the NA training program, except during the NA program as part of the approved clinical training. Programs may have a "Helping Hands" or "valet" job description in which staff can do non direct care activities; e.g. they may deliver trays and cut up food, but not feed the resident.

3. SKILLS CHECKLIST: The Skills Checklist should document that a student has demonstrated competency in the laboratory prior to performing the same skill with a resident. See list of required skills in R4-19-802.C. (6-11).

4. BOARD APPROVAL: The initial class of an RN program does NOT qualify a student to take the CNA Certification examination unless the program has obtained Board approval for that class as an NA training program.

TESTING UPDATES:

• The Arizona Board website <http://www.azbn.gov/EducationalResources.aspx> posts the annual first time Pass Rates for NA test for Certification. In 2007, there were 3390 candidates who had a first time pass rate for the Written test at 91 percent and Skills test at 78 percent. In 2008, there

was an increase to 3883 candidates with a first time pass rate for the written test at 92 percent and Skills test at 78 percent. There were only two programs in 2008 that had a first time pass rate less than 50 percent on the written test. However, there were 16 programs that had less than 50 percent on the skills test.

• **VOCABULARY WORDS:** 2008 testing candidates have missed questions whose correct answer contained/ referenced these Top 5 Vocabulary words/phrases:

- o Abduction pillow – missed 65 percent of the time
- o Phantom pain - missed 62 percent of the time
- o Bed cradle - missed 52 percent of the time
- o Non verbal communication – missed 48 percent of the time
- o Edema and Elastic stockings – each missed 36 percent of the time

• **SKILLS TEST:** The following steps that are within the skills test are the Top 4 steps that are missed in 2008:

- a. Only 67 percent of candidates washed or assisted the resident to wash their hands in skill 7 Bedpan and Output.
- b. Only 69 percent of candidates washed the hands of a resident in Skill 10 Feeding the Dependent Resident. Just 66 percent of candidates dried the hands of a resident before feeding the dependent resident.
- c. Only 77 percent of candidates placed a support device under the right arm in skill 16 Position Resident on the Left. When deciding which direction to position the resident, remember to position on the resident's left side...not your left side.

• **PIN NUMBERS:** Requests for the program PIN number to access student test data must be made in writing on letterhead paper. This can be faxed to D&S Technologies at 419-422-8328.

• **D & S TECHNOLOGIES REFLECTIONS ON TEST PASS RATE:** Per Jennifer Underwood of D&S Technologies, students who test at their own training site have a 17-20 percent higher pass rate than students testing at an unknown site!!!

You may wish to consider applying to be a test site for your students for the state testing for the NA Certification. Contact D&S Technologies for further information.

• D&S Testing will be conducting CNA Instructor Workshops at no charge for NA training program instructors and program coordinators. They are designed to increase understanding of the testing process for NA candidates. These workshops will be conducted from 9 a.m. – 12 p.m.

- o April 13, 2009 - Peoria, AZ
- o April 15, 2009 – Winslow, AZ
- o April 16, 2009 – Globe, AZ
- o April 17, 2009 – Tucson, AZ

• D&S will also be conducting Test Observer training at \$50 fee for attendance. To qualify to be an observer, you must be a RN in good standing with the state of Arizona and have one year of long term experience working in a long term care facility as a nurse. These workshops will be conducted from 9 a.m.– 4 p.m.

- o April 15, 2009 – Winslow, AZ
- o April 16, 2009 – Globe, AZ
- o April 17, 2009 – Tucson, AZ
- o Please contact D&S Technologies at 1-877-851-2355 to obtain additional information and a registration form for each of these events.

• **TEST REVIEW:** The annual review of the CNA test bank of questions and the content of the skills test was completed on January 8, 2009. Updates will be available April 1, 2009, on the D & S Technologies website www.hdmaster.com and will be mailed out to the programs by D&S Technologies. If you have suggestions for the next test review or have concerns that are not resolved by D & S Technologies, please submit these in writing to Arizona State Board of Nursing ATTN: Lila Van Cuyk 4747 N. 7th Street Suite 200 Phoenix AZ 85014 or email lvancuyk@azbn.gov

Good News for CNAs

• BY JUDY BONTRAGER, RN, MN, ASSOCIATE DIRECTOR/OPERATIONS

As of December, 2008 online renewal is available for CNAs. Go to www.azbn.gov and click on "My Services." It will walk you through the necessary steps.

Change to your requirement for certification renewal:

Please note that since the last time you renewed, there is an additional requirement for you to renew your certificate. One year ago, the Board implemented ARS 1-504 (HB2467), requiring ALL applicants to provide the Board with satisfactory documentation demonstrating the applicants' citizenship, alien status, legal residency, or lawful presence in the United States. In addition to completing the online renewal portion, a certificate can not be renewed until the Board has received and processed the citizenship/alien status documentation. When your documentation is received, it will need to be connected with your online renewal data. As expected, this has a direct impact on the time it

takes for you to receive your certificate.

What documentation must I submit?

