

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

**Revised Administrative Violation: Administrative Penalty  
Practicing on Expired or Without a License**

**Revised May 18, 2018**

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. (A.R.S. § 41-1091 (B))

**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 licensed nursing assistant certificate while continuing to practice nursing or engage in activities or duties regulated by this chapter to nursing.
  2. Failing to notify the board in writing within thirty days after a change in address.
  3. Failing to renew nursing, licensed nursing assistant or certified 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 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 6 within thirty days after notification commits an act of unprofessional conduct and is subject to disciplinary action.

**Purpose: To define the administrative penalty for practicing nursing on an expired or without a license.**

**Policy:**

1. An applicant whose license/certificate has expired and is applying for renewal of the license/certificate, will be required to complete an "Invalid License/Certificate Questionnaire" when submitting a renewal application,
  - a. If the renewal applicant indicates on the questionnaire that they have worked after the expiration of their expired license/certificate, a copy of the application will be given to the Board's Complaints/Investigations Department.
  - b. If the applicant is in an employment position requiring current licensure/certification, the administrative penalty will be assessed according to the fee schedule.
2. 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 will be considered for an administrative violation and penalty.
  - a. The investigative case and findings will be reviewed with Executive Director or in his/her absence, the Executive Director's designee.
  - b. If approved by the Executive Director/designee, applicant may be offered a proposed consent agreement for administrative penalty to resolve the matter. Upon meeting all licensure/certification requirements, signing a consent agreement, & payment of fine, Board

staff may issue a license/certificate.

- c. If the applicant declines to sign the consent agreement, and a disciplinary proceeding may be initiated, and a notice of charges may issue. If approved by Executive Director/designee, a temporary license/certificate may be issued in special circumstances.
- d. Board staff shall place the applicant's name on agenda of the next scheduled Board meeting, for Board ratification.

<b>No. of Months</b>	<b>RN/LPN Amount of Administrative Penalty (Other Fees May Apply if Worked on Lapsed/Expired &amp; without a License)</b>	<b>Referral of Employer to DHS</b>
1 - 2	\$100.00	NO
3 - 4	\$100.00	YES
5 - 8	\$200.00	YES
9 - 12	\$300.00	YES
13 or more	\$500.00	YES

<b>No. of Months Unlicensed</b>	<b>APRN Amount of Administrative Penalty</b>	<b>Referral of Employer to DHS</b>
1 - 2	\$250.00	NO
3 - 4	\$250.00	YES
5 - 8	\$300.00	YES
9 - 12	\$500.00	YES
13 or more	\$1,000.00	YES

<b>No. of Years Unlicensed/ Uncertified</b>	<b>LNA/UCNA (LNA equivalent) Amount of Administrative Penalty</b>	<b>Referral of Employer to DHS</b>
1	\$25.00	NO
2	\$50.00	YES
3	\$75.00	YES
4	\$100.00	YES