

**Arizona State Board of Nursing
Substantive Policy Statement**

**Administrative Violation; Administrative Penalty
Practicing Without a License/Certificate
October 14, 2009**

This Substantive Policy Statement is advisory only. A Substantive Policy Statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on the regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedures Act. If you believe that this Substantive Policy Statement does impose additional requirements or penalties on regulated parties you may petition the agency under Arizona Revised Statutes Section 41-1033 for a review of the statement. (ARS § 41-1091)

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 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 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.

Purpose: To define the administrative penalty for practicing nursing or as a without a license.

Policy:

1. An otherwise qualified applicant whose has practiced in this State prior to receiving nursing licensure or certification and without intent to deceive or circumvent the licensure requirement may be considered for an administrative violation and penalty
2. The investigative case and findings will be reviewed with Executive Director or in their absence, Associate Director, Investigations.
3. If approved by the Executive Director or Associate Director, Investigations, have applicant sign the consent agreement if applicable.
4. Issue a temporary license/certificate or extend the existing temporary license/certificate, to expire at the end of the next regularly scheduled Board Meeting.
5. Agenda the Investigative Report for the next scheduled Board meeting for Board ratification.
6. Upon ratification by the Board and payment of the Administrative Penalty, the license and/or certificate shall be issued.

RN/LPN's Schedule:

CNA's Schedule:

Months	Amount of Administrative Penalty	Referral of Employer to DHS		No. of Months Uncertified	Amount of Administrative Fine 1 st Offense	Referral of Employer to DHS
1-2	100.00	NO		1-2	25.00	NO
3-4	100.00	YES		3-4	25.00	YES
5-8	200.00	YES		5-8	50.00	YES
9-12	300.00	YES		9-13	75.00	YES
13 or more	500.00	YES				