The most frequently received/acceptable documents are a copy of your birth certificate (see the accepted list of documents if you were not born in the United States), OR a copy of your U.S. Passport (even if it is expired). A copy of your Social Security card or a driver's license is **not** on the approved list of documents. A complete list of the acceptable documents can be found on the Board's Web site at www.azbn.gov, click on New Proof of Citizenship or Nationality Requirements, then click on Statement of Citizenship and Alien Status Form.

What credit cards can I use?

You can use MasterCard or VISA.

How secure is the Web site to renew my certificate?

The Board uses state of the art security technology so that the information isn't

readable to anyone but the intended person. You can also go online and update your address at any time.

How you can assist:

- Check your certificate to see if it expires within the next six months. If it does, renew **now**. Board policy allows applicants to renew their certificate up to six months prior to the certificate expiration date.
- Mail or scan and email a copy of your citizenship/lawful presence documentation, along with the cover sheet that we will send you by email right after you renew online. Send it the **same day** that you renew online. We still have a few nurses who renewed online last year and never mailed in their documentation. They think they are renewed but we could not renew them without documentation. Months later, some of them have called the Board and asked, "Where is my license?"
- Remind CNAs you know and work with to also renew early and avoid the "last day of the month" rush. Renewing online will save you time.

EDUCATION CORNER

BY PAMELA RANDOLPH RN, MS

ASSOCIATE DIRECTOR EDUCATION AND EVIDENCE BASED REGULATION



Approval/Accreditation Basics

BOARD APPROVAL

The Arizona State Board of Nursing requires that all nursing programs be approved by the Board before offering the program. There are 2 types of Board approval: provisional approval and full approval.

Provisional approval is the term used for the approval granted to a new nursing program. There are two steps in the application process for provisional approval: proposal approval where the program must establish the need for the program and demonstrate that it has the resources to operate the program and the actual provisional approval application where the program must demonstrate compliance with all Board regulations. A program holding provisional approval may apply for full approval upon graduation of the first class. A program must apply for full approval within 2 years after the first class graduates and takes the NCLEX exam. If the program fails to meet the requirements for full approval, Board may extend the period of provisional approval.

Full approval is that status awarded to established programs that meet the standards of the Board. The standards of the Board for nursing programs are contained in the Rules of the Board, Article 2 which can be accessed on the Board website: www.azbn.gov under Resources/Nurse Practice Act.

NOTICE OF DEFICIENCY

The Board website may indicate that a program is under a "notice of deficiency". A notice of deficiency is an official action of the Board indicating that a program that has failed to meet one or more standards of the Board. The Board may grant up to 18 months to correct the deficiency. Occasionally, if a program is making substantial progress toward remedying the deficiency, the Board will extend this time frame. Information related to the notice of deficiency is public and available upon request. If a program is currently under a notice of deficiency, it will be noted in the

Board's list of approved programs available on the Board's website under resources/Educational Resources. Failure to correct a deficiency in the time-frame allotted may result in revocation of approval or a restriction on admissions to the program.

OTHER ACTIONS

Nursing programs in Arizona are also subject to other disciplinary actions such as decree of censure, civil penalty, probation, suspension and revocation. Occasionally a program repeatedly violates one or more rules of the Board and is placed on probation or ordered to pay a civil penalty. The Board may also issue a non-disciplinary "letter of concern" to a program for infractions that do not rise to the level of Board action but are of concern to the Board.

ACCREDITATION

While the Board **approves** programs, schools offering programs are also accredited and the nursing program may hold additional accreditation. There are two basic types of accreditation, institutional accreditation and program accreditation. The Board requires schools offering nursing programs to hold institutional accreditation, but many nursing programs also hold program accreditation. The purpose of requiring accreditation is to ensure that the education provided by the institution meets acceptable levels of quality. Accrediting agencies are private entities; the U.S. Department of Education maintains a list of recognized accrediting agencies on their website www.ed.gov. A school may claim to be accredited, but the accreditation must be recognized by the U.S. Department of Education to meet Board standards.

INSTITUTIONAL ACCREDITATION

There are also two types of institutional accreditation, regional and national. Regional accreditation for Arizona schools is provided by the North Central Association of Colleges and Schools, Higher Learning Commission. Regional accreditation is sought by both private and public full service colleges and universities. Examples

of schools in Arizona that hold regional accreditation are: Arizona State University, University of Arizona, Grand Canyon University, Everest College, Scottsdale Community College, and Northland Pioneer College. All public and most full-service private colleges and universities hold this type of accreditation. Although transfer of credits is always the sole prerogative of the recipient institution, academic credits are more easily transferred between regionally accredited institutions.

National accreditation is a type of accreditation geared toward private and specialized career schools. Some agencies that provide national accreditation of colleges that have nursing programs in Arizona are: Accrediting Commission of Career Schools and Colleges of Technology (ACCSC), Accrediting Council of Independent Colleges and Schools (ACICS) and the Accrediting Bureau of Health Education Schools (ABHES). Examples of schools in Arizona that hold national accreditation are: Apollo College, IIA and Pima Medical Institute. Generally speaking, unless a specific articulation agreement exists, academic credits earned at these schools are difficult to transfer to a regionally accredited institution.

