



## ARIZONA STATE BOARD OF NURSING

### **DECLARATION:**

### **TEMPORARY WAIVER OF APPLICABLE PROFESSIONAL LICENSURE REQUIREMENTS (Emergency Measures for COVID-19)**

On March 11, 2020, the Arizona Governor, Doug Ducey, issued a Declaration of Emergency related to the COVID-19 pandemic.

On March 20, 2020, the Arizona Department of Health Services (“ADHS”) issued Administrative Order 2020-01 (Emergency Measures for COVID-19) (“Order”). Pursuant to this Order, Arizona Revised Statutes (“A.R.S.”) § 36-787(A)(6) provides authority for the Director of the Arizona Department of Health Services (“Director”) to, “in conjunction with applicable professional licensing boards,” establish “a process for temporary waiver of the professional licensure requirements necessary for the implementation of any measures required to adequately address the state of emergency . . .”

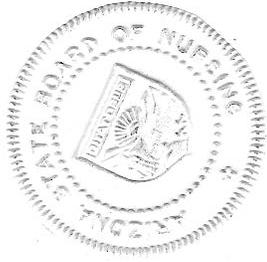
The Arizona State Board of Nursing (“Board”) asserts that the COVID-19 is an occurrence of a pandemic disease that poses a substantial risk of a significant number of human fatalities. The Board asserts that, as a result of this substantial risk, permitting temporary waivers of certain professional licensing requirements will 1) allow all qualifying individuals who would fall under the Board’s jurisdiction, have licenses or certificates in good standing in another state, and who are in need of a waiver due to not holding, or being eligible for, a multistate compact license, to begin practicing in Arizona if granted Board approval; 2) allow expired Arizona licensees and certificate holders who do not have prior discipline or safety concerns, but have not met their practice hours requirements recently (within five years), to renew their licenses and certificates to provide needed services; 3) provide waivers for educational programs to help prevent spread of COVID-19 by allowing programs under the Board’s jurisdiction to apply for and, if qualifying, receive a waiver to substitute online teaching for in person teaching, and substitute direct patient care clinicals/instruction with simulations during the State of Emergency, to minimize transmission of COVID-19 between students and patients. Finally, requiring waiver applicants to agree to release the Board and the State of Arizona from liability or administrative review related to the waivers will prevent unnecessary litigation during a State of Emergency, allowing Board and State employees to focus on processing emergency waivers and other issues related to the State of Emergency (Note: all other existing legal recourse for constituents remains in place, as this legal release provision applies only to the temporary, emergency waivers.)

The following are the Arizona State Board of Nursing's ("Board's") processes created to address the State of Emergency and mitigate the spread of COVID-19:

1. Any applicant for a temporary, emergency waiver agrees that the Board's decision is final, and the applicant releases the Board and the State from any causes of action related to the waiver application process, or possible revocation of the waiver in the future.
2. At its sole discretion, the Board may deny any waiver applications, or summarily revoke any waivers it previously granted, upon making a finding that the waiver for that individual or program may endanger the health, safety or welfare of the public. Any such denial or revocation action is final and is not subject to legal review.
3. The Board may delegate actions related to the temporary, emergency waivers to its designee, so that expeditious decisions may be made, as needed, during the State of Emergency. If this function is delegated, all such waivers granted, denied, or revoked, will be reported for information to the Board by the Board designee at each regularly scheduled meeting.
4. The Board may accept applications for temporary licensure from nurses of any level (including LPN, RN, APRN), nursing assistants, or certified medication assistants if the applicant holds an active, equivalent license or certificate in good standing in another state, and does not have currently or any history of license/certificate probation, revocation, application denial, or surrender. (Note: Nurses who already hold multistate compact licenses do not require any approval prior to working in other compact member states, including Arizona.) The Board will follow the existing law and internal processes for temporary licensure/certification, with the applicable modifications needed for the emergency, temporary waivers.
5. The Board may grant a temporary 90 day license or certificate to applicants described in #4, above. This temporary license or certificate may be renewed at 90 day intervals following the same process, while the Declaration of Emergency is in effect.
6. Upon receiving a temporary Arizona license or certificate renewal application, the Board may waive practice hours requirements and grant temporary renewals for 90 days for Arizona nurse (all levels), nursing assistant, and certified medication assistant licenses and certificates for individuals who have not met their required practice hours since their last renewal, if the renewal period was within the past 5 years, and the licensees/certificate holder does not have a prior history of license/certificate probation, revocation, application denial, or surrender.
7. Upon receiving a written application, the Board may grant temporary, 90 day nursing assistant or medication assistant certificates to pre-licensure nursing students who provide official proof from their nursing program that they have successfully completed, at minimum, one semester of instruction in a pre-licensure nursing program approved by the Board or another state board of nursing, and who pass the state nursing assistant examination. This temporary certificate may be renewed at 90 day intervals following the same process, while the Declaration of Emergency is in effect.
8. Upon receiving a written application, the Board may temporarily waive specific teaching requirements (see below) for Board-approved nursing, nursing assistant, and medication assistant programs for one calendar year and may be renewed at one calendar year intervals following the same process, while the Declaration of Emergency is in effect. The requirements that may be waived include: a.) to substitute simulations, lab hours, and similar non-direct patient contact for required direct patient care clinical/instruction hours; b) to provide all classroom/didactic teaching electronically, rather than in-person.

The program's application for temporary waiver of requirements must describe all requested program modifications, and how the modification will provide adequate learning opportunities.

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ARIZONA STATE BOARD OF NURSING