PROGRAM ACCREDITATION

In addition to institutional accreditation, a program within an institution may also be accredited. Although the Board does not require nursing programs to be accredited, it does recognize nursing program accreditation. While many RN programs hold this type of accreditation, there are no accredited LPN programs in Arizona. There are 2 agencies recognized by the U.S. Department of Education for the purposes of accrediting pre-licensure nursing programs. The Commission on Collegiate Nursing Education (CCNE) accredits nursing programs at the baccalaureate and graduate degree level. The maximum accreditation period is 10 years. Examples of programs in Arizona accredited by CCNE are: University of Arizona, Grand Canyon University,

continued on page 38

CNA DISCIPLINARY ACTION

*Not reported in previous Journal

OCT-NOV-DEC 2008

EFFECTIVE DATE	NAME	CERTIFICATE	DISCIPLINE	VIOLATION(S)
11/30/2008	ANDERSON, GLADYS E.	CNA200811790	Civil Penalty	Patient Abuse
10/17/2008	ARAGON, RONALD J.	CNA1000004789	Stayed Revocation	Patient Abuse; Substandard or Inadequate Care
12/31/2008	BECKER, PATRICIA S.	CNA Applicant	Certificate Denied	Substance Abuse; Failure to Cooperate
11/19/2008	BUFFALO, PAULETTE M.	CNA Applicant	Certificate Denied	Criminal Conviction; Substance Abuse; Failure to Cooperate
11/6/2008	CACY, ANGELA L.	CNA Applicant	Certificate Denied	Criminal Conviction; Failure to Cooperate; Substance Abuse
10/29/2008	CLARK, PAMELA H.	CNA Applicant	Certificate Denied	Criminal Conviction; False Reports/Falsifying Records; Failure to Cooperate
10/6/2008	COKER, TIMOTHY E.	CNA1000008328	Civil Penalty	Substance Abuse
10/17/2008	DALE, LINDA	CNA999951449	Civil Penalty	Patient Abuse
12/30/2008	DAVENPORT, JAMES M.	CNA999947582	Voluntary Surrender	Failure to Comply Board Order; Unable to Practice Safely; Negligence
10/24/2008	DEMARC, ANGELIC C.	CNA Applicant	Certificate Denied	Criminal Conviction; Substance Abuse; Failure to Cooperate
11/19/2008	DENNIS, CHERYL	CNA Applicant	Certificate Denied	Criminal Conviction; Unprofessional Conduct; Narcotics Violation or Other Violation of Drug Statutes
12/8/2008	DONNELLY, DOROTHY L.	CNA1000018194	Stayed Revocation	Criminal Conviction; Fraud
12/18/2008	DOUGAN, AMANDA R.	CNA Applicant	Certificate Denied	Criminal Conviction; Narcotics Violation or Other Violation of Drug Statutes
11/28/2008	ECKHART, WILLIAM P.	CNA Applicant	Certificate Denied	Criminal Conviction; Narcotics Violation or Other Violation of Drug Statutes
12/22/2008	ESPINO, MARIA R.	CNA657574791	Civil Penalty	False Reports/Falsifying Records
10/23/2008	FERRARI, MALISSA L.	CNA Applicant	Certificate Denied	Violation of Fed/State Statutes/Rules; Criminal Conviction; Substance Abuse
9/25/2008*	FRAZIER, MARSHA J.	CNA1000017715	Civil Penalty	Criminal Conviction; Failure to Cooperate
10/1/2008	GOLL, SARAH L.	CNA Applicant	Certificate Denied	Criminal Conviction; Substance Abuse
10/28/2008	GREENE, SUMMER E.	CNA Applicant	Certificate Denied	Failure to Meet the Initial Requirements of Certification
12/17/2008	HARRIS, CAROLYN J.	CNA841401299	Renewal Denied	Criminal Conviction; Failure to Cooperate
10/8/2008	HEGUY, ASHLEY N.	CNA1000005474	Civil Penalty	Criminal Conviction; Failure to Cooperate
10/8/2008	HERNANDEZ, SARAH M.	CNA1000002963	Stayed Revocation w/Civil Penalty	Patient Abandonment; Unprofessional Conduct
10/9/2008	HEYDORN, ALBERTA V.	CNA1000004697	Voluntary Surrender	Substance Abuse; Unprofessional Conduct
11/19/2008	HICKS, JODI L.	CNA Applicant	Certificate Denied	Criminal Conviction; Failure to Cooperate
11/19/2008	HOLBERT, JAIME R.	CNA Applicant	Certificate Denied	Criminal Conviction; Failure to Cooperate; Fraud/Deceit
10/31/2008	HOLMES, KELLY R.	CNA999990442	Suspension	Criminal Conviction; Unprofessional Conduct; Fraud
11/19/2008	HOOD, DONNA R.	CNA Applicant	Certificate Denied	Criminal Conviction; Insurance Fraud (Medicare, Medicaid or Other Insurance); Dual Relationship/Boundaries
9/4/2008*	HUDSON, CRYSTAL J.	CNA Applicant	Certificate Denied	Criminal Conviction; Unprofessional Conduct
9/5/2008*	JAMES, CURLINDA	CNA1000017243	Civil Penalty	Criminal Conviction; Failure to Cooperate
10/28/2008	JOSE, MARLENE	CNA Applicant	Certificate Denied	Violation of Fed/State Statutes/Rules; Criminal Conviction
10/6/2008	KAYONNIE, ARLETTA M.	CNA999989633	Civil Penalty	Criminal Conviction; Failure to Cooperate
9/16/2008*	KITTELL, VERNA J.	CNA Applicant	Certificate Denied	Substance Abuse
12/31/2008	KORMES, LOUELLA M.	CNA Applicant	Certificate Denied	Criminal Conviction; Substance Abuse; Failure to Cooperate
11/19/2008	LA ROQUE, DAMIEN R.	CNA Applicant	Certificate Denied	Criminal Conviction; Failure to Cooperate
9/18/2008*	LEON, NORMA I.	CNA1000007499	Revoked	Failure to Cooperate
10/29/2008	LOPEZ, DAISY M.	CNA Applicant	Certificate Denied	Violation of Fed/State Statutes/Rules; Criminal Conviction
11/13/2008	MARIN, LUPE T.	CNA Applicant	Certificate Denied	Criminal Conviction; Substance Abuse; Unprofessional Conduct
12/4/2008	MARTINEZ, ANGEL U.	CNA Applicant	Certificate Denied	Criminal Conviction; Failure to Cooperate
10/31/2008	MARTINEZ, ANGIE	CNA953267103	Revoked	Patient Abuse; Criminal Conviction; Unprofessional Conduct
11/19/2008	MEACHUM, AMBER L.	CNA Applicant	Certificate Denied	Criminal Conviction; Unprofessional Conduct
11/6/2008	MEDLIN, JOSHUA L.	CNA Applicant	Certificate Denied	Failure to Cooperate; Unprofessional Conduct
10/31/2008	ORTA, JANICE M.	CNA706971236	Revoked	Criminal Conviction; Substance Abuse; Fraud
10/10/2008	PARKER, JENNIFER D.	CNA1000011953	Civil Penalty	Patient Abuse; Unprofessional Conduct
12/12/2008	PENNIE, STEPHANIE M.	CNA1000018195	Stayed Revocation	Violation of Fed/State Statutes/Rules; Criminal Conviction; Substance Abuse
11/19/2008	PERALTA, SHEENA P.	CNA Applicant	Certificate Denied	Criminal Conviction; Failure to Cooperate
11/6/2008	POLK, LUPITA	CNA Applicant	Certificate Denied	Criminal Conviction; Substance Abuse; Failure to Cooperate
11/19/2008	PREWETT, WHITNEY J.	CNA Applicant	Certificate Denied	Criminal Conviction; Unprofessional Conduct
10/8/2008	RAMON, DENISE C.	CNA1000007821	Stayed Revocation w/Civil Penalty	False Reports/Falsifying Records
11/7/2008	REED, DONIELLE L.	CNA999988941	Voluntary Surrender	Substance Abuse
10/29/2008	ROGERS, LESLEY K.	CNA Applicant	Certificate Denied	Criminal Conviction; Failure to Cooperate
11/13/2008	SANCHEZ, STEVEN	CNA559161803	Suspension	Failure to Comply Board Order
10/10/2008	SELLS, NICOLE R.	CNA1000017874	Civil Penalty	Violation of Fed/State Statutes/Rules; Criminal Conviction
10/10/2008	SHILLITO, PATRICIA	CNA1000017517	Civil Penalty	Criminal Conviction
11/24/2008	STEVENS, WENDY A.	CNA Applicant	Certificate Denied	Criminal Conviction; Misappropriation of Property; Narcotics Violation or Other Violation of Drug Statutes
10/9/2008	STEVENSON, MEGAN R.	CNA Applicant	Certificate Denied	Criminal Conviction; Failure to Cooperate
10/1/2008	STEWART, TINA M.	CNA Applicant	Certificate Denied	Criminal Conviction; Misappropriation of Property; Narcotics Violation or Other Violation of Drug Statutes
12/10/2008	TAM, AMRI	CNA1000018172	Stayed Revocation	Criminal Conviction; Sexual Misconduct
12/10/2008	TINNIN, MATTHEW A.	CNA Applicant	Certificate Denied	Criminal Conviction; Failure to Cooperate
10/8/2008	TSO, JACQUELINE	CNA999998403	Civil Penalty	Criminal Conviction
11/19/2008	UNDERWOOD, DOUGLAS C.	CNA Applicant	Certificate Denied	Criminal Conviction; Failure to Cooperate
9/15/2008*	VAGUE, LETICIA M.	CNA Applicant	Certificate Denied	Criminal Conviction; Failure to Cooperate
10/17/2008	VERDUGO, MICAELA	CNA1000006420	Stayed Revocation w/Civil Penalty	False Reports/Falsifying Records; Unprofessional Conduct

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EFFECTIVE DATE	NAME	CERTIFICATE	DISCIPLINE	VIOLATION(S)
11/24/2008	WALES JR., MARK A.	CNA1000003427	Stayed Revocation	Criminal Conviction
9/16/2008*	WHITE, LACEY D.	CNA Applicant	Certificate Denied	Substance Abuse; Narcotics Violation or Other Violation of Drug Statutes; Failure to Cooperate;
11/19/2008	WILLIAMS, CARMEN L.	CNA1000013442	Revoked	Failure to Comply Board Order
10/9/2008	WOODS, REYNA P.	CNA999998251	Civil Penalty	Criminal Conviction; Violation of Fed/State Statutes/Rules

CNA Discipline ACTION CLEARED

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EFFECTIVE DATE	NAME	CERTIFICATE	ACTION
10/31/2008	NYANCHIRI, KEFAH M.	CNA1000010542	Stayed Revocation Cleared
11/2/2008	GRUNDY, JENNIFER M.	CNA1000015785	Stayed Revocation Cleared
10/18/2008	BUSTAMANTE, PEDRO J.	CNA1000012147	Stayed Suspension Cleared
11/28/2008	MOORE, SHANNON A.	CNA1000001272	Stayed Revocation Cleared
11/20/2008	LAKER, HEATHER M.	CNA999994713	Stayed Revocation Cleared



RN/LPN DISCIPLINARY ACTION

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*Not reported in previous Journal

EFFECTIVE DATE	NAME	LICENSE	DISCIPLINE	VIOLATION(S)
11/26/2008	Atencio, Christina M.	RN111867/LP035521	Stayed Revocation w/Suspension	Unable to Practice- Substance Abuse
12/30/2008	Augustynczyk, Bonnie	RN082387	Voluntary Surrender	Violation of Fed/State Statutes/Rules, Unprofessional Conduct
10/1/2008	Baker, Diane M.	RN085275/LP019923	Decree of Censure	Substandard or Inadequate Care
10/20/2008	Barnes, Christi A.	RN144426	Civil Penalty	Failure to Cooperate with Board
10/14/2008	Bauer, Krystal A.	Compact, RN - Iowa	Revocation-Privilege to Practice	Disciplinary Action Taken by any Licensing Authority, Unable to Practice - Substance Abuse
11/26/2008	Bolley, Breanna S.	RN155432	Civil Penalty	Disciplinary Action Taken by any Licensing Authority
12/29/2008	Borresen, Jacqueline A.	RN043060	Decree of Censure	Failure to Maintain Records, Error in Administering Medication
12/20/2008	Bowen, James T.	RN120310/LP026562/ CNA578812503	Stayed Revocation w/Probation	Substance Abuse, Diversion of Controlled Substance
10/29/2008	Boyle, Carla S.	RN112191	Decree of Censure	Substandard or Inadequate Care
11/6/2008	Brunner, Mary M.	RN Endorsement	License Denied	Criminal Conviction
11/11/2008	Burke, Stacy J.	RN101708	Probation	Failure to Comply Board Order, Unable to Practice - Psych/Mental, Substandard or Inadequate Care
12/9/2008	Bustos, Cynthia M.	RN114651	Stayed Revocation w/Probation	Unprofessional Conduct, Failure to Maintain Records, Diversion of Controlled Substance
11/28/2008	Byers, Mary Alice	RN Endorsement	License Denied	Criminal Conviction, Misappropriation of Property
8/3/2008*	Cameli, Joan E.	RN036297	Civil Penalty	Practicing Without Valid License
11/19/2008	Carr, Monica L.	LP Endorsement	License Denied	Disciplinary Action Taken by any Licensing Authority, Failure to Meet the Initial Requirements of a License, Fraud/Deceit - License/Credentials
12/4/2008	Carrillo, Noel S.	RN155570	Civil Penalty	Violation of Fed/State Statutes/Rules, Criminal Conviction
9/17/2008*	Chaprnka, Lynda E.	RN114563	Reinstatement w/ Stayed Revocation Probation	Substance Abuse
12/19/2008	Clouser, Heidi S.	RN155662	Probation	Criminal Conviction, Making False Statements to the Board
9/26/2008*	Cocking, Wayne A.	RN140941	Decree of Censure	Breach of Confidentiality, Dual Relationship/Boundaries
12/26/2008	Cramer, Nora B.	Compact, LP - NM	Revocation-Privilege to Practice	Disciplinary Action Taken by any Licensing Authority, Diversion of Controlled Substance, Failure to Cooperate with Board
11/20/2008	Cuellar, Erika E.	LP044084	Civil Penalty	Practicing Without Valid License
10/16/2008	Cumiford, Lea Ann	RN122675	Decree of Censure	Disciplinary Action Taken by any Licensing Authority, Negligence
10/20/2008	Cunningham, Cynthia G.	RN109093	Civil Penalty	Criminal Conviction, Unprofessional Conduct
11/7/2008	Dandos, Brent	RN105629/LP033920	Civil Penalty	Violation of Fed/State Statutes/Rules
12/17/2008	Darrington, Lenora M.	RN089218	Civil Penalty	Improper Delegation/Supervision
10/12/2008	Deffenbaugh, Mary M.	RN087838	Decree of Censure w/Civil Penalty	Negligence, Failure to Cooperate
12/18/2008	Drayton, Kimberly M.	RN118012	Decree of Censure	Breach of Confidentiality
11/19/2008	Drommond, Louise A.	RN066851/LP021966	Revocation	Failure to Comply Board Order, Unable to Practice - Psych/Mental
11/19/2008	Drury, Sasha	RN Endorsement	License Denied	Criminal Conviction, Unable to Practice - Substance Abuse, Failure to Cooperate with Board
12/31/2008	Eggers, Susan E.	RN Endorsement	License Denied	Criminal Conviction, Unable to Practice - Substance Abuse, Failure to Cooperate with Board
12/9/2008	Elliott, John J.	RN124029	Civil Penalty	Criminal Conviction, Narcotics Violation or Other Violation of Drug

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8:37 am, Apr 24, 2009

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EFFECTIVE DATE	NAME	LICENSE	DISCIPLINE	VIOLATION(S) Statutes
12/30/2008	Fennell, Gladys N.	RN151514	Probation w/Civil Penalty	Disciplinary Action Taken by any Licensing Authority
10/15/2008	First, Timothy M.	RN147038	Civil Penalty	Criminal Conviction, Failure to Cooperate with Board
12/10/2008	Flores, Jessica	RN Exam	Civil Penalty	Violation of Fed/State Statutes/Rules, Criminal Conviction, Narcotics Violation or Other Violation of Drug Statutes
11/28/2008	Forcier, Kathleen E.	LP039866	Stayed Suspension w/Probation	Criminal Conviction, Substance Abuse
12/23/2008	Freeman, Mary A.	RN140595	Probation	Substandard or Inadequate Care, Negligence
10/30/2008	Gary, Vola	RN114641/LP030314	Decree of Censure w/Civil Penalty	Unprofessional Conduct, Failure to Maintain Records, Failure to Cooperate with Board
12/3/2008	Gaspar, Sarah	LP039971	Decree of Censure	Failure to Maintain Records ; Error In Administering Medication
10/17/2008	Gillette, Leslee Mae	LP036114	Revocation	Failure to Comply Board Order
12/16/2008	Giordano, Nancy A.	RN050366	Decree of Censure	Patient Neglect
12/5/2008	Graves, Tracy P.	RN126459	Probation	Error in Administering Medication
11/21/2008	Green, Jacqueline A.	LP038412	Probation	Violation of Fed/State Statutes/Rules, Criminal Conviction, Substance Abuse
12/8/2008	Greeson, Krystal M.	RN144466	Decree of Censure	Unauthorized Administration of Medication
12/3/2008	Hamlin, Sheril E.	RN080199	Stayed Revocation w/Suspension	Unable to Practice - Substance Abuse, Diversion of Controlled Substance
12/1/2008	Harder, Dulce V.	LP045123	Civil Penalty	Violation of Fed/State Statutes/Rules, Criminal Conviction
11/19/2008	Haus, Jessica L.	RN Examination	License Denied	Criminal Conviction
10/30/2008	Hayes, Kyle	Compact, LP - IA	Revocation-Privilege to Practice	Unprofessional Conduct, Patient Neglect, Failure to Maintain Records
9/15/2008*	Heese, Ann Marie	RN Endorsement	License Denied	Criminal Conviction, Unable to Practice - Substance Abuse, Failure to Cooperate with Board
11/10/2008	Heinson-Royer, Frances K.	LP037712	Voluntary Surrender	Unable to Practice - Substance Abuse
12/31/2008	Helms, Robert M.	RN121511	Voluntary Surrender	Disciplinary Action Taken by any Licensing Authority, Unable to Practice - Substance Abuse, Failure to Cooperate with Board
11/24/2008	Higgins, Patricia S.	RN000099140 CNA405542113	Voluntary Surrender	Failure to Comply Board Order, Immediate Threat to Health or Safety, Unable to Practice - Substance Abuse
12/4/2008	Hinton, James S.	Compact, RN - TX	Voluntary Surrender-Privilege to Practice	Disciplinary Action Taken by any Licensing Authority, Unable to Practice - Substance Abuse
12/3/2008	Holland, Deanna L.	RN137983	Voluntary Surrender	False Reports/Falsifying Records, Unable to Practice - Substance Abuse, Diversion of Controlled Substance
10/14/2008	Holmes, Beverly A.	RN060562	Stayed Revocation w/Probation	Substance Abuse
10/23/2008	Jackson, Carlene K.	RN155006	Probation w/Limited Licensure	Criminal Conviction, Sexual Misconduct
12/31/2008	Jean, Jean-Claude	RN Endorsement	Denial	Criminal Conviction, Unable to Practice Safely
12/31/2008	Johnson, Bryant L.	RN142791	Decree of Censure	Substance Abuse
10/30/2008	Jones, Deborah A.	RN128815	Revocation	Unable to Practice - Substance Abuse, Unable to Practice - Psych/Mental
11/19/2008	Kamens, Gregory D.	RN128911	Probation	Unprofessional Conduct, Substance Abuse
12/26/2008	Kosirog, Jeanne M.	Compact, LP - TN	Revocation-Privilege to Practice	Narcotics Violation or Other Violation of Fed/State Statutes/Rules, Failure to Provide Accurate information during investigation, Failure to Cooperate with Board
11/25/2008	Kreger, Jennifer A.	LP045102	Stayed Revocation w/Probation	Failure to Comply Board Order, Substance Abuse
10/17/2008	Kuk, James M.	RN154979	Probation	Disciplinary Action Taken by any Licensing Authority
12/2/2008	Kwiecien, Anne Marie M.	RN132805	Decree of Censure	Breach of Confidentiality
12/16/2008	Kyle, Michelle M.	LP015771	Voluntary Surrender	Practicing Beyond Scope, Dual Relationship/Boundaries, Conflict of Interest
10/14/2008	Labus, Shar Lynn	RN Endorsement	License Denied	Disciplinary Action Taken by any Licensing Authority, Substance Abuse History, Relapse prevention monitoring required
11/20/2008	Leisky, Roxanne	RN154860	Civil Penalty	Practicing Without Valid License
12/31/2008	Leonardo, Nancy S.	RN056074/LP018360	Probation	Substance Abuse, Diversion of Controlled Substance
11/19/2008	Long, Christian G. W.	LP Examination	License Denied	Criminal Conviction, Failure to Cooperate with Board
10/30/2008	Magad, Lia J.	LP039999/CNA999996069	Revocation	Failure to Comply Board Order, Criminal Conviction, Unable to Practice - Substance Abuse
12/20/2008	Maloney, Christine M.	RN148747	Civil Penalty	Practicing Without Valid License
7/29/2008*	Michalak, Danielle S.	LP042682	Civil Penalty	Practicing Without Valid License
12/22/2008	Miller, Marlene A.	RN145554/LP035719	Probation	Substandard or Inadequate Care, Failure to Maintain Records, Error in Administering Medication
11/10/2008	Milliken, Cynthia G.	RN148429	Revocation	Failure to Comply Board Order
11/6/2008	Morse, Kathleen W.	RN Endorsement	License Denied	Criminal Conviction, Unable to Practice - Substance Abuse, Failure to Cooperate with Board
10/27/2008	Norris, Denise K.	RN049315	Stayed Revocation w/Probation & Limited Licensure	Substance Abuse
10/1/2008	Oconnor, Kittra	Compact, RN - NM	Voluntary Surrender-Privilege to Practice	Failure to Comply Board Order, Fraud/Deceit - License/Credentials
10/16/2008	Ong, Darlene A.	RN043723	Voluntary Surrender	Substandard or Inadequate Care
10/14/2008	Palomarez, Mary C.	LP031912	Decree of Censure	Patient Abandonment
10/30/2008	Parker, Susan R.	LP000032922	Revocation	Unprofessional Conduct, Unable to Practice - Substance Abuse

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5:02 pm, Jul 08, 2009

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EFFECTIVE DATE	NAME	LICENSE	DISCIPLINE	VIOLATION(S)
12/5/2008	Pellens, Stacey L.	RN150883	Stayed Revocation w/Suspension	Unable to Practice - Substance Abuse
12/9/2008	Persoon, Candace C.	RN131958	Decree of Censure	Error in Administering Medication
10/30/2008	Phinney, Whisphe W.	RN114417	Revocation	Criminal Conviction, Fraud, Unable to Practice Safely
8/15/2008*	Pollard, Elsie J.	LP031989	Civil Penalty	Misappropriation of Property, Unprofessional Conduct
11/3/2008	Rademacher, Tracey A.	RN139037	Stayed Revocation w/Probation	Failure to Comply Board Order
11/19/2008	Reavis, Jeanette A.	RN045402	Probation	Criminal Conviction, Misappropriation of Property, Fraud
12/2/2008	Reynolds, Lori A.	RN155488	Civil Penalty	Criminal Conviction
12/15/2008	Rinehart, Joshua T.	RN Endorsement	Civil Penalty	Criminal Conviction
12/16/2008	Rowe, Jamie Lee	RN155632	Probation	Violation of Fed/State Statutes/Rules, Criminal Conviction
11/20/2008	Sahnan, Gurdeep	RN050555	Decree of Censure	Error in Administering Medication
11/28/2008	Sawaya, Steven P.	RN Endorsement	License Denied	Criminal Conviction, Misappropriation of Property
10/6/2008	Showalter, Kathryn L.	RN137358	Probation	Substance Abuse, Failure to Maintain Records
12/22/2008	Smith, Janette L.	RN090405/LP029279	Decree of Censure	Practicing Beyond Scope
12/29/2008	Smith, Virginia A.	LP037318	Decree of Censure	Unable to Practice Safely, Substandard or Inadequate Care
11/25/2008	Stayer, Rochelle L.	LP040346	Revocation	Failure to Comply Board Order
12/2/2008	Sullivan, Brian K.	RN155489	Civil Penalty	Criminal Conviction
11/10/2008	Sullivan, Marie B.	RN057733	Voluntary Surrender	Unable to Practice Safely, Substandard or Inadequate Skill Level, Incompetence
12/15/2008	Swapp, Jessica L.	LP045175	Decree of Censure	Error in Administering Medication
10/6/2008	Takata, Linda A.	LP037310	Decree of Censure	False Reports/Falsifying Records
11/12/2008	Todorovich, Christina M.	RN155267	Stayed Suspension w/Probation	Narcotics Violation or Other Violation of Drug Statutes
12/1/2008	Torres, Teresa R.	RN155456	Civil Penalty	Violation of Fed/State Statutes/Rules, Criminal Conviction
12/10/2008	Turner, Krystle L.	RN146831	Decree of Censure	Unprofessional Conduct
10/30/2008	Van Orden, Diane M.	RN077051	Revocation	Unable to Practice - Substance Abuse
11/20/2008	Walker, Pamela G.	RN154264	Decree of Censure	Substance Abuse
8/27/2008*	Wallace, Peggy A.	LP031264	Probation	Unprofessional Conduct, Substandard or Inadequate Care
10/6/2008	Warbis (Burke), Amber D.	RN154835	Civil Penalty	Unprofessional Conduct
10/30/2008	White, Holly D.	RN137063	Revocation	Fraud, Unable to Practice - Substance Abuse
11/3/2008	Wittekind, Catrina N.	RN076759	Voluntary Surrender	Unable to Practice - Physical
10/2/2008	Wood, Laura A.	RN151818	Probation	Violation of Fed/State Statutes/Rules, Criminal Conviction, Narcotics Violation or Other Violation of Drug Statutes

UPDATED LICENCURE STATUS RN-LPN SUBJECT TO A BOARD ORDER/CONSENT AGREEMENT

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EFFECTIVE DATE	NAME	LICENSE	DISCIPLINE	VIOLATION(S)
11/14/2008	Bocchicchio, Cynthia L.	RN089150	Stayed Revocation w/Probation	Completed terms of the Stayed Revocation Suspension, converted license to Stayed Revocation Probation
12/30/2008	Fijalka, Rayell M.	RN121561	Probation	Completed terms of the Indefinite Suspension, converted license to Probation
12/30/2008	Teets, Pamela R.	RN107237	Stayed Revocation w/Probation	Completed terms of Stayed Revocation Suspension, converted license to Stayed Revocation Probation

RN-LPN Discipline - ACTION CLEARED

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EFFECTIVE DATE	NAME	LICENSE	EFFECTIVE DATE	NAME	LICENSE
11/5/2008	Alexander, Anu L.	RN107214/LP033758	11/20/2008	Griffin, Jami L.	RN145468
10/9/2008	Anzalaco, Vincent J.	LP036426	11/20/2008	Hoffman, Jeanne L.	RN079582
12/5/2008	Balzer, Sherry S.	RN024839	11/19/2008	Jackson, Elmer R.	LP041306
11/1/2008	Benkelman, Floy T.	RN125440	11/19/2008	McDonald-Selm, Carolyn W.	RN060673/LP016448
11/20/2008	Bleimeyer, Marianne	LP042312	11/10/2008	Thomas, Kimberly A.	LP033839
11/20/2008	Brooks, Katherine L.	RN149036/LP043838	12/21/2008	Thomas, Rex W.	RN089503
11/26/2008	Buffington, Mary S.	RN083233/AP0698	10/26/2008	Wiley, Janel L.	RN085689/LP027748
10/21/2008	Dire, Patricia M.	RN048785	12/29/2008	Wiseman, Gary S.	RN146235/LP042833
10/17/2008	Esquibel, Lisa Marie	RN132412	10/1/2008	Zeitler, Amanda L.	LP040208
11/20/2008	George, Anne Marie	RN101520			

Arizona State University, Northern Arizona University and University of Phoenix.

The National League for Nursing Accrediting Commission (NLNAC) accredits all types of nursing programs. Examples of RN programs that hold NLNAC accreditation are: Maricopa Community College District Nursing Program, Cochise College, Mohave Community College, Pima Community College, Central Arizona College, Yavapai College and Arizona Western College. Chamberlain College nursing program holds both NLNAC and CCNE accreditation. The maximum period of NLNAC accreditation is 8 years.

There are other specialized nursing accrediting bodies for advanced practice nursing programs such as the Council on Accreditation of Nurse Anesthesia Education Programs and the American College of

Nurse Midwives Accrediting Commission. All advanced practice nursing programs in Arizona must be accredited. In Arizona, all nurse practitioner programs are accredited by CCNE.

The Board indicates in its list of approved programs which nursing programs are accredited and the institutional accrediting body.

BOARD ACTIONS ON EDUCATION MATTERS

NOVEMBER

- Mohave Community College: The Board ordered that the program file 6 month progress reports regarding NCLEX passing rates
- Pima Community College CTD/LPN Program: The Board granted continued approval for three years with a progress

report to the Board in six (6) months and a final report in twelve (12) months on remedy of any unresolved potential violations including the faculty evaluations, the overall systematic evaluation plan, and the curriculum.

- Coconino Community College: Letter of Concern for failure to meet deadlines for the 6-month report specified in the Notice of Deficiency served to Coconino Community College on February 21, 2008 pursuant to A.R.S. § 32-1664 (G) (2).
- Reviewed NCLEX quarterly reports and report of Statewide Educator's Meeting
- Received information related to a new FNP Director at Grand Canyon University, and transition to Associate Degree status for Baptist Health Systems